

TRINIDAD AND TOBAGO

The Republic of Trinidad and Tobago ratified the Inter-American Convention against Corruption in April 1998 and by so doing signaled to the International community its commitment to dealing with the menace of corruption and its intention to adopt the necessary legislative and other measures to fulfill both the letter and the spirit of the instrument.

The two main principal pieces of anti-corruption legislation presently in force in Trinidad and Tobago are the Prevention of Corruption Act 1987 and the Integrity in Public Life Act 2000.

The Prevention of Corruption Act 1987 provides a sound legislative foundation for the prevention of corruption. The Act casts a wide net. Not only do public servants and local authority fall within its ambit but also it captures members of Cabinet, Members of Parliament, the Tobago House of Assembly, State Enterprises and any person acting on their behalf.

The Integrity in Public Life Act 2000 creates a more powerful Integrity Commission and an enforceable legislative Code of Conduct for public officers. Moreover, the Commission is now required to prepare a Register of Interest, which would be open to public scrutiny in order to detect conflict of interest situations. Persons in public life are required by the Act to file a declaration, which includes particulars of the income, assets and liabilities of himself, his spouse and his dependents.

To implement the obligation is the Inter-American Convention against Corruption and cover the obligation not already provided for in legislation, a Prevention of Corruption (Amendment) Bill was drafted. The principal feature of this Bill is:

- i. The establishment of an Anti-Corruption Commission empowered to receive and investigate allegation of corruption under the Act – Article III (9) of the Convention.
- ii. The introduction of the offence of “Illicit Enrichment” – Article IX of the Convention.
- iii. Providing protection to ‘whistleblowers’ Article III (8) of the Convention.
- iv. Allowing for the freezing, seizure and confiscation of corruptly gained assets under the Proceeds of Crime Act – Article XV of the Convention.
- v. The introduction of the offense of concealing a bribe or the proceeds of corruption – Article VI of the Convention.
- vi. Extending the Act to include private bodies performing public functions.
- vii. The introduction of the offence of “Bribing Foreign Officials”- Article VIII of the Convention.

The Bill was introduced in Parliament in 2000 but lapsed when Parliament was dissolved before the 2000 General Election. It was re-introduced into Parliament but again lapsed when the 2001 General Election was called. The Bill will be re-introduced into Parliament as soon, as is practicable.