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

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**QUESTIONNAIRE
REGARDING THE PROVISION OF THE INTER-AMERICAN CONVENTION AGAINST
CORRUPTION SELECTED FOR REVIEW IN THE FOURTH ROUND AND FOR
FOLLOW-UP OF THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND***

INTRODUCTION

The *Report of Buenos Aires*^{2/} and the *Rules of Procedure and Other Provisions*^{3/} of the Committee of Experts of the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption (hereinafter, as applicable, *Report of Buenos Aires*, *Rules of Procedure*, *Committee*, *Mechanism*, and *Convention*) provide that the Committee shall adopt a questionnaire on the selected provisions to be reviewed in each round.

At its Eighteenth Meeting, held on March 21 to 25, 2011, the Committee agreed on the comprehensive review of “oversight bodies, with a view to implementing modern mechanisms for preventing, detecting, punishing, and eradicating corrupt acts” (Article III, paragraph 9, of the Convention) as the topic for review during the Fourth Round. In addition, in compliance with recommendation 9(a) of the Third Meeting of the Conference of States Parties of the MESICIC^{4/}, it was agreed that in the Fourth Round, “with regard to the follow-up of recommendations, [the Committee will concentrate] exclusively on the follow-up of the recommendations formulated to the States Parties in their corresponding reports of the First Round and which were deemed to require additional attention in the reports of the Second and Third Rounds, including the consideration of any new and relevant information or developments that would allow the Committee to determine the continued validity of the recommendations and measures suggested in the reports of the First Round and, with regard to those deemed still valid, to assess whether the State has given them satisfactory consideration or whether additional attention is required or, when applicable, to restate or reformulate them.”

Furthermore, Article 29 of the *Rules of Procedure* states that the information on the implementation of the recommendations is to be presented by each State Party using the standard format provided by the Committee as an Annex to the Questionnaire. It also establishes that “with respect to the implementation of recommendations, the State Party shall refer to any difficulties that may have arisen in the process,” and that “should it deem it to be appropriate, the State Party may also identify the domestic agencies that have participated in implementing the recommendations, as well as

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- * This Questionnaire includes an Annex I that contains an individualized format for The Bahamas to present progress and new information on developments related to the implementation of the recommendations formulated in the country report in the First Round of Review.
2. The Report of Buenos Aires (document AG/RES. 1784 (XXXI-O/01)) is available at: www.oas.org/juridico/english/doc_buenos_aires_en.pdf
 3. The Rules of Procedure and Other Provisions of the Committee of Experts of the MESICIC (document SG/MESICIC/doc.9/04 rev. 4) are available at: www.oas.org/juridico/english/mesicic_rules.pdf
 4. The Recommendations of the Third Meeting of the Conference of States Parties of the MESICIC (document MESICIC/CEP-III/doc.4/10 rev. 1) are available at: www.oas.org/juridico/english/cepIII_recom_en.pdf

identify specific technical assistance or other needs connected with the implementation of the recommendations.”

Pursuant to the above, this document contains the questions that comprise the questionnaire adopted by the Committee.

The responses given to the questionnaire shall be reviewed in accordance with the methodology adopted by the Committee, which may be consulted on the *Anticorruption Portal of the Americas* at www.oas.org/juridico/english/mesicic_rounds.htm.

In accordance with Article 21 of the *Rules of Procedure*, the State Party shall return its response to the questionnaire through its Permanent Mission to the OAS, in an electronic format, along with the corresponding supporting documents, within the deadline established by the Committee.

To this effect, the OAS General Secretariat’s e-mail address, to which the response to the Questionnaire should be sent and to which queries may be addressed in order to clarify any doubts that may arise, is the following LegalCooperation@oas.org.

SECTION I

QUESTIONS ON IMPLEMENTATION OF THE CONVENTION PROVISION SELECTED FOR REVIEW IN THE FOURTH ROUND

OVERSIGHT BODIES, WITH A VIEW TO IMPLEMENTING MODERN MECHANISMS FOR PREVENTING, DETECTING, PUNISHING, AND ERADICATING CORRUPT ACTS (ARTICLE III, PARAGRAPH 9, OF THE CONVENTION)

A) Indicate the oversight bodies in your country that would be relevant for preventing, detecting, punishing, and eradicating corrupt acts, and briefly state the assigned purpose of each.

Attorney General’s Office

[General responsibility for prosecuting criminal offences, including corruption-related offences]

The Public Disclosure Commission

[Receives annual financial disclosure from Members of Parliament and senior public officials (*Public Disclosure Act*)]

Auditor General

[National supreme audit institution, responsible for financial audits of all government departments and corporations.]

Compliance Commission

[Supervises financial institutions in relation to the conduct of financial transactions and to ensure compliance with provisions of *Financial Transactions Reporting Act*]

Financial Intelligence Unit	[Agency responsible for receiving, analyzing, obtaining and distributing suspicious transactions reports (<i>Financial Intelligence Act</i> ,)]
Bahamas Institute of Chartered Accounts	[Professional oversight body responsible for the regulation and governing of the public accounting sector (<i>Public Accountants Act, 1991</i>).]
Bahamas Bar Association	[Professional body responsible for regulation of the legal profession and discipline of attorneys (<i>Legal Profession Act</i>)]
Bahamas Medical Council	[Professional body responsible for the regulation of medical practitioners and investigation of complaints (<i>Medical Act, 1974</i> ; <i>Medical Regulations (1975)</i>).]
Bahamas Dental Council	[Professional body responsible for the regulation of the practice of dentistry (<i>Bahamas Dental Act, 1989</i>).]
Professional Architects Board	[Responsible for regulating the practice of professional architects and investigating complaints (<i>Professional Architects Act, 1994</i>).]
Bahamas Association of Realtors	[Professional regulatory body for practice of real estate business and licensing of real estate agents (<i>Real Estate (Brokers and Salesmen) Act, 1995</i>).]

B) Then select 4 or 5 of these oversight bodies, bearing in mind their institutional importance and that the functions they are assigned should cover one or more of the objectives of preventing, detecting, punishing, and eradicating corrupt acts that trigger disciplinary; administrative; financial or civil; and criminal responsibility.

1. **Attorney General's Office**
2. **The Public Disclosure Commission**

3. **The Auditor General Department**
4. **Compliance Commission**
5. **Financial Intelligence Unit/RBPF**
6. **Bahamas Institute of Chartered Accountants (BICA)**

C) For each of the oversight bodies selected in the response to question B), to the extent that is possible, address the issues such as those indicated below, attaching copies of the norms or measures on which the answers are based or indicating links to the web pages where they may be consulted:

- i. Their objectives and functions; their autonomy for pursuing them; and when applicable, the exercise of their functions in conjunction or concert with other agencies or authorities; and the mechanisms for resolving any conflicts of jurisdiction that may arise.
- ii. The scope of their functions, indicating whether any exceptions to it exist.
- iii. The manner in which they adopt their decisions, indicating whether there are various agencies with jurisdiction to do so and whether they are collegiate or single-person agencies; review remedies that can be brought against the decisions adopted, both internally and with other external agencies or authorities; and the actions needed to implement or enforce those decisions.
- iv. The manner in which their senior officers are selected, indicating whether they serve fixed terms or are freely appointed and removable and the agencies authorized to hold them responsible for their actions and deciding on their continued tenure in those positions.
- v. The manner in which the human resources needed for their operations are identified and how their personnel are selected, indicating whether they are freely appointed and removable or whether they are selected by means of merit-based competition; if certain requirements have to be met to hold such positions; and whether their personnel are subject to a regime of disqualifications and incompatibilities and of responsibility for their actions.^{5/}
- vi. The existence of manuals or other documents that describe the functions of their personnel, and also indicating whether regular training is given in connection with those functions
- vii. The existence of documented procedures for performing their tasks, or of manuals or guides dealing with those duties; institutional strengthening or quality improvement actions implemented; and the implementation of systems or modern technologies to facilitate their work.

5. If relevant and applicable information was reported in the response to the First or Second Round questionnaires, reference may be made to that information.

- viii. The manner in which the general public is provided with information about their objectives and functions, is informed of the procedures established for the performance of their functions, and is given guidance about how to carry out proceedings before them.
- ix. The mechanisms for internal control and for dealing with claims, complaints, or allegations related to the pursuit of their objectives and to the performance of their personnel.
- x. The manner in which the budgetary resources needed for their operations are ensured.
- xi. As appropriate, the coordination mechanisms for harmonizing their functions with those of other oversight agencies or public authorities and for securing the support of other authorities and the public for full compliance with their duties.
- xii. Accountability mechanisms applicable to the performance of their duties; the way in which the information needed for that is gathered and processed; and the information issued for that purpose,⁶ and the way in which it is made public and how members of the public may access it.

THE OFFICE OF THE ATTORNEY GENERAL

The Ministry of Legal Affairs and the Attorney General is primarily responsible for:

- providing timely legal advice to the government and statutory bodies.
- providing the most efficient and effective legal representation for the government in national and international matters.
- drafting legislation.
- promoting access to justice for all and transparency in the legal system.

The OAG is not responsible for the investigation of criminal offences of any kind but their prosecution. Therefore, it receives information from other agencies, primarily the Royal Bahamas Police Force, to carry out its function. The OAG is primarily responsible for the prosecution of indictable offences and has delegated the responsibility of the prosecution of summary offences to the Royal Bahamas Police Force. The OAG is also responsible for providing legal advice, services, and representation to government agencies. However, when circumstances require, government bodies will seek independent legal counsel. For example, in a matter where the Judicial and Legal Services Commission (the body charged with appointing and removing technical personnel in the OAG) (“JLSC”) was being sued by an employee of the OAG, the JLSC was represented by private counsel.

The autonomy of the Attorney-General to prosecute criminal offences in this jurisdiction comes from Article 78(4) of the Constitution of The Bahamas which states that the Attorney-General shall not be

6. If the information relevant to this paragraph is contained in a document, please provide copies of it or indicate the internet address where it may be accessed. If it is in several reports or if they are issued periodically, please provide copies of those issued over the past five years, or indicate the internet address where they may be accessed.

subject to the direction or control of any other person or authority when instituting or withdrawing criminal proceedings.

Public Prosecutions:

The Department of Public Prosecutions is the division of the Office of the Attorney General that has been authorized by the Attorney General related to the execution of the Attorney General's constitutional and legal responsibility for the commencement and cessation of criminal prosecutions in The Bahamas.

The Department of Public Prosecutions is responsible for the prosecution of all criminal matters before the Supreme Court and the general oversight of magisterial prosecutions.

Civil Chambers:

The functions of the Civil Chambers include:

- vetting and preparing conveyances, leases, contracts and other agreements on behalf of the government.
- providing advice to the government, its ministries and various statutory corporations.
- rendering opinions for government ministries and statutory corporations on the interpretation of legislation

Civil Litigation:

The section is primarily responsible for:

- representing the government in all civil proceedings instituted by or against the government.
- representing statutory public corporations in all civil proceedings instituted by or against it.
- rendering legal advice to all government ministries and departments and statutory public corporations.
- representing the Crown in all judicial review proceedings in non-criminal law matters.

International Unit:

The principal functions of the Unit are:

- to provide assistance in criminal proceedings pursuant to Mutual Legal Assistance Treaties with the United States of America, Canada, and the United Kingdom.
- to provide assistance in criminal proceedings pursuant to the Criminal Justice (International Co-operation) Act, Ch. 105.
- to provide assistance in civil matters pursuant to the Evidence (Proceedings in Other Jurisdictions) Act, Ch. 66.
- to carry out bilateral and multilateral treaty obligations related to the OAS, the U.N. and other multilateral organizations of which The Bahamas is a member.

Legal Drafting:

The Legislative Drafting Section is primarily responsible for:

- drafting principal legislation for Parliament.
- drafting subsidiary legislation for ministers of government.
- drafting opinions on the interpretation of laws for the various government ministries and other public bodies.

Law Reform:

In accordance with section 4 of the Act, the general function of the Commission is to keep under review the laws of The Bahamas with a view to modernizing their systematic development and reform. In order to do this, the Commission:

- receives and considers proposals for reform which may be made or referred to them.
- submits to the minister (responsible for Law Reform) recommendations for the examination of various areas of the law to be reformed.
- drafts bills with proposals of reform as recommended to the minister.
- advises ministries, departments or other authorities or persons concerned with proposals for the reform of the laws.
- obtains laws from foreign jurisdictions that would assist in the reform of the laws of The Bahamas.

Law Revision:

The general function of the Commission is to prepare revised editions of the existing laws with a view to the repeal and elimination of all obsolete or archaic laws and laws which are temporary in nature. In carrying out its revision functions, the Commission is subject to the directions of the minister.

The Commission must:

- prepare a revised edition of the laws every five years.
- prepare annual updates of the loose leaf edition of the laws showing which amendments and new laws which have been enacted since the production of a revised edition.
- Arrange for the printing and publication of the revised edition and the annual updates.

The Attorney General's Office: In accordance with Article 72 of The Bahamas Constitution the Attorney General is appointed by the Prime Minister as a member of his Cabinet. The Attorney-General can be appointed from either the House of Assembly or the Senate.

The Director of Legal Affairs and the Director of Public Prosecutions are appointed by the Governor General on the advice of the JLSC.

As said earlier, Article 78(4) gives the Attorney-General unfettered discretion in the prosecution of criminal offences.

Applications for technical personnel of the OAG are submitted and interviews are held by a panel. The formal requirements for counsel to be admitted to The Bahamas Bar are found in the Legal Profession Act 1992. Candidates are selected based on merit. If selected they are vetted by the Security and Intelligence Branch of the Royal Bahamas Police Force. All public service officers are subject to General Orders.

There is a manual for Public Prosecutions and Civil Litigation which outlines the court procedures in those particular sections and the policies of the OAG in that respect. Training is done on-site and off-site in various departments and on various legal skills (i.e. drafting, policy development, prosecutions, etc). The SWIFT Justice Initiative mandates the online publication of current matters before the Supreme Court. All legislation up to 2009 is published online at laws.bahamas.gov.bs. The Integrated Justice Initiative seeks to consolidate all of the court dates for all courts and all counsel to avoid scheduling conflicts. This Initiative has yet to be implemented.

An Annual Report is published in hard copy and online.

Funding for the OAG is provided for in the National Budget. Capital expenditure is not included.

An assessment (“Annual Confidential Report” or “ACR”) designed by the Public Service is used to record, rate and discuss the performance of the public officer. This report has a section specifically for employees to voice their concerns and for their supervisors to do the same.

The SWIFT Justice Initiative as mentioned above seeks to integrate the functions of every area of public prosecutions (i.e. investigatory, forensic, medical, prosecutorial and incarceration). On the civil side of the OAG, there are joint projects which include legal negotiations for capital projects for other government departments.

THE PUBLIC DISCLOSURE COMMISSION

The Public Disclosure Commission, hereinafter referred to as “the Commission”, is a statutory body established pursuant to the Public Disclosure Act, Chapter 9 of the statute laws of the Commonwealth of The Bahamas.

The objectives and functions of the Public Disclosure Commission are the examination of declarations furnished by Members of Parliament, Senators, Senior Public Officers and Public Appointees in accordance with the Provisions of the Public Disclosure Act, 1976.

The Public Disclosure Act makes provision for the public disclosure of the Assets, Liabilities and Income of persons in Public life and for matters incidental thereto or connected therewith. In order for the functions of the Act to be carried out, Section (3) (1) provides for the establishment of a body to be known as the Public Disclosure Commission.

The Commission is to ensure that the Members of Parliament, Senators and other persons to whom the Act applies, comply with its provisions. If the Commission, following its examination, is satisfied that a full declaration has been made, it publishes a summary of that Declaration in the Official Gazette for Members of Parliament and the Senate only.

The first schedule to the Act provides for the appointment of the members which consists of three persons appointed under the seal of the Governor-General.

The Act became effective in January 1977.

Where a Member of Parliament or Senator fails to comply with the Act in any form, Section 8 of the Act provides for the Commission to report the matter to both the Prime Minister and Leader of the Opposition. Where a senior public officer or public appointee fails to comply with the Act in any form, Section 8 provides for the Commission to report the matter to both the Prime Minister and the Attorney General.

Under Section 15 of the Act, the Commission may for good cause extend the time for the furnishing of a declaration after the expiration thereof for a period not exceeding thirty days.

The Public Disclosure Commission bases its decision on the information contained in the declarations furnished by the declarant. Following examination of these declarations by the Commission, and if the Commission is satisfied that a full declaration has been made, summaries of these are then forwarded to the Cabinet Office for publication in the Government's Official Gazette. The decision of the Commission can be challenged and if the complainant disagrees with the Commission's decision, the complainant can then refer the matter to the Court.

The Commission consists of three members, one part-time Secretary and two Administrative staff. The members are appointed by the Governor-General upon the recommendation of the Prime Minister after consultation with the leader of the Opposition. The Governor-General appoints one of the members to be Chairman. Although the Act makes provision for the members to hold office for such period not exceeding five years, the terms of the members appointed usually range from one year to three years and are generally fixed terms.

The selection and identification of human resources are conducted in accordance with the Public Service Act and the Public Service Regulations-General Orders. The Public Service Commission is the body established to oversee the recruitment process of officers for the Public Service. These appointments require the approval of the Governor General.

There are no specific manuals provided but use is made of the Public Service Regulations, General Orders together with on the job training programmes.

The Public Disclosure Act together with the Official Gazette are available to the general public at the Government's Publications Department.

All complaints, allegations, if any, are dealt with by the Public Disclosure Commission in accordance with the Public Disclosure Act, 1976.

The funds of the Commission are provided by Parliament and such other moneys as may be lawfully paid to the Commission.

Estimates of the Commission's revenues and expenditures are submitted to the Prime Minister on an annual basis for approval by Parliament.

The Commission maintains proper records of its financial transactions – receipts and payments, assets and liabilities. The financial records of the Commission are audited by the Auditor -General on an annual basis and included in the Central Governments Financial Statements which are presented to Parliament on an annual basis.

The Public Disclosure Commission is an independent Agency. The Commission works independently and does not harmonize with any other Agency.

There are no bodies which assess the Commission's performance. The members appointed by the Governor- General are extremely competent and suitably qualified to execute their duties in accordance with the Public Disclosure Act, 1976.

THE AUDITOR GENERAL'S DEPARTMENT

The Auditor General is independent and functions according to Article 136 of the Constitution of the Commonwealth of The Bahamas. Article 136 states:

136. (1) There shall be an Auditor-General whose office shall be a public office.

(2) The Auditor-General shall be appointed by the Governor-General, by instrument under the Public Seal, acting on the recommendation of the Public Service Commission made after the Commission has consulted the Prime Minister.

The Office is funded by the Government but maintains its autonomy by keeping their own financial accounts; and therefore having no need to request money from the Ministry of Finance. At the beginning of the budgeted period, the Office of the Auditor General receives all of its funds.

The functions and scope of the office of the Auditor General are found in Article 136 of the Constitution. It further states;

136. (3) The accounts of the Supreme Court, the Senate, the House of Assembly, all departments and offices of the Government (but excluding the Department of the Auditor-General), the Public Service Commission, the Judicial and Legal Service Commission, the Police Service Commission and all Magistrates' Courts shall, at least once in every year, be audited and reported on by the Auditor-General who, with his subordinate staff, shall at all times be entitled to have access to all books, records, returns and reports relating to such accounts.

(4) The Auditor-General shall submit his reports made under paragraph (3) of this Article without undue delay to the Speaker (or, if the office of Speaker is vacant or the Speaker is for any reason unable to perform the functions of his office, to the Deputy Speaker) who shall cause them to be laid before the House Establishment of office and functions of Auditor-General of Assembly without undue delay.

The Auditor General's office is required to monitor and/or audit all Government revenue and expenditure. The Office insures that all Government departments, offices and agencies audited spend their funds for the purposes intended (in their budget). Auditors visit the relevant departments, collect information, and produce reports in a timely manner.

Quasi-Governmental bodies have their audits done by independent auditors. However, the Office of the Auditor General can request information from them and ask questions, if necessary.

The reports produced by the Office of the Auditor General are reviewed by the Public Accountants Committee, and further debated once tabled in the House of Assembly.

Further, the Public Accountants Committee has the authority to call bodies and question them on the findings of the report and make them accountable. This Public Accountants Committee should meet in public. Its membership comprises five (5) persons which include three (3) Opposition members and two (2) government members (all Parliamentarians).

The Auditor General's selection is based on consultation between the Prime Minister and the Leader of the Opposition; and on recommendation of the Public Service Commission and the Governor General's approval.

The removal of the auditor general is found in Article 136 of the Constitution. It states;

(8) The Auditor-General may be removed from office only for inability to discharge the functions thereof (whether arising from infirmity of mind or body or any other cause) or for misbehavior, and shall not be so removed except in accordance with the provisions of paragraph (9) of this Article.

(9) The Auditor-General shall be removed from office by the Governor-General if the question of his removal from office has been referred to a tribunal appointed under paragraph (10) of this Article and the tribunal has recommended to the Governor-General that he ought to be removed from office for inability as aforesaid or for misbehavior.

(10) If the Prime Minister represents to the Governor General that the question of removing the Auditor-General from office for inability as aforesaid or for misbehavior ought to be investigated, then-

(a) the Governor-General shall appoint a tribunal, which shall consist of a chairman and not less than two other members, selected by the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission, from among persons who hold or have held or are eligible to hold high judicial office; and

(b) the tribunal shall inquire into the matter and report on the facts thereof to the Governor-General and recommend to the Governor-General whether the Auditor-General ought to be removed from office for inability as aforesaid or for misbehavior.

(11) If the question of removing the Auditor-general from office has been referred to a tribunal under paragraph (9) of this Article, the Governor-General, acting in accordance with the advice of the Public Service Commission, may suspend the Auditor General from performing the functions of this office and any such suspension may at any time be revoked by the Governor-General, and shall in any case cease to have effect if the tribunal recommends to the Governor-General that the Auditor-General should not be removed from office.

The posts of Senior Deputy Auditor General, Deputy Auditor General and all other staff, appointments are made on recommendation by the Auditor General himself, and on the advice of the Public Service Commission. Their positions are not constitutional and simply fall under the umbrella of Public Service.

Personnel are hired as Public Servants. They are interviewed by the Auditor General, and if determined useful, the Auditor General will send requisite information to the Public Service indicating his desire to hire them. Further information is sent to the Ministry of Finance for financial clearance if new hires are not already slated in the budget of the Office.

Training for public audit personnel is provided by both the local chapter of CAROSAI (Caribbean Supreme Audit Institutions) and INTOSAI (International Supreme Audit Institutions). The Auditor General is a member the board of auditors for INTOSAI representing the Caribbean and is a former board member of auditors for CAROSAI.

The Auditor General receives training at the General Assembly of INTOSAI, which takes place every three (3) years.

The Office of the Auditor General has documented procedures for performing tasks and follows both the International Auditing Standards, as well as the INTOSAI Auditing Standards. The documented procedures and standards include methods, practices, formulas, steps and field work guides.

The General Public is provided with the annual report once it is tabled in the House of Assembly. The Office of the Auditor General is currently working on a website to display and publish any information that can be made available for the public.

The Office of the Auditor general uses an Annual Confidential Report which is an assessment designed by the Public Service to record and discusses ratings of each individual employee. There is a specific section for employees only to be used to voice their concerns, complaints and allegation; and for their supervisors to do the same.

A budget is sent to finance, and money is given at the beginning of every budgeted period. The Office of the Auditor General maintains its own account. Every month a report is sent to a finance officer at the Ministry of Finance who deals with the Auditor General's Office; it is an expenditure report only, as the office does not produce income.

Additionally, a copy of their annual report is given to the Treasurer of the Commonwealth of The Bahamas.

The Auditor General requires the cooperation of all Governmental bodies.

The annual report of the Office of the Auditor General may be reviewed by a department in the Ministry of Finance called Internal Auditors. Currently under negotiations is a Memorandum of Association between the Office of the Auditor General and the Internal Audit Department of Ministry of Finance outlining an agreement for their operations.

Accountability mechanisms include the production of reports at the end of an audit as well as a time frame for producing said reports. There is also a requirement to properly document and account for the time spent on all audits.

The Public may access the Annual Report upon its tabling in the House of Assembly.

THE COMPLIANCE COMMISSION

The Compliance Commission (the Commission) is established by Section 39 of the Financial Transactions Reporting Act, Chapter 368 and commenced its operation on 1st January, 2001.

The primary objectives of the Commission are embodied in Sections 43 (a) and 43 (b) which require the Commission:

Section 43(a)-"to maintain a general review of financial institutions in relations to the conduct of financial transactions and to ensure compliance with the provisions of this Act; and

(b) when deemed necessary by the Commission, at the expense of the financial institution, to conduct on-site examinations of the business of the financial institution for the purpose of ensuring compliance with the provisions of this Act, and in such examination, to appoint an auditor at the expense of the financial institution to conduct such examination and to report thereon to the Commission".

The Commission is an autonomous body which, like all financial service regulatory agencies in The Bahamas, falls within the portfolio of the Minister of Finance.

The Bahamas has established a robust coordination body for financial services regulators through the Group of Financial Services Regulators (GFSR). This body is presently chaired by the Central Bank of The Bahamas and convenes regular meetings. The Commission has been an active member of the GFSR since its inception. The primary purpose of the GFSR is to establish and maintain close collaboration and coordination among financial service regulators in matters such as fitness & propriety for individuals and businesses participating in the sector, joint inspections, stability of the sector, etc. While each regulatory has its own protocols for addressing matters of non-compliance, the GFSR also considers those matters which require a collaborative approach such a joint sanctioning and disciplinary actions. The aim is to avoid regulatory arbitrage.

The decisions relative to the proper functioning of the Commission lie with the three Commissioners appointed to direct the operations of the Commission. This body is led by a Chairman. The daily operations of the Commission are overseen by the Commission's Inspector who is the Administrative head of the Commission. Most of the decisions required for the orderly functioning of the Commission are made by the Inspector who consults with the Commissioners (as necessary) on various matters.

Most of the staff currently serving within the Commission are employed by the Ministry of Finance and assigned to the Commission. The Inspector plays a role in the recruitment of prospects and helps to determine their suitability. The employees are permanent employees of the Government of The Bahamas and enjoy the rights and privileges of such persons. All disciplinary actions including suspension and termination are conducted upon the recommendation of the Inspector and/ or Commissioners.

The Inspector determines the human resource needs of the Commission along with all other resources required for the Commission's proper functioning. All employees of the Commission enjoy a comprehensive career path which is merit-based and transparent. There are certain minimum academic requirements for each position within the Commission and relevant experience which determines the salaries and other benefits one is offered.

All aspects of the Commission's operation are directed by its Operating Policies & Procedures manual. This document dictates specific protocols for each task the Commission is called upon to

perform. Additionally, each employee of the Commission has a specific (tailored) job description which clearly provides for the obligations of the employee which includes availing him/herself to relevant training based on assigned tasks. One of the hallmarks of the Commission is its Public Relations and Training emphasis. Throughout each year, the Commission convenes training sessions for relevant stakeholders. While some of the sessions are general in scope, most of them are industry-specific. The Inspector of the Commission is regularly called upon to speak at various AML seminars both locally and abroad. In fact, on several occasions the Inspector has held workshops for regional counterparts on the proper regulation of Designated Non-Financial Businesses & Professions.

The Commission enjoys the full cooperation and support of other Regulatory Agencies, its regulate entities, the general public and the Policy-Makers in The Bahamas in carrying out its duties.

The Commission is accountable to the Minister of Finance in the performance of its statutory duties. All reporting protocols are made to the Minister of Finance who determines how such information is disseminated.

FINANCIAL INTELLIGENCE UNIT

1. The objectives, functions, autonomy and exercise of the functions of the Financial Intelligence Unit of The Bahamas can be found at section three (3) and four (4) of the Financial Intelligence Unit Act (FIUA), Chapter 367, Statute Law of The Bahamas. Sections 3 subsection 1 which states:

“there is hereby established a body to be known as the Financial Intelligence Unit having perpetual succession and a common seal with power to enter into contracts and to do all such things necessary for the purpose of its functions”

Subsection 2 of section 3 states; that the Financial Intelligence Unit shall consist of:-

- a) A Director and chief executive officer of the FIU, who shall be appointed in writing by the Minister.
- b) A Counsel and attorney appointed in writing by the Minister
- c) A Public Accountant appointed in writing by the Minister
- d) Such number of consultants, having suitable qualification and experience to provide services to the Financial Intelligence Unit, appointed in writing by the Minister;
- e) Such number of Police Officers appointed by the Commissioner of Police on the recommendation of the Director;
- f) Such other personnel as the Director considers necessary.

2. Section 4 deals with the functions of the Financial Intelligence Unit; and allows for the Director to independently perform various duties pursuant to authority under the Act. Section 4 (1) states:

“In the exercise of its functions under subsection (2), the Financial Intelligence Unit shall act as the agency responsible for receiving, analysing, obtaining and disseminating information which relates to or may relate to the proceeds of the offences specified in the Second Schedule. Subsection 2 of section 4 allows the Financial Intelligence Unit to do the following;

- a)* Receive all disclosures of information such as are required to be made pursuant to the Proceeds of Crime Act which are relevant to its functions, including information from any foreign FIU;
- b)* May upon receipt of such disclosures as are referred to in paragraph (a) order in writing any person to refrain from completing any transaction for a period not exceeding seventy- two hours;
- c)* May upon receipt of a request from a foreign FIU or law enforcement authority including the Commissioner of Police of The Bahamas order any person to freeze a person's bank account for a period not exceeding five days if satisfied that the request relates to the proceeds of any of the offences specified in the second schedule.
- d)* May require the production of such information excluding information subject to legal professional privilege that the Financial Intelligence Unit considers relevant to fulfil its functions;
- e)* Shall retain a record of all information that it receives for a minimum of five years after the information is received;
- f)* Shall provide information, subject to such conditions as may be determined by the Director, to the Commissioner of Police where the information may relate to the commission of an offence specified in the Second Schedule;
- g)* May provide information relating to the commission of an offence specified in the Second Schedule to any Foreign Financial Intelligence Unit, subject to any conditions as may be considered appropriate by the Director;
- h)* May enter into any agreement or arrangement, in writing, with a Foreign Financial Intelligence Unit which the Director considers necessary or desirable for the discharge or performance of the functions of the Financial Intelligence Unit;
- i)* Shall inform the public and financial and business entities of their obligations under measures that have been or might be taken to detect, prevent and deter the commission of the offences specified in the Second Schedule.

1. Any person failing or refusing to provide such information as is required by paragraph (d) of subsection (2) is guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

The Financial Intelligence Unit of The Bahamas is operationally independent. The FIU as mentioned above works closely with foreign FIUs and is an active member of Egmont Group of FIUs. Any conflict of jurisdiction that may arise is dealt with pursuant to Memorandum of Understanding which may be signed between parties. Additionally, if necessary the assistance of the Egmont Secretariat, the Egmont Committee, and Plenary consisting of Egmont Heads of FIUs could be utilized. The FIU is also mandated by law to provide information to the Commissioner of Police where the information may relate to the commission of an offence specified in the second schedule of the act. FIU Bahamas meets regularly with the Group of Financial Service Regulators (GFSRs) and cooperate fully in AML/CFT matters.

2. Under section 4 of FIUA the Financial Intelligence Unit is the only agency in the Commonwealth of The Bahamas, mandated by law to receive, analyse, obtain, and disseminate information (suspicious transaction reports) which relates to or may relate to the proceeds of the offences specified in the second schedule of the act. No other exceptions to this exist.

3. The decisions of the Director of the FIU are dependent on the nature of the suspicious transaction report received and the resulting analytical process, and not on any individual or entity outside of the FIU. Once a determination is made that the information relates to or may relate to the proceeds of the offences specified in the second schedule of the act, then the Director acts pursuant to section 4 (2) (f) and (g) of the FIUA. Sub-section (c) of section 4 (2) of the FIUA allows remedies for aggrieved persons against an order to freeze a person's bank account. The proviso reads as follows:

“Provided that an aggrieved person may apply to a judge in chambers to discharge the order of the Financial Intelligence Unit and shall serve notice on the Financial Intelligence Unit to join in the proceedings but such order shall remain in full force and effect until the judge determines otherwise”;

4. The selection of senior officers is dealt with under section 3 subsection (2) and (3) of the FIUA as mentioned above. The first schedule (section 3(3) of the FIUA states as follows; (1)“The Director shall, subject to the provisions of this paragraph, hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to hold office, be eligible for re-appointment”.

- (2) “The Director shall not be appointed or re-appointed for a period exceeding five years”.
- (3) “The Director shall not while holding office as such hold any other office or employment, whether remunerated or not, without the prior approval of the Minister”.

It is to be noted that the position of director, counsel and attorney, as well as public accountant and such number of consultants having suitable qualifications and experience to provide services to the FIU are all appointed in writing by the Minister of Finance. The Director has the authority to hire other senior officers in collaboration with Ministry of Finance. Provisions are also made for the selection of such number of police officers, inclusive of senior police officers appointed by the Commissioner of Police on the recommendation of the Director. All senior officers employed by the FIU are accountable to the Director of the FIU.

5. In addition to the hiring of senior officers as delineated above, the human resources needed for the operation of the FIU is done through a process of advertisement, vetting through the Royal Bahamas Police Force and interviews of potential candidates. Non management candidates are also subject to a probationary period. Educational qualifications, prior job experience, aptitude of candidate to perform in the advertised position are some of the requirement to fill open positions at the FIU. All staff members are subject to sanctions for breach of confidentiality pursuant to section 9 (1) (2) of FIUA. Additionally staff members other than the Director are also subject to discipline rules and procedures contained in the FIU Employee's Manual.

6. Officers benefit from a number of training initiatives, both locally and internationally in anti-money laundering, combating the financing of terrorism, anti-corruption, and confidentiality matters, Information Technology, proficiency in accounting, analysis and other areas of expertise are also related to the operation of the FIU.

7. Section 4 (1) of the FIUA outlines the overall task (functions) of the Financial Intelligence Unit. The Financial Intelligence Unit's Suspicious Transactions Guidelines 2007 relating to the Prevention of Money Laundering and the Financing of Terrorism also provides information on the procedures for performing FIU's task. Institutional strengthening or quality improvement actions implemented; and the implementation of systems or modern technologies to facilitate the work of the FIU is delineated in the Director's weekly management and staff meeting agendas.

8. The FIUA provides the general public with information about the FIU's objectives and functions. Additionally the FIU's website www.bahamas.gov.bs/fiu as well as the FIU's Annual Report, Suspicious Transactions Guidelines 2007, public announcements via print media, regular lectures to financial sector and other groups allows the FIU to routinely inform the general public concerning its operation.

9. Section 4 of the FIUA allows for an aggrieved person to challenge via a judge in chambers an order of the FIU to freeze a person's bank account for a period not exceeding five (5) days.

10. Section 11 of the FIUA states as follows: "The funds and resources of the Financial Intelligence Unit shall consist of any moneys as may from time to time be provided by Parliament"

Section 12 and 13 subsection (1) (2) (3) (4) of the FIUA also deals with the manner in which the budgetary resources needed for the operation of the FIU are ensured. The above mentioned subsections of Section 13 read as follows:

- (i)* The Financial Intelligence Unit shall keep proper accounts and other records in relation thereto, and shall prepare in respect of each financial year a statement of accounts.
- (ii)* The accounts of the Financial Intelligence Unit for each financial year shall be audited by an auditor to be appointed by the Director with the approval of the Minister.
- (iii)* As soon as the accounts have been audited the Financial Intelligence Unit shall submit a copy thereof to the Minister together with a copy of any report made by the auditor.
- (iv)* The Minister shall lay a copy of every such audited account before each House of Parliament, together with a copy of any report made by the auditor on the accounts.

11. The Financial Intelligence Unit meets regularly with the Group of Financial Services Regulators (GFSRs). This group chaired by the Governor of the Central Bank assists the Financial Intelligence Unit and regulators with coordinating anti-money laundering and combating the financing of terrorism (AML/CFT) efforts for The Bahamas. The GFSR works closely with financial institutions to provide training to industry professionals in AML/CFT. The FIU also work closely with the Task Force of The Bahamas which is chaired by the Attorney General. The Task Force, which consist of various stake holders in legal, law enforcement, regulatory and FIU is responsible for reviewing and when necessary recommending amendments to laws that enable The Bahamas to be compliant with the Financial Action Task Force (FATF) revised recommendations.

12. Section 4, sub-section (2) (c) of the FIUA allows for accountability of the FIU to a judge in chambers in certain circumstances. Accountability mechanisms applicable to the performance of the FIU are also found at section 6, 7 and 9 (1) and (2) of the FIUA. The accountability of the staff of the FIU is covered under the FIU's Employee Manual.

13. The Financial Intelligence Unit is tasked under the FIUA with receiving, analyzing,

obtaining, and disseminating information which relates to or may relate to the proceeds of offences specified in the second schedule of the FIUA. As a part of its mandate the FIU provides training to financial institutions throughout The Bahamas. It also provides anti corruption training and awareness to members of the Royal Bahamas Police Force through its training college.

ROYAL BAHAMAS POLICE FORCE

During the latter part of the 1980s because of allegations of corruption against the Royal Bahamas Police Force the Commissioner of Police formed the Corruption and Investigation Unit. Also formed was the Complaints and Investigation Unit which was formed to investigate matters for breaches of discipline. In 2000, after a review by The CDR Group of England, both units were amalgamated to form the Corruption and Complaints Unit.

Prior to the Complaints Unit, complaints made by members of the public were received by the Commissioner of Police, who assigned a senior officer to investigate such complaint. Complaints referenced to criminal behaviour were sent to the Criminal Investigation Department; while allegations of corruption were investigated by the Corruption Investigation Unit. Upon completion of investigations matters were referred to the Deputy Commissioner of Police who had the authority to direct internal disciplinary cases to the Tribunal for Enquiry.

The Police Act 2009 Part XII entitled Police Complaints specifies the appointment, role and powers of the Police Complaints Inspectorate who are appointed by the Minister of National Security; also the designation of the Complaints and Corruption Branch.

The role of the Complaints and Corruption Branch (Police Act 2009 Section 81) is to identify and investigate all alleged cases of dishonesty and unethical behaviour made by members of the public against members of the force. This function is fully supported by the Central Detectives Unit, the Drug Enforcement Unit, the Central Intelligence Bureau and the Security & Intelligence Branch, and other divisions of the Force.

The Branch must submit to the Police Inspectorate and the Commissioner of Police at the end of every quarter a progress report on the work undertaken; a final report on all investigations and any other duties that the Commissioner may assign.

Subsection 3 of Section 81 of the Police Act 2009 states “Every investigation of a complaint against members of the Force shall be completed within six months from the time when the matter of such complaint arose or within such period not exceeding one year.

Decisions made on internal disciplinary matters are under the purview of the Deputy Commissioner of Police. Whenever it is believed that sufficient evidence exist for a criminal charged to be levied against an officer the Commissioner of Police will determine if the matter should be heard in open court.

The Commissioner of Police selects an officer of the rank of Assistant Superintendent or a Superintendent to head the Branch. If a complaint is made against an officer of higher rank than the head of the Branch, the Commissioner appoints an officer of a rank senior to that of the officer against whom the complaint is made to investigate the complaint. The senior officer serves at the pleasure of the Commissioner of Police. The person chosen should possess the following:

- (a) Core management skills and experience
- (b) Demonstrate leadership qualities
- (c) Infectious enthusiasm, energy, enterprise, flexibility and determination
- (d) Significant, recent, successful experience of office management
- (e) The vision, drive and resilience to be equal to the present and future office management needs of the Force,
- (f) A grasp of the Code of Conduct and Discipline Code
- (g) A commitment to enhance the image and reputation of the Force
- (h) Relevant experience of current best practice in business management
- (i) A good understanding of Public Service practices and accountabilities
- (j) Integrity beyond question, in personal deportment, while being a role model for the Force.

The Officer-In-Charge of the Complaints and Corruption Branch responsibilities include:

- (a) Overview of all Complaints and Corruption Policies and Systems
- (b) Strategic Planning
- (c) Use the business model to meet the needs of members of the Force, while delivering bottom-line quality and financial targets.
- (d) Set the standard for the overall Complaints and Corruption management standards and performance indicators.
- (e) Set and monitor work and personal objectives.
- (f) Provide quality leadership to the team.

Inspectors, Sergeants, Corporals and Constables who are interested in working in the Branch are required to submit an application with their resumes to the Director of Human Resources. The Commissioner of Police reserves the right to select officers whom he feels has the following qualifications:

- (a) Well-developed personality, work management skills, and experience (good written and verbal communication, time management, negotiating and influencing skills, an empowering style, effective listening and coaching skills, financial and technological appreciation and unfailing ability to deliver.
- (b) The experience and credibility from at least seven years of service in the

Force, including a proven track record as an investigator, or pass the Initial Detective Course.

- (c) Infectious enthusiasm, energy, enterprise, flexibility and determination.
- (d) An excellent grasp of the Code of Conduct and the Discipline Code
- (e) A commitment, with integrity, to enhancing the image and reputation of the Force
- (f) The strength of character to deal effectively with all those both inside and outside the force who seek to undermine its effectiveness and image
- (g) Members of the Complaints and Corruption Branch integrity must be beyond question; in their personal department, must be a role model for members of the Force.

Notwithstanding that once a member of the Branch is in contravention of any of the above they can be removed by the Commissioner.

The Branch has a manual that outlines:

- (a) The purpose of the Branch
- (b) The Customers of the Branch
- (c) The Location of the Branch
- (d) The Code of Conduct
- (e) The Discipline Code
- (f) The Strength Establishment and Staffing of the Branch
- (g) The Role of Divisions and Departments
- (h) The Operating Procedures of the Branch
- (i) Dealing with Public Sector Corruption
- (j) The Tribunal
- (k) The Role of Judges and Magistrates
- (l) Measuring the effectiveness of the Branch

The Commissioner of Police in accordance with the Police Act 2009 must produce a Policing Plan. Priority3. Restoring and Maintaining Public Trust and Confidence of the policing plan outline the objectives of this section, along with the expectations of the officers and members of the public for

their police. The Commissioner of Police Policing plan is launch with the news media present and it can also be accessed online at royalbahamaspolice.org.

The Branch's Operating Procedures Section 2 outlines that the Office Manager is the focal point for the registration and effective management of cases. Cases are not to be investigated until they are properly registered. This is to maintain the public's confidence in the Force.

Section 9 Subsection 2 of the Operating Procedure empowers the Head of the Complaints and Corruption to hold a case and workload meeting once every two weeks. In attendance at the meeting will be the Deputy Officer-In-Charge, Inspectors and the Office Manager. The Office Manager Produces minutes for each meeting.

Resources are maintained through the government's allocation in the national budget for the Royal Bahamas Police Force.

The Officer-In-Charge of the Complaints and Corruption Branch as a Senior Officer of the Force has the power to interact with other government departments and areas of the Force to ensure that functions are carried out smoothly. He is also charged with the responsibility in maintaining an amicable relationship with members of the public from whom he may require information so that justice can be served.

BAHAMAS INSTITUTE OF CHARTERED ACCOUNTANTS

The Bahamas Institute of Chartered Accountants (BICA/the Institute) is the regulatory body of the accounting profession in The Bahamas. The Institute's membership is more than 500 with licensed practitioners representing just over 50% or 250 of the membership. As provided for in the Public Accountants Act (1991) and various enabling regulations, BICA is statutorily responsible for regulating the accounting profession in The Bahamas. BICA registers both members and licensees. To qualify for membership to BICA an applicant must have successfully completed a qualifying exam as outlined by the Public Accountants Act. The Act empowers BICA to issue licenses and forbids persons without licenses from holding themselves out as Public Accountants. To qualify as a licensee an applicant must be a member of BICA and must give evidence that for a cumulative period of thirty-six months, has been employed at a senior level in a firm of public accountants, or with a public corporation, a department of government, or a private business, that has been approved by the Council as providing suitable training in accounting.

Regulatory and Standard Setting Framework

As a member of the International Federation of Accountants (IFAC) and the Institute of Chartered Accountants of the Caribbean (ICAC), BICA adopts the International Financial Reporting Standards (IFRS) as issued by the International Accounting Standards Board (IASB), without modifications, as the accounting standards to be used for the preparation of financial statements of public entities in The Bahamas. BICA has adopted the use of International Accounting Standards (IAS) since its inception in 1973. In April 2001 the IASB changed the name of the standards to IFRS, which BICA continues to adopt, without modification. Annually (typically November during Accountants Week), the Institute conducts a one day workshop (Technical Update) to introduce any new standards and

revisions to pronouncements to members and licensees. Currently, BICA has adopted the revised pronouncements (IFRS 2013), without modification.

The decision making body of BICA is known as the Investigation Committee and the Disciplinary Committee. The Investigation Committee shall consist of a chairman who shall be a member of the Council and not more than seven other members or associates. The Disciplinary Committee consist of a chairman who is a member of the Council and not more than eight other members or associates who are so far as is practicable persons of good professional standing comparable to or senior to the person complained against; and one person who is not an accountant.

The Council appoints the members of the Investigation Committee and the Disciplinary Committee. A member of the Investigation Committee shall not at the same time be a member of the Disciplinary Committee.

A complaint that any person registered under Public Accountants Act, 1991 has been guilty of professional misconduct may be made to the Council in writing by any person and shall bear the date of the complaint and the signature of the complainant but subject to this shall be in no particular form.

It shall be the function of the Investigation Committee to decide whether a complaint ought to be referred to the Disciplinary Committee to be dealt with by them in accordance with the provisions of this Act.

On the hearing of a complaint the Disciplinary Committee shall make to the Council recommendations concerning that complaint and the Council, acting on such recommendations, shall either dismiss the complaint or make an order of a disciplinary nature, and any such order may in particular provide for any of the following matters; that is to say either the removal from the register of the name of the person to whom the complaint relates, or where the person to whom the complaint relates has been issued with a licence:-

(i) the suspension of the licence for a period not exceeding one year; or (ii) the revocation of the licence; (c) payment, by any party to the proceedings, of an award of costs or of such sum as the Disciplinary Committee may consider a reasonable contribution towards the costs incurred in connection with those proceedings.

Where the Council rejects the application of any person, it shall within ten days from the date of such rejection give written notice thereof to the person whose application was so rejected. Any person aggrieved by either the rejection by the Council of his application for registration as a member or for a licence; or by an order by the Council under section 23 in relation to a complaint made by or against him, may, within three months of the receipt of any such notice in respect thereof, appeal on that account to The Bahamas Supreme Court.

BICAs Governance Framework

A Council is elected annually by the membership according to the provisions of the Public Accountants Act. The Council consists of not less than nine (9) but no more than fifteen (15) persons elected at the annual general meeting. The Council is responsible for the management of the affairs of the Institute. The Executive Officers of the Council are The President, 1st and 2nd Vice Presidents, Secretary, Treasurer and Immediate Past President. There is a Registrar and Assistant Registrar appointed to oversee and maintain the register of members and licensees as prescribed in the Public Accountants Act 1991. BICA has an established Secretariat with two (2) full time staff members (Office Manager and Secretary) that support Council, committees and member services. It should be noted that the Institute also has a pool of part-time associates that are available to assist in the Secretariat when needed. These associates, although of a part-time status, have the experience in working with the Secretariat and are able to provide continuity as it relates to support for the Secretariat.

Committees:

The Committees of the Institute are chaired predominantly by Council members. These Committees are IFAC (chaired by the President), Practice Monitoring/Peer Review, Legislative Reform, Technical, Investigations, Disciplinary, Ethics, Membership & Licensing (Chaired by The Registrar & Asst Registrar) & Public Practice, Continuing Professional Education (CPE), Small & Medium Size Practices (SMP), Student Membership, Website, Branding & Public Relations and International & Domestic Relations Committee. The IFAC, Practice Monitoring/Peer Review and Technical Committees were formed under this Council (2012-2013) as the Institute recognizes the importance of dedicating resources to strengthen and maintain its relationship with IFAC and address BICAs participation in IFACs Compliance Program. Additionally, with the introduction of a VAT Regime being the focus of the Ministry of Finance here in The Bahamas with an implementation date of July 1 2014, BICA deemed it necessary to form a Taxation Committee to assist government with the implementation, through participation on advisory and technical committees as well as through education and training for our members and licensees and the general public. It should also be noted that ex officio members of the Taxation Committee are: Technical Committee Chair, SMP Chair and BICAs representative on ICACs Regional Tax Reform Committee.

The manner in which human resources needed for the Institute are selected is through a transparent process that involves the following:

- Notification to the general public of the vacancy and the requirements/qualifications to fill the vacancy in the daily periodicals
- Notification to our members of the vacant and the requirements/qualifications to fill the vacancy electronically (emails)
- Upon receipt of resumes at the BICA Secretariat, the resumes are reviewed by the Executive Officers of the Council (who have responsibility for Operations) to select suitable candidates for the interview process based on the information contained in the resumes.
- Suitable candidates are interviewed by at least two (2) members of the Executive with review notes reported to the other Executives with recommendations.
- If necessary another round of interviews are conducted with review notes from

the short listed candidates reported to the entire Council with recommendations for the successful candidate as well as remuneration

- The candidate is selected by simple majority vote of the Council with the benefits package also being voted and agreed by simply majority of the Council.
- The probationary period is three (3) moths during which time the candidate is trained and monitored and a probationary evaluation completed at the end of the probationary period.
- If the candidate successfully completes the probationary period, employment continues with appropriate guidance and monitoring and annual performance evaluations are performed.
- If, at any point during the period of employment any breaches of the employment contract are addressed with the appropriate coaching, re-training, citations/warnings up to and including termination.

There are documented procedures (Terms of Reference) that are reviewed annually (at the beginning at each administrative year) by Committee Chairs appointed by Council to ensure that any new requirements, goals and objectives are captured and the impacted policies and procedures at the Secretariat are updated to reflect these changes is necessary.

SEE (vi) above. Additionally, the Institute has completed a total systems upgrade (hardware & software) during the current administrative year (2013-2014) complete with the introduction of comprehensive membership software.

As provided for in the Public Accountants Act (PAA) (1991) and various enabling regulations, BICA is statutorily responsible for regulating the accounting profession in The Bahamas. The manner in which the general public is provided with information regarding BICA is as follows:

- The PAA is a matter of public record and can be accessed from the governments website regarding legislation
- The Institute's website
- Hardcopy gazette through the government
- Annual Reports published in hardcopy as well as made available on the Institute's website that document the goals and objectives of the Institute
- BICAs Annual General Meeting (AGM)
- BICA Action Plan that is updated and published annually on The International Federation of Accountants (IFAC) website. It should be noted that BICA has been a member of IFAC since 1978
- Educational forums held throughout the year
- Newsletters that are published throughout the year

- Writing and/or telephoning the BICA Secretariat for information and resource mediums

Complaints regarding employees of the Institute should be reported to Council for investigation. The Council appoints and Investigations Team to investigate and make recommendations regarding the complaint and subsequent findings to the Councils. The matter is heard at Council with the employee being given an opportunity to defend their position. The Council then votes on a remedy/action to be taken by simple majority. Outcomes are communicated to the complainant and defendant.

As a not for profit organization the Institute is sustained annually by the following:

- Membership Fees
- License Fees
- Continuing Professional Education Fees

BICA maintains healthy relationships with other regulators, stakeholder groups and the government. Annual meetings are held to ensure that processes and policies between organizations are reviewed, understood and updated. The Institute is also legislated to have representation on many Boards and Committees to ensure that the profession has input and to ensure harmonization of functions. Attached is the Public Accountants Act (1991)

- D) For each of the oversight bodies selected in the response to question B), summarize the results obtained in the performance of their duties, providing the relevant information available to your country^{7/} and making reference, to the extent that is possible, to issues such as the following:
- i. If the oversight body in question is tasked with the prevention of corrupt acts, list the actions taken in the past five years to prevent those acts, such as: campaigns to publicize their consequences; probity programs or awareness-raising on the duty of respecting and protecting public property and general interests; production of manuals or guides to orient public servants and private citizens regarding ethical behavior in their dealings with the State; alerts about corruption risks in specific areas of the State's operations and proposals for preventing them; attention to inquiries, issuing of opinions, or advisory actions or preventive auditing related to the State's actions; attention paid to corruption prevention studies in the areas of their jurisdiction and to related suggestions made by civil society.
 - ii. If the oversight body in question is tasked with detecting corrupt acts that trigger disciplinary; administrative; financial or civil; or criminal responsibility for persons involved therein, indicate, as appropriate, the total number of investigations begun in each of the past five years and indicate how many remain ongoing; how many have been suspended for whatever reason; how many have been shelved due to statute of limitations; how many have been shelved without a decision being reached on the merits

7. If possible, covering the past five years.

in the case under investigation; how many are at a stage that allows a decision to be reached on the merits of the case under investigation; and how many have been referred to the competent body in order for such a decision to be taken.

- iii. If the oversight body in question is tasked with punishing corrupt acts that trigger disciplinary; administrative, financial or civil; or criminal responsibility for persons involved therein, indicate the total number of cases investigated that were ready for a decision to be adopted in each of the past five years; the number of decisions adopted in connection with them; the number of those decisions in which responsibilities were established or penalties were imposed; the number of those decisions in which no responsibilities were found or acquittals were given; and the number of those decisions involving the extinction of the punishment or responsibility because of the triggering of the statute of limitations.
- iv. If the oversight body in question is tasked with punishing corrupt acts that trigger civil or financial responsibility for persons involved therein, indicate the monetary sanctions imposed, or of the amounts ordered paid to the State, that have entered the public treasury in each of the past five years.

OFFICE OF THE ATTORNEY GENERAL

Every contract drafted by this Office contains an anti-corruption clause, which places contractual penalties on contractors and government personnel who receive or give bribes or commissions for that particular contract. The OAG does not generate government revenue and seldom deals with the public.

Detection of criminal acts remains in the charge of the RBPF. However, the prosecution of such rests with the OAG.

The OAG is not charged with the punishment of corrupt acts. However, one of its responsibilities is to prosecute those who have been alleged to have acted corruptly.

For period January 2013 –December 2013-there were three (3) cases of Fraud/stealing by reason/Forgery & Related offences-Two (2) was found guilty and one (1) Not Guilty.

THE PUBLIC DISCLOSURE COMMISSION

The Public Disclosure Commission is not charged with punishing non-disclosure. The Royal Bahamas Police Force is charged with the investigation of criminal acts and the Attorney-General for its prosecution. Further, under the Public Disclosure Act, the prosecution for the offences stated above shall not be instituted without the written consent of the Attorney-General.

THE AUDITOR GENERAL'S DEPARTMENT

The Auditor General's Office cannot prevent corrupt activity. The Office of the Auditor General may be able to detect corrupt acts. Auditors design their programmes to assist them in exposing certain information and such findings may expose misappropriation of Government funds. The programmes are not fool-proof; however, they can reduce risks of corruption.

Through its audit, the Office ensures transparency and accountability and all audits are carried out in an effort to uncover any potential fraudulent activity. In the event that fraudulent activity is discovered, the Office will send a report to the Financial Secretary and the Permanent Secretary of the particular Ministry/Department with recommendations that the matter be sent to the Royal Bahamas Police Force or the Office of The Attorney General.

The Auditor General's Office ensures transparency and accountability through proper reporting and proper documentation.

(NB: Statistical data is currently being compiled by the Office of the Auditor General to give total number of investigations ongoing, etc.)

THE COMPLIANCE COMMISSION

N/A

FINANCIAL INTELLIGENCE UNIT/ ROYAL BAHAMAS POLICE FORCE

At the beginning of each year the Commissioner of Police meet the press to release his Policing Plan for the ensuing year. On this occasion the statistics on police disciplinary matters will be released. The Commissioner of Police also uses this opportunity to encourage citizens to report matters concerning Police Officers that may affect or compromise the Royal Bahamas Police Force as an organization. The public is encouraged to "Tell the Chief." Members of the public are encouraged to report unethical conduct and acts of corruption of police officers.

The table below outlines the complaints received by The Complaints and Corruption Branch during the past six years.

Classification of Matters Reported	162	177	201	146	128	134
Assault						
Assault with a Dangerous Instrument	-	-	-	-	0	1
Causing Harm	05	02	03	0	4	7
Damage	12	10	20	22	15	1
Forgery					00	1
Harassment	01	00	02	0	00	1
Indecent Assault					0	2
Missing Property	12	08	12	12	5	12
Neglect of Duty	04	03	10	5	2	6

Police Shooting	01	00	00			
Stealing	23	11	20	01	17	
Threats					0	2
Threats of Death	03	03	02	6	3	4
Threats of Harm	02	04	00	2	3	9
Trespassing					0	1
Unlawful Arrest				21	22	12
Unethical Behavior	70	55	75	62	41	51
Unlawful Entry/Search					0	3
Using Unnecessary Violence					0	1
Wrongful Arrest					0	1

Breakdown of Completed Matters

	2008	2009	2010	2011	2012	2013
Unfounded			88	51		
Insufficient Evidence			62	44	8	
Informally Resolved			34	16	5	
Unsubstantiated			49	5	6	
Withdrawn			29	119		
No further Action			02	00		
Complainant Deceased			00	03		
Tribunal			61	93		
Officer Dismissed			04	00		
Total			331	331		

Internal Tribunal Results

Year	No. of Cases	Convictions	Punishment	Withdrawals/	Acquitted	Dismissed	Re-Instated
2009	88	34	26	59	3	9	1
2010	80	43	26	36	3	6	1
2011	43	16	10	14	9	7	2
2012	33	11	9	20	3	2	1

*Withdrawals can also mean statute of limitations. The prosecution may withdraw case because of lack of witnesses.

From 2009 – 2013a total of twenty (20) officers were dismissed for substance abuse.

BAHAMAS INSTITUTE OF CHARTERED ACCOUNTANTS

The Council appoints the members of the Investigation Committee and the Disciplinary Committee. A member of the Investigation Committee shall not at the same time be a member of the Disciplinary Committee. BICA however does not detect, prevent, or punish corrupt acts.

- E) For each of the oversight bodies selected in the response to question B), briefly report on difficulties encountered in preventing, detecting, and punishing corrupt acts of relevance in consideration of their functions and, if applicable, identify specific technical cooperation needs.

OFFICE OF THE ATTORNEY GENERAL

In detecting corrupt acts, it is important for cogent evidence to be obtained.

THE PUBLIC DISCLOSURE COMMISSION

Members of Parliament and Senior Public Officials are encouraged to disclose assets and liabilities in a timely manner.

THE AUDITOR GENERAL'S DEPARTMENT

The Auditor General's Office sends a budget to Ministry of Finance for approval and they also audit the Ministry of Finance. Sending their budget to the Public Accounts Committee to be discussed and forwarded to Cabinet for approval can eliminate the necessity of approval from the Ministry of Finance.

THE COMPLIANCE COMMISSION

N/A

FINANCIAL INTELLIGENCE UNIT/ RBPF

The detection, prevention and punishing of corrupt acts may be hindered by the reluctance of witnesses to provide information necessary to do so. Also, deficiencies in manpower may hinder immediate attention to complaints.

BAHAMAS INSTITUTE OF CHARTERED ACCOUNTANTS

N/A

- F) If so desired, report on no more than one best practice developed in connection with the duties of each of the oversight bodies selected in the response to question B) that you wish to share with the other MESICIC member countries, using, to the extent deemed appropriate, the suggested standard form offered as a guideline for presenting that information and attached to this questionnaire (Annex II).

OFFICE OF THE ATTORNEY GENERAL

The SWIFT Justice Initiative incorporates detection, investigatory, prosecutorial and punishment elements.

THE PUBLIC DISCLOSURE COMMISSION

There is no best practice to report.

THE AUDITOR GENERAL'S DEPARTMENT

N/A

THE COMPLIANCE COMMISSION

As an anti-money laundering oversight body, the Commission does not directly examine matters of corruption. However, should any such action be brought to the attention of the Commission whether actual or perceived, it will be immediately referred to the relevant authorities. To date, the Commission has not seen any act of corruption by its financial institutions. There is close collaboration between the Commission and oversight bodies such as The Bahamas Bar Association (for the legal profession), The Bahamas Institute of Chartered Accountants (for the accounting profession), The Bahamas Real Estate Association (for the real estate industry) and The Bahamas Cooperative Credit Union League Limited (for credit unions) in ensuring that their respective members or licensees adhere to the highest ethical standards in the performance of their duties. It is envisaged that most of the named bodies will soon attain Self-Regulatory Organization status.

FINANCIAL INTELLIGENCE UNIT/ RBPF

N/A

BAHAMAS INSTITUTE OF CHARTERED ACCOUNTANTS

N/A

SECTION II^{8/}

FOLLOW-UP OF PROGRESS AND NEW INFORMATION AND DEVELOPMENTS RELATED TO THE IMPLEMENTATION OF THE RECOMMENDATIONS FORMULATED IN THE COUNTRY REPORT FOR THE FIRST ROUND OF REVIEW

In accordance with the terms of Article 29 of the *Rules of Procedure*, and bearing in mind the decision of the Committee at its Eighteenth Meeting, made in compliance with recommendation 9(a) of the Third Meeting of the Conference of States Parties of the MESICIC, the document contained in Annex I of this questionnaire is adopted as the standard format for the countries to report progress and new information and developments related to the implementation of the recommendations formulated and measures suggested by the Committee for implementation in their First Round reports, together with those that the Committee identified as requiring additional attention in their Second and Third Round reports.

Based on the standard form referred to above, the Technical Secretariat will send to each country an individualized format which clearly identifies those recommendations and measures, in advance not less than three months to the date on which to the country is to respond to the questionnaire, in accordance with the provisions of section VI of the methodology adopted by the Committee for the Fourth Round.

-
8. Section II of this questionnaire, regarding the follow-up of the recommendations formulated in the First Round, is not applicable to those countries that had not joined the MESICIC at the time that Round took place; however, pursuant to Article 28 of the *Rules of Procedure*, those countries must reply to the questions set out in Sections I and II of the questionnaire adopted by the Committee for that round, except as regards their oversight bodies subject to review during the Fourth Round. That questionnaire is published at: www.oas.org/juridico/english/questionnaire.doc and the Technical Secretariat will complete it with questions on the topics addressed in Section XII of the methodology for the Fourth Round and send it to those countries at least three months in advance of the date on which they are to submit their responses to the Questionnaire in accordance with the schedule adopted for the Fourth Round.

SECTION III

INFORMATION ON THE OFFICIAL RESPONSIBLE FOR COMPLETION OF THIS QUESTIONNAIRE

Please provide the following information:

(a) State _____ Party: _____ The
Bahamas _____

(b) The official to be consulted regarding the responses to the questionnaire is:
(_____) Mr./.: _____ Franklyn _____ K _____ M
Williams _____
Title/position: _____ Director _____ of _____ Public
Prosecution _____
Agency/office: _____ Office _____ of _____ The _____ Attorney
General _____
Address: _____

E-mail: _____
_____ fkmwilliams@gmail.com _____

Tel.: _____ 242 _____ 502
0451 _____
Fax: _____

ANNEX I

STANDARD FORMAT FOR THE BAHAMAS TO PRESENT INFORMATION ON PROGRESS AND NEW INFORMATION AND DEVELOPMENTS^{9/} RELATED TO THE IMPLEMENTATION OF THE RECOMMENDATIONS FORMULATED IN THE COUNTRY REPORT IN THE FIRST ROUND OF REVIEW

Following the same structure as the First Round country report, the Secretariat shall transcribe each of the recommendations formulated for the country in question during the round that the Committee deemed to require additional attention in the Second and Third Round reports.^{10/} Then, it will ask the country to provide information in connection with the corresponding recommendation and with the corresponding measures suggested by the Committee for implementation, and, if any, with the alternative measures adopted by the country to that end, as follows:

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

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

RECOMMENDATION 1.1:

Ensure that the laws concerning conflicts of interest are fully in effect, that they support recommendation 7.1 when appropriate, and that they are applicable to all public officials and employees, so as to permit practical and effective application of a public ethics system.

Measure a):

Establish or adapt and then implement standards of conduct for those offices that currently do not fall under the purview of any controls, including adequate sanctions for violations of those standards.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{11/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those

9. In accordance with the provisions of section VI of the methodology for the Fourth Round, it is understood that new information and developments relate to new provisions and/or measures adopted in regard to the topic addressed by the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into consideration by the Committee when those recommendations or measures were formulated, that could have an impact on their validity or that could lead to their restatement or reformulation. In the event that information of this kind was furnished in the progress reports referred to in Article 31 of the Committee's Rules of Procedure, reference may be made thereto.

10. These reports are available at: http://www.oas.org/juridico/english/mesicic_II_inf_bhs_en.pdf and http://www.oas.org/juridico/english/mesicic_III_rep_bhs.pdf

11. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

actions can be obtained, clearly indicating the information of the web site in question: [The implementation of a Public Disclosure Act](#). The legislature has amended the Public Disclosure Act to now include Senior ranking Government Officials (including the Commissioner of Police, Permanent Secretary's, and Directors).

See also [The Code of Ethics for Ministers and Parliamentary Secretaries](#).

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [Anti-Terrorism \(Amendment\) Act, 2014 & Prevention of Bribery \(Amendment\) Act, 2014 – includes prevention of bribery of foreign public officials. It seeks to enforce our obligations under the Palermo Convention.](#)
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: None
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [OAG, Public Disclosure Commission, Auditor General, FIU, RBPF, Customs Department, Treasury of the Commonwealth of The Bahamas, and all other Government agencies.](#)

Measure b):

Implement a code of ethics for Senators and Members of the House of Assembly, including sanction mechanisms for violations.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{12/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed

* Please provide copies of them or indicate the internet address where they may be accessed.

12. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

Ministers and Parliamentary Secretaries are governed by a code of ethics developed on May 14, 2002. By extension this Code of ethics includes public corporations, companies in which the Government directly or indirectly holds an interest; as well as Government agencies, boards and committees.

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

None

- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

None.

- C) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

OAG, Cabinet, House of Assembly, various Government Ministries and Departments.

Measure c):

Apply conflict of interest restrictions for an appropriate period following government service.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{13/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed

* Please provide copies of them or indicate the internet address where they may be accessed.

13. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: [None](#)

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [N/A: See above.](#)
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [N/A](#)
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [N/A](#)

Measure d):

Ensure that there are mechanisms in place that provide transparency in the cases where the Prime Minister decides to allow a Minister to hold any contractual relationships with, to hold directorships of, or to hold equities in, companies that have contractual relationships with the Government.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{14/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

[The Code of Ethics for Ministers and Parliamentary Secretaries is instructive in this regard; Ministers and Parliamentary Secretaries are to avoid any conflict- real or perceived-between their private interests and their public duties.](#)

[A Minister was asked to resign due to lack of transparency after giving contracts to a company to which the Minister held directorship.](#)

* Please provide copies of them or indicate the internet address where they may be accessed.

14. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [N/A](#)
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [There is no legislation currently in place to force transparency;](#)
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [N/A](#)

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:

Strengthen control systems within the public administration by developing enforceable written standards applicable to all public officials and employees to create a duty to conserve and properly use of the resources entrusted to them.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{15/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question

[Statutory provisions which mandate that public Officers have a duty to conserve and properly use resources entrusted to them. According to Article 128 of The Constitution,](#)

* Please provide copies of them or indicate the internet address where they may be accessed.

15. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

(which is our supreme law), provision is made for a consolidated Fund. This Fund is governed and controlled by Parliament. Further, by virtue by Article 136, an Auditor General is appointed, whose responsibility it is for the proper expenditure of Government Funds by conducting an annual Audit of public offices to present to the House of Assembly.

According to Rule 912 of The General Orders, all Public Officers are prohibited from furnishing supplies on account of the public without the proper authorization of the Deputy Prime Minister. General Order 1046 prohibits public servants from taking extracts, copies of minutes, correspondences or allowed access to records for his own purposes (unless they have been addressed to him personally). General Order 1900, states that public officers are prohibited from providing other persons information relating to the public service other than in the course of duty. General Order 1906 provides that Permanent Secretaries and Head of Department are to ensure that only designated officers handle confidential documents, and if confidential documents are passed amongst offices that the document are sealed and properly marked confidential (General Order 1909). Further, General 1910, provides that all officers are responsible for the security of any classified documents in their custody. According to General Order 1048, if public funds are lost due the neglect, fault, disregard or a public officer's failure to comply with General Orders, Financial Instructions, Stores Rules or departmental instructions he will be liable to be surcharged for the amount. Section 22 of The Financial Administration and Audit Act, makes similar provision; calling on the Financial Secretary on a report by the Treasurer to surcharge Officers who either failed to collect monies owed to the Government, improperly make payment of public funds, or was responsible for the loss or destruction of public money or property. Section 235 of The Penal Code provides that a public officer who is bound to pay or account for any money or valuable thing, fails to pay or account for such valuable in his capacity as a public officer commits an offence, punishable for three (3) months imprisonment. All of the statutory provisions may be found at the following link: <http://laws.bahamas.gov.bs/cms/legislation/consolidated-laws/alphabetically.html>

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

There above referenced provisions remain in force. The Government of The Bahamas takes a proactive approach in the modernization of laws in this regard. Indeed, it is the practice for the Department of the Public Service to have ongoing training and seminars as it relates to the provisions of General Orders. It is also customary that Government Offices circulate internal memorandums encouraging staff to preserve government resources by keeping office doors/drawers locked when not in office, Secure systems for personal file in Registries, in addition to encouraging senior public officers with the use of government issued vehicles to

* Please provide copies of them or indicate the internet address where they may be accessed.

only drive for purposes of work in order to preserve the vehicle as well as reduce fuel consumption; .

- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

None

- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The Bahamas Public Service plays a vital role in the ongoing training and education of its officers, and indeed conducts seminars and courses which amongst others seek to explore the provisions of the Public Service Commission Regulations as well as General Orders.

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

RECOMMENDATION:

Develop and strengthen mechanisms requiring public officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware.

Measure a):

Establish reporting requirements for those public officials and employees who are currently not required to report to appropriate authorities acts of corruption in the performance of public functions.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{16/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed

16. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

Requirements for reporting of Public Officers who may be involved in misconduct (which includes acts of corruption) are found in General Orders. Rule 1040 thereof provides, that any act by a public officer which may bring the service into disrepute must be reported to the Permanent Secretary by the Department Head to which the Officer belongs.

General Order 1111 provides that it is the duty of every supervising officer as soon as he observes any fault or short coming in a public officer subordinate to him, to give that person oral notice of the fault or shortcoming and bring it to the attention of the Head of Department. General Order 1112 further provides that once the head of Department is notified of the Officer's unsatisfactory work or behaviour, the Head of Department must in writing inform the Officer the details do the default and require the officer to remedy same.

Generally, all Bahamians are encouraged to be law abiding citizens, and therefore where there is evidence of corruption, is expected to make a lodge an official report to the Royal Bahamas Police Force.

B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

None

B) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

None

C) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

* Please provide copies of them or indicate the internet address where they may be accessed.

The Office of the Attorney General (Law Reform Department), The Department of Public Service

Measure b):

Establish mechanisms that protect from official reprisal a person who, in good faith, reports acts of corruption.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{17/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

Establishment of anonymous reporting measures as well as mechanism to prevent the identity of tipsters/witnesses. See Witness Anonymity Investigatory Orders and Witness Anonymity Orders.

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

The Witness Protection Program, Video and Web Conferencing including ability to give evidence without identity being revealed have been introduced.

- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The Bahamas deems this a very important recommendation and have made a number of legislative amendments which allows for the safety of witnesses while they give evidence.

17. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The Office of the Attorney General, The Royal Bahamas Police Force, Social Services, The Crisis Centre.

Measure c):

Provide appropriate training to officials and employees concerning the requirement to report acts of corruption and the protections for those who report.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{18/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

Due to the fact that the majority of the public service is made up of the general public, there are many public appeals made via the media which call upon them to report acts of corruption to the various agencies. Acts of corruption involving Police Officers, are reported to the Police Corruption Unit. Also Crime Tipsters program

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

None

18. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

- D) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question

None

- E) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The Office of the Attorney Office, The Department of Public Service, The Royal Bahamas Police Force, other Government agencies, civic and religious organizations

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

RECOMMENDATION:

Strengthen the systems for registration of income, assets, and liabilities.

Measure a):

Establish a method whereby, within a specific time period before or immediately after being appointed as a Senator or to a senior post listed under the Public Disclosure Act Application to Public Appointees and Public Officers) Notice, a person be required to make a declaration of their assets, liabilities and income as well as those of their spouse and children. Such declarations should then be used to help identify potential conflicts of interest and suggest measures to be taken by the person to avoid those conflicts as well as help identify other violations of law.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{19/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: [The Bahamas has already satisfied this provision as it is provided under the Public Disclosure Act. The relevant oversight body is the Public Disclosure Commission.](#)

19. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [See Section 9\(1\) of the Public Disclosure Act \(Application to Public Appointees and Public Officers\) Notice.](#)
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question;

Lack of political will

- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [The Public Disclosure Commission is the sole body that has oversight. When the Public Disclosure Commission has difficulty in enforcing disclosure, the matter can be referred to the Prime Minister or the Leader of the Opposition for non-declaring Members of The House of Assembly and Senators. The issue of other non-declaring Senior Government Officials, ARE referred to the Governor General, and the Attorney General.](#)

Measure b):

Consider making declarations made by those appointed to senior posts accessible to the public, when appropriate.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{20/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: [The Bahamas has already satisfied this Provision: Section 9\(1\) of the Public Disclosure Act \(Application to Public Appointees and Public Officers\) Notice.](#)
- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly

* Please provide copies of them or indicate the internet address where they may be accessed.

20. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [See above](#).

- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [Lack of enforcement and lack of resources](#).
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [Public Disclosure Commission and the Office of the Attorney General](#).

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

RECOMMENDATION 3.1.:

Strengthen the system for monitoring implementation of the provisions of Article III, paragraphs 1, 2, and 4.

Measure a):

Establish oversight bodies for those offices that currently do not fall under the purview of any controls.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{21/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: [All of our oversight bodies have controls; and are thereby accountable](#).

* Please provide copies of them or indicate the internet address where they may be accessed.

21. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [N/A](#)
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [Enforcement](#).
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [All agencies play a role](#).

Measure b):

Consider establishing an oversight body in the Code of Ethics for Ministers and Parliamentary Secretaries to oversee their conduct.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{22/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: [Outside of the Public Disclosure Commission, there is no oversight body in the Code of Ethics for Ministers and Parliamentary Secretaries](#).
- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [N/A](#)

* Please provide copies of them or indicate the internet address where they may be accessed.

22. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [No legislation currently in place, save for the Public Disclosure Act.](#)
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [N/A](#)

RECOMMENDATION 3.2:

Establish a body, or provide additional authority to an existing body or bodies, in order to ensure appropriate monitoring of the mechanisms recommended in section 4, below (Article III, paragraph 11).

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{23/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: [Quarterly meetingS between elected members of the Bahamas Civil Society \(Private organisations, BASH, Small Business owners, Non-Governmental Organisations, the L.E.A.D Institute, etc.\) and the Office of the Attorney General.](#)
- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [Civil Society is currently working on draft legislation which to be submitted to the Office of The Attorney General.](#)
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [Draft in discussion.](#)

23. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [The Office of The Attorney General](#)

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

4.1. General participation mechanisms

RECOMMENDATION:

Develop additional systems of transparent procedures that allow nongovernmental organizations and civil society to participate more effectively in efforts to prevent corruption.

With respect to the foregoing recommendation, provide the following information:

A) Please briefly describe the specific actions^{24/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

Current efforts of the Civil Society Bahamas are aimed at the enactment of legislation to recognize, regulate and strengthen civil society organizations. The primary objective is to not only ensure full and effective participation of civil society organizations in national governance, but also to make certain that their sustainability is ensured and only the best practices are supported through financial assistance for appropriately registered organizations.

Therefore, through its participation on national committees to influence national policy and government's accountability, Civil Society Bahamas is positioning itself as central spokesperson for national contribution at all levels of the society, in government, education, Industry and International Relations. This contribution and commitment to state accountability will be patently exhibited and will permit the voice of Civil Society Organizations to be meaningfully heard at all sectors of the society. The present participation of Civil Society Organizations in national treaty commitment exercises, such as the Inter American Convention against corruption through consultation, well serves this objective"

24. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

Further, the establishment of a national task force is an excellent idea for community feedback in relation to the Inter American Convention against corruption and other treaties.

- D) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

Legislation currently being considered

- E) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

None

- F) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The Office of the Attorney General.

4.2. Mechanisms for access to information

RECOMMENDATION 4.2.1:

Establish an enforceable freedom of information or access to government information system.

Measure a):

Establish clear written standards as to the types of information that will be provided under the system.

With respect to the foregoing measure, provide the following information:

* Please provide copies of them or indicate the internet address where they may be accessed.

- A) Please briefly describe the specific actions^{25/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

Since The Bahamas's last review a draft Freedom of Information Act was introduced into Parliament the same was distributed to various members of civil society for their commentary and consultation.

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

The Freedom of Information Act was passed in 2011 however it has not been brought into force

- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The implementation of The Freedom of Information Act's will require additional training for public officers and a staggered approach to bringing all of the various provisions into effect.

- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The Office of the Attorney General (Legal Drafting Section)

Measure b):

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.

25. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{26/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The Government of the Bahamas recognizes this right of all citizens and is the process of consultation with Civil Society, Business and Religious institutions on the implementation of The Freedom of Information Act.

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: N/A
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: The major difficulty is that the Act has not yet been brought into force.
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: N/A

RECOMMENDATION 4.2.2:

Establish a requirement that all government entities, to the extent practicable publicize their procedures and other relevant information through the use of such communication methods as publications, dissemination centers, mass media and Internet web sites.

With respect to the foregoing measure, provide the following information:

26. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

- A) Please briefly describe the specific actions^{27/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The Government of The Bahamas has an official website at www.bahamas.gov.bs. The Government has sought to embrace technology by introducing e-government Transactions may be conducted online.. i.e submission of passport applications, obtaining of police records, search of deeds and documents of the Registrar General, renewal of driver's licence

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

The establishment of a website by the Office of The Attorney General www.bahamas.gov.bs/attorneygeneral

The website contains information regarding the Attorney General's constitutional authority, the present ministerial portfolio, and the work of the Office of Attorney General, including the Departments of Legal Affairs and Public Prosecutions respectively. There is also information about the function of Notaries Public and Justices of the Peace for which the Attorney General has ministerial responsibility. It also records the legislative agenda and states which Bills are currently before Parliament

Students will find the list of Attorneys General past and present useful for their civics class. Law students will benefit from information as to the functions of different parts of the Office of the Attorney General. Practitioners will find it a convenient place to see what legislative bills are expected to be brought to Parliament, those that are currently before Parliament, and be able to connect directly to the Laws Online to access the Statute Laws of The Bahamas.

The public is abreast of legal developments not otherwise addressed by the Court of Appeal or Supreme Court.

- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

27. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

The only difficulty is that most transactions are not completed in real time however this challenge is being addressed as most applications placed on line are completed within 24-48 hours.

- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [Department of Information Technology prompts Government agencies to submit information for the Bahamas Government Official website.](#)

4.3. Mechanisms for consultation

RECOMMENDATION 4.3.1:

Establish consultation mechanisms to enable civil society and non-governmental organizations to provide opinions and proposals to be taken into account in preventing, detecting, investigating and punishing corruption.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{28/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: [There are only ad hoc information consultation mechanisms in place.](#)
- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [N/A](#)
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [There are currently no formal consultative mechanisms; however, ad hoc mechanism are in place .](#)

28. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [N/A](#)

RECOMMENDATION 4.3.2:

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.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{29/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: [Bahamas Information Services publishes the results of the consultations.](#)
- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [N/A](#)
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [The consultation is informal.](#)
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [Bahamas Information Services.](#)

29. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

4.4. Mechanisms to encourage participation in public administration

RECOMMENDATION:

Establish mechanisms to encourage civil society and nongovernmental organizations to participate in public administration.

Measure a):

Establish mechanisms to encourage civil society and nongovernmental organizations to participate in efforts to prevent corruption.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{30/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

[The Government of The Bahamas consults civil society on issues of national importance in the form of Town Hall meetings .The feedback provided is utilized in crafting legislation and policy.](#)

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [It has been determined that the Government consults with Civil Society and NGO's quarterly.](#)
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [N/A](#)
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web

30. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [N/A](#)

Measure b):

Promote public awareness of available corruption prevention mechanisms.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{31/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: [Advertisements, Town Hall Meetings, media, Government websites, Seminars, Training Sessions, Newspapers, Bahamas Laws On-Line, Radio/ Television.](#)
- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [Social Media](#)
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [None](#)
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [Bahamas Information Services, Office of the Attorney General, Registrar General's Department, Customs Department, Immigration Department, Royal Bahamas Police Force, etc.](#)

4.5. Mechanisms for participation in the follow up of public administration

RECOMMENDATION:

31. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

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

Measure a):

Promote methods, where appropriate, to allow, facilitate, and assist civil society and nongovernmental organizations in developing activities in the follow up of public administration and prevent corruption.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{32/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: [Town Hall meetings Civil society is encouraged to develop follow up mechanisms for proper public administration and the prevention of corruption.](#)
- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [N/A](#)
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [None.](#)
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [Office of the Attorney General](#)

Measure b):

32. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

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

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{33/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: [Consultation with Civil Society, Business and Religious Organizations, the General Public on proposed constitutional referendum](#)
- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [N/A](#)
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [N/A](#)
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [Constitutional Commission, Office of the Attorney General, Bahamas Information Services, URCA, etc.](#)

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

Recommendation 5.1.1:

Design and implement a comprehensive program for informing and training 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 Bahamas.

33. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{34/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The Attorney General is designated as the Competent Authority to whom requests for legal assistance of this nature should be sent. When a request is presented in accordance with the provisions of a Treaty, to the Attorney-General, by a foreign state, the Attorney-General deals with that request in such a way, as to discharge the obligations of Government of The Bahamas under the relevant Treaty.

- (a) In the United States the Attorney-General is designated as the Central Authority from whom requests should emanate;
- (b) In Canada the Minister of Justice or officials designated by him are designated as the Central Authority from whom requests should emanate; and
- (c) In the United Kingdom the Home Office is designated as the Central Authority from whom requests should emanate.

All Requests for assistance should be sent to:

**The Director of Legal Affairs
Office of The Attorney-General and Legal Affairs
#18 John F. Kennedy Drive
P.O. Box N-3007
Nassau, N. P.,
The Bahamas

Ph: (242) 502-0400
Fax: (242) 322-2255; or
(242) 356-4179
email: attgendf@batelnet.bs**

Vetting Requests for Assistance covered by the MLA(CM)A

When the Attorney-General receives a Letter of Request, it is given to a legal officer, who checks the request to ensure that it complies with the provisions of the Act.

The requesting Authority should provide The Attorney-General with:

- (i) A factual history of the proceedings/investigation commenced against the subject of the request;
- (ii) A detailed definition of the Law of the Requesting Country upon which the request is based;
- (iii) In the case of a request for the production of bank documents – the name and address of the relevant banking institution and/or the account name and number;

34. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

- (iv) In the case of a request for the production of documents – a detailed list of the documents required;
- (v) In the case of a request for interviews/depositions – questions should be submitted for **each** individual that needs to be interviewed; and
(In compliance with Rules 39 and 65 of The Rules of The Supreme Court of The Commonwealth of The Bahamas).
- (vi) If possible, supporting documentation, i.e. exhibits etc., which provide a sufficient connection between the subject of the request and the alleged offence(s)

If any part of the above-mentioned information has not been supplied by the requesting Authority, the legal officer dealing with the Request will write to the Authority to inform them of the same, and the missing information will be requested.

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [The Anti-Terrorism \(Amendment\) Act, 2014 & Prevention of Bribery \(Amendment\) Act, 2014](#)
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [None](#).
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [Office of the Attorney General, Judiciary, Royal Bahamas Police Force, Financial Intelligence Unit, Ministry of Finance, etc.](#)

Recommendation 5.1.2:

Disseminate to the competent authorities of those countries with which The Bahamas maintains close or ongoing mutual cooperation relations, the requirements which must be fulfilled in preparing petitions, as well as the documentation that should be attached.

With respect to the foregoing recommendation, provide the following information:

* Please provide copies of them or indicate the internet address where they may be accessed.

- A) Please briefly describe the specific actions^{35/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: [The Bahamas has published a procedures manual on the OAS website, and The Bahamas Government website, in relation to international procedures for assistance.](#)

[The International Legal Cooperation Unit of the Office of the Attorney General has been established to deal with all international requests.](#)

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [Anti-Terrorism \(Amendment\) Act, 2014 & Prevention of Bribery \(Amendment\) Act, 2014: - now specifically speaks to bribery of foreign officials.](#)
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [Language barrier.](#)
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [Office of the Attorney General, Registrar General, FUI, RBPF, Judiciary, etc.](#)

Recommendation 5.2.1:

Review comprehensively the specific areas in which The Bahamas 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 Bahamas 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.

35. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{36/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: [The Bahamas has a number of agreements with non-Treaty parties by which means they are approached.](#)
- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [The agreement with non-Treaty parties are under a continuing review to ascertain necessary improvements.](#)
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [None.](#)
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [Office of the Attorney General.](#)

Recommendation 5.2.2:

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.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{37/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

36. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

37. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

Attendance at and participation in various meetings, forums, seminars (i.e. MESICIC/OAS, CFATF, UNAC, etc.)

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [N/A](#)
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [N/A](#)
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [Office of the Attorney General, RBPF, FIU](#)

6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)

Recommendation 6.1:

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

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{38/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The Government of The Bahamas since July 2000 established within the Office of The Attorney-General the International Legal Cooperation Unit. The ILCU has a complement of six (6) legal officers, and three (3) administrative assistants. Other legal officers within the Office of the Attorney General assist whenever the need arises. Information regarding the submission of requests for legal assistance is available on The Bahamas Government website

* Please provide copies of them or indicate the internet address where they may be accessed.

38. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

www.bahamas.gov.bs/attorneygeneral. This Unit is charged with the duty of dealing with all requests for legal assistance, which are sent from foreign jurisdictions.

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

Under the Criminal Justice (International Cooperation) Act, 2000 CJ(IC)A the Attorney-General is designated as the relevant authority to receive requests, which emanate from a court or tribunal exercising criminal jurisdiction in a country outside The Bahamas, or a prosecuting authority, or any other authority, which appears to him to have the function of making requests of this nature.

The Court/Tribunal/Authority should ensure that an offence under the law of its country has been committed or that there are reasonable grounds for suspecting that an offence has been committed. The Court/Tribunal/Authority must also show that proceedings in respect of that offence have been instituted in its country, or that an investigation has been initiated.

- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [None](#).
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [Office of the Attorney General](#).

Recommendation 6.2:

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

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{39/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for

* Please provide copies of them or indicate the internet address where they may be accessed.

39. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: [The Bahamas channels requests for cooperation on mutual legal assistance through diplomatic note.](#)

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [N/A](#)
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [N/A](#)
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [Ministry of Foreign Affairs \(acceptance\) and Office of the Attorney General or Judiciary \(action\)](#)

7. GENERAL RECOMMENDATIONS

Recommendation 7.1:

Encourage ongoing review and enhancement of provisions regulating public officials and employees, and adapt them, as appropriate, to prevent and punish improper conduct of public officials and employees, at all levels, as well as to establish clear obligations in the performance of their duties.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{40/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: [The](#)

* Please provide copies of them or indicate the internet address where they may be accessed.

40. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

Department of Public Service is the agency that issues provisions, which are called General Orders and the Public Service Regulations, which are continually under review. These Orders and Regulations are used to regulate public officials and employees conduct and establish clear obligations in the performance of their duties.

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [No new information or developments.](#)
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [No difficulties.](#)
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [Ministry of Public Service.](#)

Recommendation 7.2:

Develop procedures to ensure that public officials and employees receive the training they need to effectively carry out their duties.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{41/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: [The Department of Public Service publishes opportunities for training and solicits participation therein.](#)
- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or

* Please provide copies of them or indicate the internet address where they may be accessed.

41. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [Advertising is ongoing by circular, media, newspaper advertisements, and through the Government website.](#)

[The services of the National Training Agency are available to the public.](#)

- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [None.](#)
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [Ministry of Public Service.](#)

Recommendation 7.3:

Select, develop, and report to the Technical Secretariat of the Committee, procedures and indicators that make it possible to monitor the recommendations established in this report.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{42/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: [Responding to regular requests for information on the implementation of the Convention; as well as answering questionnaires.](#)
- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: [None, save as indicated in this report.](#)

42. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: [None](#).
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: [Office of the Attorney General](#)

ANNEX II

STANDARD FORMAT SUGGESTED AS A GUIDELINE FOR PRESENTATION OF INFORMATION ON BEST PRACTICES^{43/}

1. The name of the institution that is implementing the best practice: _____

2. Title: The name of the best practice or the action it entails and the topic it covers (i.e., prevention of conflicts of interests): _____

3. Best practice description: A short description and summary of the best practice should be provided and explanation and as to why it should be considered a best practice: _____

4. Reasons/Importance: Reasons for the development of the best practice should be given. A description should be made of the situation in place before the adoption of the best practice and identification of the problem or problems it is to address: _____

5. Approach: What was the proposed design and methodology for applying the best practice? What was considered in its design and methodology? Were other countries experience taken into account: _____

6. Implementation: How is the best practice being implemented? _____

7. Challenges: What are the challenges in implementing the best practice? Were civil society organizations involved in its implementation? _____

8. Outcome: What is the end result or expected end result of implementing the best practice? Have benefits and/or success stories been identified? Have they addressed the problems originally identified as necessitating a best practice to be implemented? What has its impact on civil society been? _____

43. The questions set out on this form are intended to guide the States regarding the information they may furnish on best practices, if they so wish, and to be responded as deemed appropriate.

9. Follow-Up: Who or what groups will monitor the practice's implementation? How will its implementation be monitored? Will there be progress reports? _____

10. Lessons: What are some lessons in implementing the Best Practice? _____

11. Documentation: Where to find more information on the Best Practice (i.e., internet links) _____

12. Contact: Who to contact to receive further information. _____
