

2010

Draft Plan of Action on Anti-Corruption

Suriname

Draft Plan of Action for the Implementation of the
Recommendations formulated by the committee of experts
of MESICIC for the Inter- American Convention against
Corruption

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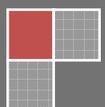


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i. Introduction

The Inter- American Convention against corruption is the International legal instrument to combat corruption. The follow up mechanism for the implementation of the Inter-American Convention against Corruption, MESICIC, is the instrument which supports the Member States of the OAS in promoting the implementation and follow up on the commitments agreed to in the Convention. The MESICIC Committee provides technical assistance and provides information to the member states of the OAS.

During the first round of meetings of the MESICIC Committee of Experts, a request was made by the State Parties for the support in formulating plan of actions to implement the committee of experts 'recommendations. With regard to the formulization of the Plan of Action Suriname, also requested this assistance. The Draft Plan of Action is composed by the consultant with the contribution of the counter-part at the Attorney General Office. Considering the fact that Suriname has a long tradition of adopting legislation at a very low speed; the whole process before legislation is adopted through the national assembly is very time consuming. We acknowledge this as a fact of reality. The reason behind this time consuming process is: a shortage of qualified capacity, the inefficiency of government institutions dealing with this process, the incompetent coordination among the different institutions and, not least, the overall bureaucracy. Therefore, I took all these aspects into account, before I drafted the Plan of Action. In reality it is not feasible for the State of Suriname to follow all recommendations in depth, based on the afore-mentioned circumstances. We considered those recommendations, which we thought are prior for the State of Suriname. We acknowledge all these facts and do understand that the main objective remains the guarantee for the citizens.

We took the approach of using the institutions and their respective organs for reforms in terms of composing guidelines or manuals and in some cases acts, because there are enough mechanisms in place to initialize these reforms without having to take the approval of our parliament.

After the submission of the Draft Plan of Action a national workshop will be held to discuss this plan of action. Representatives of the government agencies, the judiciary, legislature, civil society and private sector will have an input in this process including international funding agencies. It is very important for all stakeholders in this process to understand that taking preventive measures in combating corruption are the utmost priority. Therefore, there needs to be a real cooperation of all elements of the society in public sector, private sector or all other important sectors in the process of building and developing functional and democratic institutions and rule of law to ensure equal treatment and protection of human rights and adopt regulations compatible with international standards and norms. The input of this workshop will be incorporated in to the final version of the Action Plan for Suriname.

Controlling corruption is a precondition for good governance and it's also a huge challenge. This action plan contains a set of measures on the legislative, administrative, judiciary and policy level. It will also provide initiatives towards civil society, such as providing the public with information on the status of the fight against corruption and improving public participation. In this context the Government must cooperate with diverse institutions, agencies, donors, international organizations and local NGOs to address corruption.

Decreasing corruption can be done through drafting policies, establishing mechanisms and providing support in overseeing (monitoring) activities, as well as through the education of its citizens in their role in preventing and combating corruption. The Plan aims to implement the Anti-corruption Strategy, it anticipates objectives and concrete actions to prevent and combat the corruption, defines institutions in charge, timing to complete assigned duties and indicators of the success. Corruption is one of the main challenges and dangers, which directly attacks a democratic society and the rule of law. Therefore, controlling corruption is of paramount importance and a great challenge to ensuring good governance.

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ii. List of abbreviations

1. ABS= General standards for the procurement of works and administrative execution of works
2. ADS= Standards for the procurement of services
3. AWS= Standards for the procurement of works
4. BOT= Special Research team
5. CARICOM= Caribbean Community Members
6. CLAD= Central National Accountant Agency
7. CSO= Civil Society Organization
8. DIRSIB= Directorial International Legal Assistance
9. EU= European Union
10. FISO= Wage reform Program [Functie Analyze Informatiesysteem Overheid]
11. IDB= Inter- American Development Bank
12. IT= Information Technology
13. NGO= Non Governmental Organization
14. OAS= Organization of American States
15. ORAG= The board for Tenders and Licenses
16. RAIO= Judicial Officers in training [Rechterlijke ambtenarein in Opleiding]
17. SB= State Decree
18. SNIS= Suriname NGO Strengthening Program
19. UNDP= United Nations Development Program
20. UWS= Standards for the administrative execution of works

SECTION I. RECOMMENDATIONS FROM THE FIRST ROUND OF REVIEW

1. STANDARDS OF CONDUCT AND MECHANISMS TO ENFORCE COMPLIANCE **(ARTICLE 111, PARAGRAPHS 1 AND 2 OF THE CONVENTION)**

1.1 Standards of conduct intended to prevent conflicts of interest and enforcement mechanisms

RECOMMENDATION:

The State was recommended to consider strengthening the implementation of the provisions on conflicts of interest and ensure that the laws on this matter are applicable to all public officials and employees, to permit the practical and effective application of a public ethics system.

Measure A:

Ensure government officials and employees in all three branches of government, including political office holders are covered by an applicable conflict of interest regime.

- 1. Type of Legal or Administrative Action required for adoption:** Create or compose an ethical code of conduct which covers a conflict of interest regime for government officials in the Legislative power and Executing Power.
- 2. Already into practice by the country:** Partly, for the Judiciary in the Judiciary Organization Act article 7,8 and 9, the Constitution article 68 section 2, article 94, 95,96,97 and in the Personnel Act article 57 section 1, 69 section 1 article 69 section 4.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** The Legislation section of the Ministry of Justice and Police; Ministry of Home affairs; the Cabinet of the Minister of Justice and Police; the Council of Ministers; the Council of State and The National Parliament.
- 4. Time frame for adopting or implementing the measure:** 6-12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Code of ethics that contemplates a conflict of interest regime for

government officials in the Executive and Legislative powers adopted and implemented; Ministry of Justice and Police annual plan on anti-corruption; The media programs on anti- corruption and awareness on corruption; Public Prosecution office for the sanctions imposed on offenders and the numbers of offenders; The number of training programs conducted to civil servants who are responsible for implementing the standards; The number of civil servants who know the existence of such a code of conduct.

6. Approximate costs of implementing the measure and indicate possible funding sources, national and international: 20.000.00 USD. International IDB.

Measure B:

Implement, as appropriate, conflict of interest provisions which specify disqualifications and incompatibilities applicable, before, during, and for a reasonable period of time after government officials leave public service.

- 1. Type of Legal or Administrative Action required for adoption:** Create provisions under the conflict of interest regime specifically dealing with disqualifications and incompatibilities applicable, before, during and for a reasonable period of time after government officials leave public service.
- 2. Already into practice by the country:** No.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** The Legislation section of the Ministry of Justice and Police; Ministry of Home affairs; the Cabinet of the Minister of Justice and Police; the Council of Ministers; the Council of State; the National Parliament and the President.
- 4. Time frame for adopting or implementing the measure:** 6-12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Conflict of interest regime that contemplates provisions with regard to disqualifications and incompatibilities adopted and implemented; Ministry of Justice and Police annual plan on anti-corruption; The media programs on anti-corruption and awareness on corruption; Public Prosecution office for the sanctions imposed on offenders and the numbers of offenders; The number of training

programs conducted to civil servants who are responsible for implementing the standards; The number of civil servants who know the existence of such a code of conduct.

- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 10.000.00 USD. International IDB.

Measure C:

Strengthen, complement and update the standards governing the conduct of public servants in general including those provisions designed to prevent conflicts of interests, without prejudice to systems intended for specific sectors, whose nature may require specialized treatment.

- 1. Type of Legal or Administrative Action required for adoption:** Compose standards of conduct to prevent conflicts of interest for the conduct of public servants.
- 2. Already into practice by the country:** Partly, the personnel Act address such provisions. The Ministry of Home Affairs is in charge of dealing with governing the conduct of public servants in general, there is a Department entirely focused on Inspection on Civil servants with regard to acts committed by the civil servant.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Home Affairs; Department of Legislation; Council of Ministers; Council of State; the National Parliament and the President.
- 4. Time frame for adopting or implementing the measure:** 6 -12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Standards of conduct to prevent conflicts of interest for the conduct of public servants adopted and implemented; Department of Social Justice of the Ministry of Justice and Police, where the inappropriate conduct of government officials can be submitted including police brutality and other violations; Inspection office of the Ministry of Home Affairs for data regarding cases of conflict of interest performed by civil servants; Number of training programs conducted by the government or by Civil society for civil servants.

- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 20.000.00 USD possible funding national by the separate budget of each ministry involved, international by the UNDP or the IDB.

Measure D:

Create or strengthen mechanisms to ensure that no appointments are made in breach of the rules in force on ineligibility and incompatibility in public service.

- 1. Type of Legal or Administrative Action required for adoption:** Compose a uniformed code of ethics that contemplates mechanisms to ensure that no appointments are made in breach of the rules in force on ineligibility and incompatibility in public service.
- 2. Already into practice by the country:** No.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Home Affairs; Ministry of Justice and Police including the legislation department; the Council of Ministers; the Council of State; the National Parliament and the President.
- 4. Time frame for adopting or implementing the measure:** 6 -12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Uniformed Code of Ethics with the aforementioned mechanisms adopted and implemented; The National Ombudsman as a monitoring institute, to ensure whether the uniformed code of ethics are applied or not correctly applied.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 20.000.00 USD; International by the UNDP or OAS.

Measure E:

Create and implement mechanisms to determine in concrete cases, if a person who performs public function is in a situation of conflict of interest and at the same time adopt measures necessary to protect public interests such as dissociation from the exercise of their functions, withdrawal from official involvement in the matter, relinquishment of the

private interests in conflict or nullity of any decisions adopted by a person in such a position.

- 1. Type of Legal or Administrative Action required for adoption:** Establish a conflict of interest regime, which includes regulations on the content of conflict of interest issues and the strengthening of enforcement mechanisms. Procure the assistance of international agencies for implementing training programs for public officials, focused on conflict of interests.
- 2. Already into practice by the country:** Partly, based on the fact that every department has a Head and if there is a case or an issue on conflict of interest it is reported to that particular person in charge and the Head of the Personnel Department is responsible for the follow-up.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Civil servant Inspection department of the Ministry of Home Affairs.
- 4. Time frame for adopting or implementing the measure:** 6- 12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Conflict of interest regime, which includes regulations on the content of conflict of interest issues and on the strengthening of enforcement mechanisms, adopted and implemented. International Agencies providing assistance to conduct training for public officials; number of programs or project focusing on conflict of interests.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 20.000.00 USD; possible international funding through UNDP.

Measure F:

Establish suitable restrictions for persons leaving public service, such as a prohibition preventing their involvement for a reasonable period in any official matters in which they might have engaged by virtue of their office or with institutions with which they might have been recently connected in the performance of their official duties.

- 1. Type of Legal or Administrative Action required for adoption:** Implementation of restrictions for persons leaving public service, including a prohibition preventing

their involvement for a reasonable period in any official matters in which they might have engaged by virtue of their office or with institutions with which they might have been recently connected in the performance of their official duties under the conflict of interest regime, which is part of the code of conduct.

2. **Already into practice by the country:** No.
3. **Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Home Affairs; the legislation department.
4. **Time frame for adopting or implementing the measure:** 6-12 months.
5. **Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Restrictions and prohibitions implemented; International Agencies providing assistance to conduct training for public officials; Number of programs or project focusing on conflict of interests.
6. **Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 20.000.00 USD. International possible funding by the UNDP.

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:

To consider strengthening and updating systems of control and use of resources within the public administration, by developing enforceable standards applicable to all public officials and employees that make it a duty to conserve and make proper use of the resources entrusted to them, in the performance of their functions.

1. **Type of Legal or Administrative Action required for adoption:** Developing enforceable standards applicable to all public officials and employees that make it a duty to conserve and make proper use of the resources entrusted to them, in the performance of their functions.
2. **Already into practice by the country:** Partly, article 43 of the Personnel Act,

article 34 of the Governments Account Act, article 381, 423 and 414 of the penal Code addresses these matters.

3. **Entities, authorities or agencies responsible for or involved in adopting the measure: department:** All ministries.
4. **Time frame for adopting or implementing the measure:** 6 – 12 months.
5. **Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Standards developed and enforced; Criminal cases of civil servants of brought before the Court by the Public Prosecution Office; Numbers of reporting of misappropriated acts at the Inspection office of the Ministry of Home Affairs. Number of training programs offered to civil servants.
6. **Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 20.000.00 USD.

1.3 Standards of conduct and mechanism concerning measures and systems requiring government officials to report appropriate authorities acts of corruption in the performance of public functions of which they are aware.

RECOMMENDATION:

Adopt mechanisms specifically requiring public servants to report to appropriate authorities' acts of corruption in the performance of public functions of which they are aware.

Measures A:

Establish mechanisms and systems that require public servants to report to appropriate authorities' acts of corruption in the performance of public functions of which they are aware.

1. **Type of Legal or Administrative Action Type of Legal or Administrative Action required for adoption:** Establish reporting mechanisms and systems that require public servants to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware. The first step of reporting is

done at the head of each department and must be monitored by the head of the Personnel department or Human Resource Manager.

2. **Already into practice by the country:** Partly, reporting can be done via electronic mail to the police including acts of corruption;
3. **Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Home Affairs as the coordinating role and all other ministries.
4. **Time frame for adopting or implementing the measure:** 6- 12 months.
5. **Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Mechanism implemented; Public Prosecution office: the numbers of cases of corruption reported by government officials; Measure adopted for protection of the government officials; The data the Police receives regarding acts of corruption via email, writing and telephone.
6. **Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 25.000.00 USD, possible funding IDB.

Measure B:

Adopt and implement protection measures for public servants who report acts of corruption in good faith, so as to provide them with assurances against any threats or reprisals that they might incur as a result of performing their duty in that regard.

1. **Type of Legal or Administrative Action required for adoption:** Adopt protection mechanism for public servants through the Personnel Act against threats and reprisals and create provisions in the Personnel Act, where public servants have at least job security in case of reporting acts of corruption; Implement measures for identity protected reporting.
2. **Already into practice by the country:** Partly. The first option a public servant and every citizen have is to report acts to the police anonymously if they wish. The second option they have is to be heard by the Examining judge and can be protected based on the Act of Threatened witnesses. The third option or tool every public servant has is to sue the State based on article 1386 civil code which is the principle of unlawful act and on the basis of the principle of incorrect administration from the

sight of the Government. Based on these actions a decision can be reversed.

- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Home Affairs and all other ministries.
- 4. Time frame for adopting or implementing the measure:** 6-12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Measures for identity protected reporting implemented; Measures adopted for the protection of the public servants.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 25.000.00 USD. Possible funding by UNDP or EU.

2. SYSTEMS FOR REGISTERING INCOME, ASSETS AND LIABILITIES (ARTICLE 111, PARAGRAPH 4, OF THE CONVENTION)

RECOMMENDATION:

Considering adopting standards to strengthen the systems for registering income, assets, and liabilities, and where appropriate, for making such registrations public.

Measure A:

Implement specific standards, taking into account the existing legal initiative, including reasonable time limits and circumstances for periodic filing of up- to- date disclosures of income, assets, and liabilities by persons who perform public functions in certain posts as specified by law, including sanctions for that do not comply with the requirement to furnish such declarations. These systems for registering income, assets and liabilities by persons who perform public functions would constitute an instrument for preventing and detecting conflicts of interest and illicit acts or activities.

- 1. Type of Legal or Administrative Action required for adoption:** Adoption of the Anti-Corruption Act.
- 2. Already into practice by the country:** Not yet.
- 3. Entities, authorities or agencies responsible for or involved in adopting the**

measure: Ministry of Justice and Police; The Commission on Corruption Prevention; The National Assembly and the President.

4. **Time frame for adopting or implementing measure:** 6 -12 months.
5. **Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Anti-Corruption Act implemented; Numbers of declarations filed and followed-up;
6. **Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 10.000.00 USD. Possible funding international by the IDB Bank.

Measure B:

Once implemented, use the systems for registering income, assets and liabilities as an instrument for preventing and detecting conflicts of interests and illicit acts or activities.

1. **Type of Legal or Administrative Action required for adoption:** Utilization of the systems for registering income, assets and liabilities for preventing and detecting conflict of interests and illicit acts or activities, implemented by the Anti-Corruption Act or some other regulation.
2. **Already into practice by the country:** Not yet, article 9 of the concept anti corruption act does address this matter.
3. **Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Justice and Police; All relevant ministries; the Notary; The Commission on Corruption Prevention; National Assembly and the President.
4. **Time frame for adopting or implementing measure:** 6- 12 months.
5. **Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Anti-Corruption Act adopted; Statistics and data resulting from the implementation of the Act; Training programs conducted on public accountability and prevention of conflict of interest; the numbers of financial declarations; the numbers of filed cases; Training on how to compose financial declarations for the public servants.

- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 20. 000.00 USD. Possible funding international by the IDB Bank.

Measure C:

Regulate the conditions, procedures and other relevant aspects as regards making disclosures of income, assets, and liabilities public, as appropriate, accordance with the laws.

- 1. Type of Legal or Administrative Action required for adoption:** Adoption of a manual to regulate the conditions, procedures and other relevant aspects for disclosures of income, assets, and liabilities, as appropriate, accordance with the law. Disclosure will be made to the Attorney General Office and the Commission on Corruption Prevention.
- 2. Already into practice by the country:** No
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** The Attorney General Office; The Notary.
- 4. Time frame for adopting or implementing measure:** 6- 12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Manual adopted; the numbers of declarations filed at the Notary.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 20.000.00 USD.

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

RECOMMENDATION:

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 the necessary resources to enable them to

carry out their functions in full; and establish mechanisms necessary to permit effective institutional coordination and monitoring of the measures they adopt.

1. Type of Legal or Administrative Action Type of Legal or Administrative Action required for adoption:

Implement code of conduct, establishment of the Commission on Prevention of Corruption and create mechanism within this body to permit effective institutional coordination and monitoring of measures adopted.

Already into practice by the country: Yes, the Public Prosecution Office, as an oversight body, is in accordance with article 145 of the Constitution, responsible for investigations and is charged with the prosecution of all punishable acts.

The Central National Accountants Agency is responsible for auditing the administration of the government and state owned enterprises. The Audit Office of Suriname has the task to supervise the expenditure of state finances as well as to control the management of government funds.

2. Entities, authorities or agencies responsible for or involved in adopting the measure:

Ministry of Justice and Police; The Commission on the prevention of Corruption, Ministry of Finance.

3. Time frame for adopting or implementing measure: 6-12 months.

4. Indicators to objectively gauge progress in the actions proposed for implementing the measures:

Adopted monitoring mechanism; The Commission on the prevention of Corruption established.

5. Approximate costs of implementing the measure and indicate possible funding sources, national and international: 20.000.00 USD.

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

4.2 Mechanism for access to information

4.2.1 RECOMMENDATION:

Establish an enforceable access to government information system

Measures A, B and C:

Establish clear written standards as to the types of information that will be provided under this system; Establish standards recognizing the right of all persons to request information or to consult or obtain copies of documents in the possession, or under the control of public institutions concerning official actions, except for legally protected cases; Develop and regulate the process through which requests are received in order to respond to them on a timely basis, for appeals in cases where requests are denied, and establish sanctions in the event of failure to comply with the obligation to furnish information.

- 1. Type of Legal or Administrative Action required for adoption:** Issue standards recognizing the right of all persons to request information or to consult or obtain copies of documents in the possession, or under the control of public institutions concerning official actions, except for legally protected cases. Compose a manual containing the types and category information for public access and exceptions to the right of access to public information including procedures for the registration of request, the time limit in which response should be given and sanctions for failure to respond by public servants within the time limit given. Creation of an enforcement mechanism or expansion of the disciplinary actions for the civil servants
- 2. Already into practice by the country:** No
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** All ministries and relevant stakeholders.
- 4. Time frame for adopting or implementing measure:** 6-18 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Standards issued; Manuals and standards adopted and implemented; Number of information requested; Registration of requests handled and rejected; Frequency of use of media or other resources for information; Sanctions imposed on persons who fail to comply with the

standards regulating access to information; Number of training programs geared to civil servants responsible for the implementation of this mechanism.

- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 30.000.00 USD; Possible funding international is the UNDP or an EU/OAS and providing technical assistance.

4.2.2 RECOMMENDATION:

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.

- 1. Type of Legal or Administrative Action required for adoption:** Require all ministries to place on their existing website their procedures, results, and other relevant information, and create websites for those ministries which does not have a website. Furthermore create, facilitate mass media centers with regular flow of data and up to date information together with the existing public relations departments of each Ministry.
- 2. Already into practice by the country:** Partly, access to information via weekly meetings of the Council of Ministers and regular publications on the websites of some Government entities.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** All ministries dealing with public information, Media houses and civil society.
- 4. Time frame for adopting or implementing measure:** 6- 12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Requirement for all Ministries to publish their information on their websites issued and implemented; Websites created where needed; Websites updated with the required information. Frequency of use of the media or internet for disclosing official information; Sanctions imposed on persons who fail to comply with the standard regulation on access to information.

- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 50.000.00 USD. Possible funding international by EU/UNDP part of project on legal access.

4.3 Mechanism for consultation

4.3.1 RECOMMENDATION:

Establish formal consultation mechanisms to enable civil society and non-governmental organizations to provide opinions and proposals to be taken into account for the prevention of corruption.

- 1. Type of Legal or Administrative Action required for adoption:** Create public hearings, committees or councils that are mandatory on a regular basis; define the conditions set forth for submitting proposals and opinions. Establish reporting obligation and enforcement sanctions on public servants failing to disclose information in accordance with consultation mechanisms.
- 2. Already into practice by the country:** Partly. On regional level the input of community participation is regulated through the Act on Regional organization, this form of consultation is done when the Budget of the Resort council is composed and submitted to the district council.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Forum Ngo; Civil Society and all ministries.
- 4. Time frame for adopting or implementing measure:** 6-15 Months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Number of public hearings held; Number of consultation conducted on matters useful for preventing corruption; number of cases in which the opinions expressed in consultation were taken into account; number of training programs offered to civil servants responsible for the implementation.
- 6. Approximate costs of implementing the measure and indicate possible funding**

sources, national and international: 35.000.00 USD, possible funding by the IDB.

4.3.2 RECOMMENDATION:

Design and implement programs to publicize the consultation mechanisms and, when appropriate, to train and to provide the necessary tools to effectively implement such mechanisms.

- 1. Type of Legal or Administrative Action required for adoption:** Continue designing and implementing programs by NGO's and provide training for the target groups in collaboration with the Media for publicizing the existing mechanisms.
- 2. Already into practice by the country:** Partly. On regional level the input of community participation is regulated through the Act on Regional organization, this form of consultation is done when the Budget of the Resort council is composed and submitted to the district council.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Forum Ngo; Civil Society; and all ministries.
- 4. Time frame for adopting or implementing measure:** 6-15 Months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Programs implemented; Number of public hearings held; Number of consultation conducted on matters useful for preventing corruption; number of cases in which the opinions expressed in consultation were taken into account; number of training programs offered to civil servants responsible for the implementation.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 35.000.00 USD, possible funding by the IDB.

4.4 Mechanism to encourage participation in public administration

RECOMMENDATION:

Develop, taking into accounts its system of laws, standards and procedures to establish,

maintain and strengthen mechanisms to encourage participation by civil society and non-governmental organizations in public policy and decision making process as part of efforts to prevent corruption.

- 1. Type of Legal or Administrative Action required for adoption:** Establish standards and procedures to strengthen regulation on public policy with civil society and NGO's and CSO's policy on their involvement in the decision making process for all government entities; Compose manual with regard to this policy.
- 2. Already into practice by the country:** Partly, decentralization program on the regional development.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** NGO sector and all ministries including the district and resort councils.
- 4. Time frame for adopting or implementing measure:** Ongoing.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Standards and procedures developed and established; Number of programs on prevention of corruption conducted by the NGO's and Civil Society; Number of consultations held for regarding public administration.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** Currently several ongoing projects related to strengthening NGO's, for this action above-mentioned 24.000.00 USD, possible funding by the EU.

RECOMMENDATION:

Design and implement specific programs to publicize mechanisms to encourage participation in public administration and, as appropriate, provide the necessary training and tools for effective implementation of those mechanisms.

- 1. Type of Legal or Administrative Action required for adoption:** Create programs and provide information on the internet to encourage public participation and provide the necessary training and tools for effective implementation of those

mechanisms.

2. **Already into practice by the country:** Partly, based on current projects such as SNIS, www.suriname.ngo.strengthening.org
3. **Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Planning and Development; NGO forum and all other ministries and civil society.
4. **Time frame for adopting or implementing measure:** 6-12 months; ongoing process.
5. **Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Number of programs developed on prevention of corruption conducted by the NGO 's and Civil Society; Number of training courses implemented; Number of consultations held regarding public administration;
6. **Approximate costs of implementing the measure and indicate possible funding sources, national and international:** Ongoing projects; 24.000.00 USD.

4.5 Mechanisms for participation in the follow up of public administration

RECOMMENDATION:

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

Measure A:

Develop laws and mechanisms to allow, facilitate, and assist civil society and non-governmental organizations to develop activities in the follow up of public administration and prevent corruption.

1. **Type of Legal or Administrative Action required for adoption:** Development of

a regulation/ law which establishes mechanisms that facilitate and assist civil society and nongovernmental organizations to develop activities in the follow-up of public administration and prevention of corruption. Create civic education programs, and facilitate training on the awareness of acts of corruption.

2. **Already into practice by the country:** Partly, Training was provided for media and journalists on the awareness of acts of corruption and is ongoing.
3. **Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Justice and Police, NGO sector, civil society and other relevant stakeholders.
4. **Time frame for adopting or implementing measure:** 6- 12 months, ongoing process.
5. **Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Regulation and mechanism implemented; Civic education programs created; Number of training programs implemented; Number of persons trained; Number of cases in which citizens carried out activities to monitor public administration; Processing of judicial decisions or petitions of citizens; Number of programs offered to train the general public in monitoring public administration; Number and types of measures adopted to protect complainants or informants.
6. **Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 20.000.00- 50.000.00 USD, based on the ongoing process; Possible funding international IDB Bank or UNDP.

Measure B:

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

1. **Type of Legal or Administrative Action required for adoption:** Create website specifically designed for that purpose and implement civic education programs for encouraging public participation in the follow up of the public administration.
2. **Already into practice by the country:** No.

- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** All ministries.
- 4. Time frame for adopting or implementing measure:** 6 -12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Website designed and launched; Civic education programs implemented; number of cases in which citizens carried out activities to monitor public administration; processing of judicial decisions or petitions of citizens; number of programs offered to train the general public in monitoring public administration; number of training programs offered to the civil servants and number of programs conducted on a quarterly basis.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 30.000.00 USD- 60.000.00 USD; possible international funding by the IDB.

Measure C:

Regulate the procedure for handling written petitions submitted to the competent government authorities as required by article 22 of the constitution.

- 1. Type of Legal or Administrative Action required for adoption:** Compose Legal Manual set forth the conditions and procedures for submitting petitions.
- 2. Already into practice by the country:** No.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Justice and Police; NGO sector; civil society and other relevant stakeholders.
- 4. Time frame for adopting or implementing measure:** 6 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Legal Manual developed, published and implemented; Numbers of petitions submitted; Numbers of programs conducted; Number of cases handled; Number of programs offered to train the general public in monitoring public administration; Number of training programs offered to the civil servants.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 15.000.00 USD; possible funding by the IDB or

EU.

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

A. *Mutual assistance*

RECOMMENDATION:

- a. Design and implement a comprehensive program for informing competent authorities and public servants on provisions related to mutual legal assistance provided for in the Inter- American Convention against Corruption and in other treaties signed by the Republic of Suriname.
- b. Disseminate to the competent authorities of those countries with which the Republic of Suriname maintains close or ongoing mutual cooperation relations, requirements which must be fulfilled in preparing petition requests, as well as the documentation that should be attached.

- 1. Type of Legal or Administrative Action required for adoption:** Create a comprehensive training program for civil servants that addresses these issues. Design and implement a procedure to disseminate to the competent authorities of those countries with which the Republic of Suriname maintains close or ongoing mutual cooperation relations, the requirements which must be fulfilled in preparing petition requests, as well as the documentation that should be attached
- 2. Already into practice by the country:** No
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Justice and Police; The Attorney General Office.
- 4. Time frame for adopting or implementing measure:** 6 – 12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Training program implemented. Dissemination process designed and implemented. Number of civil servants trained; number of training program conducted; number of projects on legal assistance.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 30.000.00 USD; possible funding by the

OAS, EU and UNDP.

B. Mutual Technical Cooperation

RECOMMENDATION:

Review comprehensively the specific areas in which the Republic of Suriname might need or could usefully receive mutual technical cooperation to prevent, detect, investigate, and punish acts of corruption; and that based on this review, a comprehensive strategy be designed and implemented that would permit the Republic of Suriname to approach other States Parties and non-parties to the Convention and institutions or financial agencies engaged in international cooperation to seek the technical cooperation it needs.

- 1. Type of Legal or Administrative Action required for adoption:** Review and based on the review, design and implement comprehensive strategies for receiving technical cooperation with regard to legislation, code of ethics, conflict of interest regime, detection, investigation, witness protection.
- 2. Already into practice by the country:** No.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Justice and Police; The Attorney General Office and The Ministry of Foreign Affairs.
- 4. Time frame for adopting or implementing measure:** 6 -15 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Review actions undertaken; strategies designed and implemented; Number of requests for assistance granted, the number of training given to the police corps or target groups, including public prosecutors; Numbers of programs conducted offered to the civil servants.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 30.000.00 USD-40.000.00 USD; possible funding by the OAS or IDB.

RECOMMENDATION:

Promote the efforts of technical cooperation exchange with other State Parties on the effective ways and methods to prevent, detect, investigate and punish acts of corruption.

- 1. Type of Legal or Administrative Action required for adoption:** Consider and adapt mutual legal agreements for exchange of technical cooperation and create website for existing agreements and the follow up for reasons of transparency. Expand the networking of the hemispheric information exchange program for mutual assistance by utilizing it more and enhancing more actions and publicly share the successes achieved till now.
- 2. Already into practice by the country:** Partly, Suriname has signed a Memo of Understanding with the General Secretariat of the OAS IN 2007. Suriname is part of a network on exchanging information for mutual assistance in criminal matters and extradition and can also, through DIRSIB [*Directie Internationale Rechtshulp in Strafzaken*] a special desk at the Prosecution Office, request international legal assistance in criminal cases. This request is coordinated by the Ministry of Justice and Police with the foreign country in case and vice versa requests can be done at the Ministry of Justice and Police. There is a department within the Police Corps, named B.O.T., in charge of Special Research, that deals with these research requests.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Justice and Police; The Attorney General Office and The Ministry of Foreign Affairs.
- 4. Time frame for adopting or implementing measure:** 6 -15months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Number of mutual agreements signed and implemented; number of efforts undertaken for promoting existing legal cooperation with other state members; Numbers of programs conducted via the mutual legal assistance agreements; Number of requests granted based on mutual legal assistance agreements.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 24.000.00 USD; possible funding by the IDB or

EU.

6. CENTRAL AUTHORITIES

RECOMMENDATION:

Formally notify the OAS General Secretariat of the designation of the central authorities, pursuant to the prescribed formalities.

- 1. Type of Legal or Administrative Action required for adoption:** Notify the OAS General Secretariat formally through the Ministry of Foreign Affairs and informing the National Liaison Office of the OAS in Suriname.
- 2. Already into practice by the country:** No
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** The Attorney General Office; Ministry of Foreign Affairs.
- 4. Time frame for adopting or implementing measure:** 1 month.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Notification received by the OAS.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 100.00 USD

RECOMMENDATION:

Ensure that the central authorities are endowed with sufficient resources to allow them to properly make and receive requests for assistance and cooperation under the Convention, as well as respond to requests on a timely basis, and implement a mechanism for channeling requests for cooperation on mutual legal assistance, as provided under the Convention.

- 1. Type of Legal or Administrative Action required for adoption:** Strengthen the DIRSIB

office in terms of capacity building and equip them with sufficient resources in terms of proper management control.

2. **Already into practice by the country:** Partly, there is a desk, but resources in terms of human capacity are limited as a result of not always responding on a timely basis.
3. **Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Justice and Police; The Attorney General Office and the Ministry of Foreign Affairs.
4. **Time frame for adopting or implementing measure:** 6-12 months.
5. **Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Capacity built; Office of DIRSIB fully equipped; mechanism in place for effective channeling of requests; number of request done
6. **Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 35.000.00 USD; possible funding by the OAS.

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SECTION II. RECOMMENDATIONS FROM THE SECOND ROUND OF REVIEW

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

1.1 Systems of Government Hiring

RECOMMENDATION:

It was recommended that the State establish, maintain, and strengthen the systems of government hiring of public servants, when applicable, ensuring the openness, equity and efficiency of such systems.

Measure A:

Adopt, through the appropriate legislative and or administrative procedures provisions that explicitly provide that government hiring into the public service entry is to be based on the principle of merit, through a competitive selection process.

- 1. Type of Legal or Administrative Action required for adoption:** Mandatory legislation needed to revise Personnel Act (state decree 1985 no 41) specifically noting that entry into public service requires a competitive selection process which must be based on the principle of merit, and mandating that this competitive selection process be developed.
- 2. Already into practice by the country:** No, there are no established criteria in the personnel act that government hiring into public service is based on the principle of merit and through a competitive selection process.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** The department of Legislation at the Ministry of Justice and Police; The Ministry of Home Affairs; The Council of Ministers, Council of State, The National Parliament and the President.
- 4. Time frame for adopting or implementing the measure:** 6 -12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing**

the measures: Revised legislation adopted; the number of training programs implemented for those responsible for managing the selection and staffing processes; the number of training programs for persons recently hired into public service; the number of induction programs or those persons recently hired into public service.

- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 20.000.00 USD

Measure B:

Establish regulations on staff recruitment allowing for competitive examinations, including a method for announcing vacancies and publishing selection requirements, in order to ensure that merit-based competitive examinations comply with principles of openness, efficiency, equity, legality, neutrality, equality and transparency.

- 1. Type of Legal or Administrative Action required for adoption:** Compose regulations in Personnel Act addressing the issues of developing a mechanism for announcing vacancies, the content and the form of these advertisements, and to hold competitive examinations in order to promote transparency and other norms and standards with regard to this issue.
- 2. Already into practice by the country:** No
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Home Affairs; Department of Legislation Ministry of justice and Police; Council of Ministers; Council of State and National Parliament and the President.
- 4. Time frame for adopting or implementing the measure:** 6-12 months
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Regulation implemented; The numbers of advertisement of positions in the public service, the time frame for their publication; Number of persons who are hired through competitive examinations; number of advertisement deposited at the media channel; number of training programs conducted for those responsible for managing the selection and staffing process.

- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 10.000.00 USD possible funding international by the UNDP or IDB.

Measure C:

Adopt through the appropriate legislative and/or administrative procedures, mechanisms that provide clearly defined criteria for the advertisement of hiring opportunities, and to ensure that when a public service position is open to the public, the appropriate Government authority is requested to advertise it.

- 1. Type of Legal or Administrative Action required for adoption:** Compose regulation in the Personnel Act for defining criteria for the advertisement of hiring internally and externally
- 2. Already into practice by the country:** No
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Home Affairs and all other ministries.
- 4. Time frame for adopting or implementing the measure:** 6 months
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Regulation in the Personnel Act for defining criteria for the advertisement of hiring internally and externally adopted and implemented. Number of advertisements placed in daily news paper and other media; number of staff recruited through internal and external advertisement; number of open vacancies published.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 6.000.00 USD, possible funding by the UNDP.

Measure D:

Make the necessary changes so that the probationary employment system, as part of the selection process, is applied with uniform criteria throughout the public administration, in order to promote principles of equity and efficiency as set out in the Convention.

- 1. Type of Legal or Administrative Action required for adoption:** Revise Personnel Act article 14, 16 addressing this issue and the sections dealing with recruiting public sector staff in practice addressing who decides the length of the probationary period and what is maximum period of time.
- 2. Already into practice by the country:** No
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Home Affairs, Ministry of Justice and Police Legislation department, , the Council of Ministers , the Council of State; the National Parliament and the President.
- 4. Time frame for adopting or implementing the measure:** 6 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Personnel Act article 14, 16 revised; numbers of persons who are hired recently into public service having probationary employment; number of training exercises conducted for responsible personnel managing selection.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 10.000.00 USD; International by the UNDP or OAS.

Measure E:

Take the necessary steps including the amendments of its legislation that it deems adequate in order to provide and administrative and/or legal method of redress regarding appointments.

- 1.Type of Legal or Administrative Action required for adoption:** Strengthen and enforce the internal mechanism regarding redress with the administration, which is clearly described in article 78 of the Personnel Act, allowing for an internal administrative procedure.
- 2. Already into practice by the country:** Partly, article 78, 79, 80, 81, 82 and 83 does provide redress not only for appointments but also for other decisions in general in terms of submitting a complaint to the administrative Judge. These articles describe the process of submitting a compliant within the administration. The Court of Justice is allowed to judge the claims of the public servant; the grounds and

procedure for admitting a claim to the administrative judge. There is a procedure in place but it needs more strengthening in terms of enforcing the existing procedures, were the public servant does not necessarily has to submit a claim to the administrative judge. Another option for submitting a claim to the Court is based on the action of unlawful act, which is rooted in article 1386 of the Civil code.

- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Civil servant Inspection department of the Ministry of Home Affairs
- 4. Time frame for adopting or implementing the measure:** 6 -12 months
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Number of complaints received; number of cases opened; number of cases denied; number of appeals submitted.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 15.000 USD, possible funding by the IDB.

Measure F:

Adopt a post classification manual as well as a clearly defined policy in order to regulate how the ranks of officials are determined, including those of new entry into the public service.

- 1. Type of Legal or Administrative Action required for adoption:** No, already in progress; the adoption of FISO (wage reform program), which is a mandatory post classification and salary system and is applicable for all government agencies and was adopted on March 2009, S.B. 2009 number 03 and S.B. 2009, number 04 and was implemented in march 2009 as well.
- 2. Already into practice by the country:** Yes, since March 2009.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Home Affairs, Ministry of Finance and other representative of different ministries.
- 4. Time frame for adopting or implementing the measure:** NA
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** NA
- 6. Approximate costs of implementing the measure and indicate possible funding**

sources, national and international: NA

Measure G:

Adopt provisions concerning those positions in the other branches of the Government not covered by the Staff Act (State decree 1985, no 41), that explicitly provide that government hiring into all branches of Government and all Government agencies is to be made through a competitive selection process based on the principle of merit, and develop that system.

- 1. Type of Legal or Administrative Action required for adoption:** Revise the Staff Act and ensure that all branches of the Government are covered under the Staff Act, unless they develop their own competitive system, based on merit. No action is required for the Legislative branch and the Judiciary, as the articles 6, 70, 90, 91, 116 56, 57, 59, 138 and 141, 142 143 of our Constitution are applicable.
Government hiring for the Judiciary: judges and public prosecutors has it legal basis in the RAIO Act of 7 October 1972 .This Act regulates the competitive selection process based on the principle of merit. However, action is required for the non-elected personnel of the Legislative branch necessary, which is already discussed under measure A, as there are no provisions with regard to the competitive, merit-based selection in the Personnel Act and the non- elected personnel falls under the Personnel Act.
- 2. Already into practice by the country:** Partly.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Department of Legislation at the Ministry of Justice and Police; the Ministry of Home Affairs; Council of Ministers; the Council of State; National parliament and the President.
- 4. Time frame for adopting or implementing the measure:** 6 – 12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Revised legislation adopted; number of training programs.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** NA

Measures H:

Design and implement, when appropriate, training and induction programs for those persons recently hired into public service.

- 1. Type of Legal or Administrative Action required for adoption:** Implement administrative procedures on obligatory training programs as part of the recruitment process in the Personnel Act.
- 2. Already into practice by the country:** Partly, through the public sector management program implemented by the IDB, where specific training for staff was conducted in relation to their responsibilities under the new regulations and systems.; Personnel of Civil registry were also trained to enhance their performance. See website: www.publicsectormanagement.org/content.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Finance; Ministry of Home Affairs and Training institutions.
- 4. Time frame for adopting or implementing the measure:** ongoing process, part of recruitment process, continuously for persons who are recently hired into public service.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Induction and training programs for recently hired persons into the public service developed and implemented. Number of persons entering the Public Service trained on a yearly basis in the addressed issues; the number of training programs conducted by the appropriate institutions.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** On a yearly basis. 40.000.00 USD-60.000.00 USD; possible funding from IBD or and UNDP.

6.1 Government Systems for the Procurement of Goods and Services

RECOMMENDATION:

Strengthen systems for the procurement of goods and services by the government.

Measure A:

Provide criteria for what constitutes the expression in the national interest” used in article 18 of the Compatibility act

1. **Type of Legal or Administrative Action required for adoption:** Develop specific criteria for what is considered a national interest.
2. **Already into practice by the country:** No
3. **Entities, authorities or agencies responsible for or involved in adopting the measure:** All ministries, relevant stakeholders such as private sector, NGO’s and civil society.
4. **Time frame for adopting or implementing the measure:** 6- 12 months.
5. **Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Specific criteria for what constitutes “in the national interest” determined; Awareness on what is considered national interest; number of decisions taken dealing with the cause of national interest.
6. **Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 15.000.00 USD, possible funding by the IDB.

Measure B:

Adopt legislation to regulate the authority that some public servants have to forego public tendering.

1. **Type of Legal or Administrative Action required for adoption:** Regulate an expansion of Article 18 of the Compatibility decree, where the grounds for exceptions are addressed; Create precise standards part of the new code for Public procurement.
2. **Already into practice by the country:** No
3. **Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Public Works, the cabinet of the President, the Ministry of Financial Affairs, the Legislation department of Ministry of Justice and Police.
4. **Time frame for adopting or implementing the measure:** 6- 12 months
5. **Indicators to objectively gauge progress in the actions proposed for**

implementing the measures: Formulization of the amendment on article 18;
the number of times the exception to forego public tendering occurred;
Complaints against this use of Power to forego public tendering; Precise
standards incorporated as part of the new code for Public procurement

- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 20.000.00 USD Possible funding by the responsible ministries.

Measure C:

Establish clear and objective criteria for the purposes of evaluating and awarding publicly awarded contracts

1. **Type of Legal or Administrative Action required for adoption:** Develop clear and objective criteria for the evaluation of bids. Review the current guidelines and develop specific instructions on how bid evaluations should be conducted based on up to date standards and establishing a public tendering board, which specifically deals with these issues.
2. **Already into practice by the country:** Partly, in practice there are guidelines for awarding publicly contracts in general. The AWS of 1996 deals with the standards set procurement of works including the general conditions, public tender, public tendering process before selection, private tendering after selection, public tendering process based on a short procedure. The regulation that is mentioned was not submitted to the MESICIC, and thus was not examined. For more information on the AWS of 1996, see: www.uas.sr.org/content/legislation/aws_1996
3. **Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Public Works, the cabinet of the President, the Ministry of Financial Affairs, the Legislation department of Ministry of Justice and Police.
4. **Time frame for adopting or implementing the measure:** 6- 12 months.

- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** AWS reviewed; up to date standards implemented; Public tendering board established and working in practice.

Approximate costs of implementing the measure and indicate possible funding sources, national and international: 25.000.00 USD, possible funding by the UNDP or by the

IDB. Measure D:

Implement guidelines or criteria that allow for an analysis as to whether the launch of a procurement process requires prior planning sufficiently in advance of the launch of procurement process, such as preparing studies, designs and technical evaluations, and to assess the appropriateness and timeliness of the purchase.

- 1. Type of Legal or Administrative Action required for adoption:** Review the guidelines and the process of procurement regarding the preparation of studies, designs and technical evaluations and measure these guidelines towards up to date procurement standards.
- 2. Already into practice by the country:** Partly, the UWS of 1996, ADS of 1996 does foresee of the guidelines or criteria for the procurement process prior planning, such as the preparation of studies, designs and technical evaluations. For more information on the UWS of 1996 and the ADS of 1996, see: www.uas.sr.org/content/legislation/uws_1996_and_ads_1996.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Public Works; Private sector.
- 4. Time frame for adopting or implementing the measure:** 6- 12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** UWS reviewed; guidelines improved and implemented.

6. Approximate costs of implementing the measure and indicate possible funding

sources, national and international: 20.000.00 USD, possible funding by the UNDP or the IDB.

Measure E:

Establish general standard contracting terms and conditions that are applicable to the various tendering and public purchasing modalities.

- 1. Type of Legal or Administrative Action required for adoption:** Review the general contracting terms applicable to the tendering and public purchasing modalities and establish a uniformed classification system, conform international standards. This action is compatible with one of the recommendations of the country procurement assessment report of 2004.
- 2. Already into practice by the country:** Yes, but incompatible with international standards as described in the country procurement assessment report of 2004, currently used are the ABS of 1975, which deals with the general standards for the procurement of works and the administrative execution under the department of Public works, which may undergo a review; the AWS of 1996, which specifically deals with the standards for the procurement of works and the UWS of 1996, which deals with the standards for the administrative execution of works and lastly the ADS of 1996, which deals with the standards for the procurement of services. All these regulations are part of the procurement legislation and needs to be reviewed if they fulfill the needs in practice or by the international standards.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Public Works.
- 4. Time frame for adopting or implementing measure:** 6- 12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Regulations reviewed; guidelines adopted as indicated; establishment of uniformed classification system and implemented.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 25.000 USD , possible funding by the IDB.

Measure F:

Establish a centralized registry of contractors of works, goods or services, mandatory to all State bodies and dependencies, to foster the principles of openness, equity and efficiency provided for in the Convention, which would also include an appeal mechanism for those contractors who have been denied registration, so they would not be left without recourse.

- 1. Type of Legal or Administrative Action required for adoption:** Creation of an Independent Centralized Registry including an appeal mechanism.
- 2. Already into practice by the country:** No
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** All ministries
- 4. Time frame for adopting or implementing measure:** 6 -12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Independent Centralized Registry created and implemented; the frequent use of the registry; the numbers of contractors registered; percentage of investigations on the basis of reports made by public officials. Formulization of a state decree giving the mandate to this central registry.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 60. 000.00 USD. Possible funding international by the IDB.

Measure G:

Implement a mechanism by legislative or administrative means to facilitate the exclusion and/or sanction of certain contractors for stipulated reasons, which would also include an appeal mechanism for those contractors who have been banned or included in the list, so they would not be left without recourse.

- 1. Type of Legal or Administrative Action required for adoption:** Implement a mechanism to facilitate the exclusion and/or sanction of certain contractors for stipulated reasons, which would also include an administrative appeal mechanism under the Independent Registry Institution for contractors, who have been banned

from the Registry or included in the list of excluded contractors.

2. **Already into practice by the country:** No
3. **Entities, authorities or agencies responsible for or involved in adopting the measure:** Central Government /all ministries
4. **Time frame for adopting or implementing measure:** 6- 12 months.
5. **Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Mechanism to facilitate the exclusion and/or sanction of certain contractors for stipulated reasons implemented, which includes appeal procedure; number of training courses conducted for responsible public servants dealing with public tendering; number of public servants trained; the numbers of contractors registered who acted on default banned or excluded; percentage of complains of contractor for recourse.
6. **Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 15. 000.00 USD. Possible funding national by all relevant ministries and international by the IDB Bank.

Measure H:

Implement provisions so all bidders, including the unsuccessful ones, are notified of the results of the bidding process.

1. **Type of Legal or Administrative Action required for adoption:** Enforce Article 18 of the ADS [Standards for the procurement of service] of 1996 which clearly indicates that notification will be formally sent to the unsuccessful bidders. Article 18 deals with the information notification to unsuccessful bidders; they need to be informed officially by writing within 14 days and the unsuccessful bidder can request within a period of 14 days the reasons for not being selected.
2. **Already into practice by the country:** Yes, but due to lack of enforcement unsuccessful bidders are not always notified.
3. **Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Public Works.
4. **Time frame for adopting or implementing measure:** NA
5. **Indicators to objectively gauge progress in the actions proposed for implementing**

the measures: Number of notifications sent to all unsuccessful bidders.

- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** NA.

Measure I:

Strengthen and expand the scope of use of other forms of publication, including electronic communications, such as the internet for advertising the tender opportunities, status of bids and awards and the progress in the execution of major projects.

- 1. Type of Legal or Administrative Action required for adoption:** Creation of a website under the authority of the Independent Registry Institution that would serve among other things for advertising the tender opportunities, status of bids and awards and the progress in the execution of major projects.
- 2. Already into practice by the country:** No
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** All ministries form the Government and the IT Company responsible for setting up the website.
- 4. Time frame for adopting or implementing measure:** 6 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** The formulization of the agreement between the IT company and Government authority; the Website created and running; the frequency of use of the facilities on the internet; the use of data from the internet regarding results of bids, invitation to bid, information on procurement, status of bids and awards and progress of major projects.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 50.000.00 USD. Possible funding international by the IDB Bank or and UNDP.

Measure J:

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

- 1. Type of Legal or Administrative Action required for adoption:** Creation of information systems for government procurement on the internet, which is linked with all ministries including the Central organ, which has the independent authority.
- 2. Already into practice by the country:** No
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Public Works; It Company; and all other ministries.
- 4. Time frame for adopting or implementing measure:** 6 -12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** The formulization of the agreement between the IT company and Government authority; Information system created and implemented; the frequency of use of the facilities on the internet regarding procurement processes; the use of data from the internet regarding results of bids, invitation to bid, information on procurement, status of bids and awards and progress of major projects.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 120.000.00 USD. Possible funding international by the IDB Bank or and UNDP.

Measure K:

Implement specific provisions allowing for challenges to the procurement process at the administrative and judicial level, which detail the procedure to be followed by government entities in handling and responding to such challenges and appeals.

- 1. Type of Legal or Administrative Action required for adoption:** Establish an appeal mechanism within independent authority for challenging the results of the bidding process.
- 2. Already into practice by the country:** No
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Central Government including all the ministries.
- 4. Time frame for adopting or implementing measure:** 6-12 months.

- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** The formulization of an amendment; appeal mechanism implemented, the cooperation of all the ministers who are members of the ORAG; the numbers of challenges deposited at the ORAG regarding the results of the bidding process; number of acts of corruption; percentage of investigations on the basis of reports made by public officials.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 15.000.00 USD; possible funding by the IDB /UNDP.

Measure L:

Develop and implement a system of sanctions for government servants and employees who violate or fail to fulfill the principles and provisions contained in the General Provisions.

- 1. Type of Legal or Administrative Action required for adoption:** None
- 2. Already into practice by the country:** Yes, the Personnel Act does provide actions for disciplinary sanctions under article 61.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** NA
- 4. Time frame for adopting or implementing measure:** NA
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** NA
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** NA

Measure M:

Implement mechanisms responsible for the internal and external audit, control and oversight of the government procurement system and the monitoring of execution of contracts.

- 1. Type of Legal or Administrative Action required for adoption:** Creation of an

independent body dealing with external auditing, control and oversight of the government procurement system and strengthen the internal control mechanisms of each Ministry's department, that already exist.

- 2. Already into practice by the country:** Partly, there is a general internal control department at each ministry; every six months the CLAD performs the external control, there is no oversight body addressing these issues. Yearly the Audit Office exercises, based on article 149 of the Constitution, the supervision of state expenditures and also to control the management of government funds.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Independent Registry Institution.
- 4. Time frame for adopting or implementing measure:** 6-12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** The formulization of a procedure amended to existing legislation with regard to the mandate of this independent body; Independent body created and functioning; number of acts of corruption, percentage of public procurement done through public tendering, percentage of public procurement process in which the final decision is public.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 40 .000.00 USD. Possible funding international by the IDB Bank, as part of the Public Sector program or the UNDP.

Measure N:

Establish an independent body or authority responsible for the administration, control and oversight of the government procurement system.

- 1. Type of Legal or Administrative Action required for adoption:** Create independent body which solely has the authority for control and function as an oversight body.
- 2. Already into practice by the country:** No, there is no oversight body, the CLAD performs the external control, but it is seen as a control and advice service.
- 3. Entities, authorities or agencies responsible for or involved in adopting the**

measure: Ministry of Public Works, Ministry of Finance, CLAD, Board of Ministers, the ORAG.

- 4. Time frame for adopting or implementing measure:** 6-12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** To grant the CLAD a mandate for dealing with these addressed issues as a oversight body; Oversight body created and functioning; number of acts of corruption, percentage of public procurement done through public tendering, percentage of public procurement process in which the final decision is public.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 25 .000.00 USD. Possible funding international by the IDB Bank as part of the Public Sector Reform program or the UNDP.

Measure O:

Implement provisions that facilitate the participation of citizen oversight mechanisms to monitor the execution of contracts where the nature, importance or magnitude so warrants, in particular public works contracts, as well as mechanisms that would ensure access to information and develop accountability exercises so that citizens in general can exercise oversight over the administration's contract management.

- 1. Type of Legal or Administrative Action required for adoption:** Creation of an information system for government procurement on the internet linked with all ministries, through this action every citizen will have access to information and where they can exercise oversight over the administration contract management.
- 2. Already into practice by the country:** No
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Public Works, all other Ministries and the Information Technology Company.
- 4. Time frame for adopting or implementing measure:** 6 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** The formulization of the agreement between the IT company and

Government authority; information system created and implemented; the frequency of use of the facilities on the internet regarding procurement processes; the use of data from the internet regarding results of bids, invitation to bid, information on procurement, status of bids and awards and progress of major projects.

- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** Already calculated under measure J.

Measure P:

Create a single procurement code that brings together all legal provisions applicable to the procurement of goods, works, and services by the government.

- 1. Type of Legal or Administrative Action required for adoption:** Creation of a single new public procurement code covering the legal system applicable to public procurement, with rules based on general modern principles governing government contracting.
- 2. Already into practice by the country:** No
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Public Works, Ministry of Finance, Ministry of Justice and Police; relevant stakeholders such as the private sector, Ngo's, the Council of Ministers, the councils of State, the National Assembly and the President.
- 4. Time frame for adopting or implementing measure:** 6-12 months
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Single procurement code created; the number of acts of corruption; percentage of investigations on the basis of reports made by public officials; percentage of sanctions in cases that originated in a report by a public official; percentage of public procurement done through public tendering; number of request for information on procurement process; the number of requests for the complaints.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 50.000.00 USD. Possible funding international

by the IDB Bank, through the Public Sector Program or the UNDP.

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

RECOMMENDATION:

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

Measure A:

Protection for public servants and private citizens who in good faith report acts of corruption, which may be subject to investigation in administrative or judicial proceedings.

Measure B:

Measures to protect not only the physical integrity of whistleblowers and their families, but also to provide protection in the workplace, especially when the person is a public official and the acts of corruption involve his superior or co-workers.

Measure C:

Mechanisms for reporting, such as anonymous reporting or protection of identity reporting, that guarantee the personal security and the confidentiality of the identity of public servants and private citizens who in good faith report acts of corruption.

- 1. Type of Legal or Administrative Action required for adoption:** Create provisions in the Personnel Act with regard to protection in the workplace e.g. job security; create reporting mechanism which is full proof identity protected as part of the Ministry of Justice and Police policy plan, for the whistleblowers and their families.
- 2. Already into practice by the country:** Partly, there is an Act with regard to the protection of threatened witnesses and anonymous reporting via email already in

practice see: www.korps-politie-suriname.com.

- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Justice And Police; the Attorney General Office and the Examining judge.
- 4. Time frame for adopting or implementing measure:** 6-12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** mechanism implemented; numbers of training sessions conducted to personnel of Public Prosecution Office; number of request from public servants for protection; number of reporting on acts of corruption.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 10.000.00 USD.

Measure D:

Mechanisms to report any threats or reprisals against whistleblowers, stating the appropriate authorities to process protection requests and the bodies responsible for providing it.

- 1. Type of Legal or Administrative Action required for adoption:** Compose an Act which establishes a safe mechanism to protect whistleblowers and hold proper authority accountable for processing the protection requests.
- 2. Already into practice by the country:** No
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Justice and Police; The Attorney General Office; Civil society, United Nations Agencies; Council of ministers; Council of State; National Assembly and the President.
- 4. Time frame for adopting or implementing measure:** 6-12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Act composed and implemented; monitoring the number of protection requests.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 24.000.00 USD.

Measure E:

Witness protection mechanisms that provide the same guarantees to both public servants and private citizens;

- 1. Type of Legal or Administrative Action required for adoption:** Establish witness protection programme through the Regional Protection program. There is already in place an agreement with the Caricom. There is an established Regional Justice Protection programme open to member states of the Caricom. Each State can request for the establishment of a national program on witness protection and each national program should consist of certain components, most of the countries do have some mechanisms already in place it is a matter of adapting and establishing the missing component in order to set up a protection program.
- 2. Already into practice by the country:** No.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of justice and Police; Ministry of Foreign Affairs, The Attorney General Office and relevant International Organizations.
- 4. Time frame for adopting or implementing measure:** 6- 15 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Number of utilization of this protection system; numbers of request for witness protection.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** Depends on the assistance and cooperation of the countries that participate within this Regional Protection program.
In terms of setting up the national program: 50.000 .00 USD.

Measure F:

Mechanisms that 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.

- 1. Type of Legal or Administrative Action required for adoption:** Empower DIRSIB for effective monitoring of international cooperation and requesting technical assistance when needed.
- 2. Already into practice by the country:** No
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Justice and police, The Office of the Attorney General.
- 4. Time frame for adopting or implementing measure:** 6-12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Empowering process of DIRSIB; monitoring mechanism in place and effective; the number of request for technical assistance; the number of programs conducted; number of projects completed.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 24.000.00 USD.

Measure G:

A simple whistleblower protection application process.

- 1. Type of Legal or Administrative Action required for adoption:** Compose a whistleblower protection application procedure.
- 2. Already into practice by the country:** No
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Justice and Police; The Attorney General Office.
- 4. Time frame for adopting or implementing measure:** 6-12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Whistle blower protection application procedure developed and implemented; number of requests for protection.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 24.000.00 USD.

Measure H:

Provisions which sanction the failure to observe the rules and/or duties relating to protection, stating the appropriate authorities to process protection requests and the bodies responsible for providing it.

- 1. Type of Legal or Administrative Action required for adoption:** Compose provisions in the Act already mentioned under measure D's action which sanction the duties relating to the protection of whistleblowers.
- 2. Already into practice by the country:** No
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of justice and Police; The Attorney General Office; the Council of ministers, the Council of State; the National Parliament and the President.
- 4. Time frame for adopting or implementing measure:** 6-12 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** provisions implemented; number of requests for protection; number of case where protection is given.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 15.000.00 USD.

Measure I:

The respective competence of judicial and administrative authorities with respect to whistleblower protection, clearly distinguishing one from the other.

- 1. Type of Legal or Administrative Action required for adoption:** The respective competence of judicial authorities are in place with regard to protection in general, which can be requested to the Examining judge on the basis of the Act of threatened witnesses; there are mechanisms in place for the coordination with the Police, Examining Judge, the Prosecution Office and the Judges. In terms of setting clear competence for the Civil service judge , provisions for the protection of public servants in terms of a safe environment at the workplace and job security needs to be created in order to appeal for protection at the Civil service judge.
Create provisions in Personnel Act.

- 2. Already into practice by the country: No**
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Ministry of Justice and Police; the Attorney General Office, the Ministry of Home Affairs; the Council of Ministers; the Council of State; the National Parliament and the President.
- 4. Time frame for adopting or implementing measure:** 6-15 months.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** provisions composed and implemented; number of requests for protection at the workplace; number of requests for protection in case of investigations by the police or examining judge.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 18.000.00 USD.

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

RECOMMENDATION:

Modify and or complement the criminal code, in order to expand the coverage to meet the requirements of article VI. 1 of the Inter-American Convention against Corruption.

Measure A:

Article 427 of the Criminal Code, could be complemented so as to include the elements "solicit," "directly or indirectly", modify the elements "gift or promise" with "any benefit such as a favor or advantage," include that the benefit can be for himself or for a third party, and modify or replace the conditional term "contrary to its obligations," allowing for the inclusion of conducts carried out in the performance of duties.

Measure B:

Article 229 of the Criminal Code could be complemented so as to include the elements "offering," "directly or indirectly", modify the elements "gift or promise" with "any benefit such as a favor or advantage," include that the benefit can be for himself or a third party,

and modify or replace the conditional term “contrary to its obligations,” allowing for the inclusion of conducts carried out in the performance of duties.

Measure C:

Article 430 of the Criminal Code could be complemented so as to modify the element “payments” for “any benefit such as a favor or advantage,” and include that the benefit can be for himself or for a third party.

- 1. Type of Legal or Administrative Action required for adoption:** Approval of the Prevention of Corruption Act by the National Assembly.
- 2. Already into practice by the country:** No, but all the measures recommended are defined in the Prevention of Corruption Act.
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** National Parliament and the President.
- 4. Time frame for adopting or implementing measure:** unknown.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Prevention of Corruption Act approved.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** NA

Measure D:

Criminalize, in its Criminal Code, the conduct of an accessory after the fact, as well as the co-author or accomplice, instigator, and the conspiracy of two or more persons to commit a crime, for the purposes referred to in paragraph e) of Article VI.1. Of the Convention.

- 1. Type of Legal or Administrative Action required for adoption:** Compose a new provision into the Penal Code and criminalize the act of conspiracy of two or more persons to commit a crime.
- 2. Already into practice by the country:** Partly, the act of conspiracy is already criminalized in the Act of Narcotic drugs; article 72 of the criminal code deals with the conduct of a co-perpetrator; article 73 deals with the conduct of an accessory;

article 106 of the criminal code deals with the criminal offense in general and in particular the conduct of an accessory to and attempt to such criminal offence; article 188 of the civil code deals with the person who takes part in an organization, which has serious suspicion to commit criminal offences.

- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** Attorney General Office; the Public prosecution office; the Ministry of Justice and Police; the Council of Ministers; the Council of State; the National Assembly; the President.
- 4. Time frame for adopting or implementing measure:** 6-12 months
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** New provisions composed and implemented; number of criminals punished based on aforementioned offences.
- 6. Approximate costs of implementing the measure and indicate possible funding sources, national and international:** 15.000 USD, possible funding by the UNDP.

Measure E:

Study the possibility of amending the legislation in place, in particular the Criminal Code, so that the definition of public servant is expanded to include those private citizens who perform public functions or who manage public funds in any capacity or form.

- 1. Type of Legal or Administrative Action required for adoption:** Approval of the Prevention of Corruption Act by the National Assembly. This issue is addressed in article 1 under section e, f, and g of the Concept Prevention of Corruption Act.
- 2. Already into practice by the country:** No
- 3. Entities, authorities or agencies responsible for or involved in adopting the measure:** National Parliament and the President.
- 4. Time frame for adopting or implementing measure:** unknown.
- 5. Indicators to objectively gauge progress in the actions proposed for implementing the measures:** Prevention of Corruption Act, containing this particular element, approved by the National Assembly and the President.
- 6. Approximate costs of implementing the measure and indicate possible funding**

sources, national and international: NA

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