



National Anti-Corruption System in Grenada

*Presented by
Chairman of the Integrity Commission-Grenada
Lady A. Anande Trotman-Joseph*



4th Gathering of the ParlAmericas
Open Parliament Network
Beyond the Walls of Parliament:
“Strengthening Parliamentary Oversight”
Quito, Ecuador | March 12-14, 2019



PRESENTATION OVERVIEW

- Case Study of Key aspects of Grenada's public integrity regime
- Important provisions within the law to regulate this issue
- Good practices, policies or procedures that have been deemed effective to strengthen public integrity in government
 - Opportunities for parliamentary collaboration with civil society to support the effective implementation of relevant laws
 - Recommendations for parliament



HOW IT ALL BEGAN FOR GRENADA...

GRENADA RATIFIED AND ACCEDED TO THE FOLLOWING CONVENTIONS:



**INTER-AMERICAN CONVENTION
AGAINST CORRUPTION , RATIFIED IN 2002**



UNODC

United Nations Office on Drugs and Crime

**UNITED NATIONS CONVENTION
AGAINST CORRUPTION ,
ACCEDED IN 2015**



PURPOSES OF THE CONVENTIONS

OAS Inter-American Convention Against Corruption

- To promote and strengthen the development by each of the States Parties of the mechanisms needed to prevent, detect, punish and eradicate corruption.
- Oversight mechanism for treaty implementation: **"MESICIC"**.

United Nations Convention Against Corruption

- The global treaty to which United Nations' member states subscribe global framework, to harmonize anti-corruption efforts worldwide.
- Oversight mechanism for treaty implementation: **"UNODC"**.



CORE LEGISLATION



The main Acts below give a broad mandate to the Commission to enshrine integrity and anti-corruption systems in Grenada.

- Integrity in Public Life Act No. 14 of 2007: *repealed and replaced by* The Integrity in Public Life Act No. 24 of 2013(the Act).
- The Prevention of Corruption Act. No.15 of 2007 *(as amended. Revised Laws of Grenada- Chapter 252A)*



THE BOARD OF THE COMMISSION

Oversight is by a seven person Commission, appointed by the Governor-General as follows–

- Chairperson,
- Certified accountant;
- Attorney-at-law;
- One person, on the recommendation of the Prime Minister;
- One person, on the recommendation of the Leader of the Opposition; and
- Two persons nominated by the Council of Churches and Alliance of Evangelical Churches



INDEPENDENCE OF THE COMMISSION

The Act mandates the independence of the Commission:


“In the exercise of its functions under this Act, the Commission shall **not** be subject to the direction or control of any person or authority;”





KEY ASPECT: ASSET DECLARATIONS

OFFICE OF THE INTEGRITY COMMISSION
P.O. Box 90
Archibald Avenue
St. George's
Phone (473) 439-9212; 934-9190 Tels (473) 439-9211
Email: office@integritycommission.org



Mr. John Doe
Prisons Officer
Her Majesty's Prisons
Archibald Avenue
ST. GEORGE'S

NOTICE
Integrity in Public Life Act No. 24 of 2013

Please be advised that security measures are in place for the receipt of declarations under the Act.

Pursuant to Section 28(1) of the Act, the Commission requires you to make financial disclosure by filing a declaration of your assets, liabilities and income as at January 1st 2016 - August 31st 2017, on the under mentioned date and time:-

- October 18th is the date fixed for members of the Senior Manager's Board and Senior Administrative Officers, at 2.15pm.


The Commission requires you to complete the enclosed Declaration Form and return it with any relevant documentation to the Commission, at the Integrity Commission's Office at the above stated address. Please ensure that all relevant documents are signed and dated, and certified bank statements are provided. Instructions for the completion of the Form are also enclosed.

Section 28 (4) of the Act reads:-

- "Where a person in Public Life, fails to file a declaration in accordance with this section or without reasonable cause fails to furnish particulars in accordance with section 34, the Commission shall publish such fact in the Gazette and at least one weekly newspaper in circulation in Grenada."

Section 28 (5) of the Act, (amended by Act No.5 of 2015) now reads:-

- "The Commission, may at any time, after the publication made pursuant to subsection (4), make an ex parte application to the court for an order directing the person in public life to comply with the provisions of the Act and the Court may, in addition to making such an order, impose such conditions as it thinks fit"

Dated August 21, 2017

Lady Avril Ananda Trotman-Joseph
CHAIRMAN

ENCL

2013 Integrity in Public Life Act 24 343

THIRD SCHEDULE
FORM I
(Section 28)

Declaration of Assets, Liabilities and Income

Declaration of assets and liabilities at
(Declaration Date)

and of income for the period of twelve months (or other period where appropriate) ending on that date.

Note.—

- (a) Where any property is held by the declarant, declarant's spouse or the declarant's child or children in trust for any other person, this should be indicated by a note to that effect.
- (b) The declaration date should be the date at which pursuant to section 29 the declaration is to be made.
- (c) Where the space in this Form is inadequate a separate sheet of paper may be used and signed by the declarant.

Name of Declarant:	Address of Declarant:
Name of Declarant's Spouse:	Address of Declarant's Spouse:
Maiden Name (of Spouse):	

PARTICULARS OF DECLARANT'S CHILDREN

Name	Date of Birth	Address

.....
Date Signature of Declarant

OFFICE OF THE INTEGRITY COMMISSION
INSTRUCTIONS FOR DECLARATION OF ASSETS, LIABILITIES AND INCOME FORM

Section 28 (1) (2) of the Integrity in Public Life Act Number 24 of 2013 requires persons in public life, listed in the First Schedule, to file a declaration with the Integrity Commission disclosing their assets, liabilities and income and interest in relation to property.

Section 46 (1) Any person who fails without reasonable cause to furnish to the Commission a declaration or further particulars and knowingly makes a declaration which is false, commits an offence, and is liable, on conviction on indictment, to a fine not exceeding two hundred thousand dollars (EC\$200,000.000) or to a term of imprisonment not exceeding five (5) years.

GENERAL INSTRUCTIONS
To ensure you complete this form fully and accurately for Assets, Liabilities, Income and Interest in relation to property (locally or abroad), held by you, your spouse and child, it is necessary that you carefully read ALL instructions. You are responsible for providing all information requested by each question and supporting documents where required.

You must answer each question completely, in block capitals, in ink (blue/black). If a question does not apply to you, please write "none" across the response area provided.

If you need more space to answer a question, a separate sheet of paper may be added. Additional sheet(s) must be signed and dated by the declarant. The separate sheet(s) of paper should have the same headings, as the section of the declaration form, which it relates to.

Each page must be signed by the declarant and the last page signed in the presence of a Magistrate/Registrar/Justice of the Peace/Notary Public/any other person empowered to take oaths in accordance with the laws of Grenada (form must be filled and signed in ink).

DEFINITIONS
"Spouse" in relation to a person in public life, means a person to whom the person in public life is -
(a) married; or
(b) co-habiting with for a continuous period of five years, during the period in which a declaration is required to be filed, but does not include a person with whom the person in public life has made a separation agreement, or whose support obligations and family property have been dealt with by an order of the Court.

"Child" has the meaning assigned to it under the Domestic Violence Act Cap 84, which reads -
"Child" means a person under the age of eighteen years who is -
(a) A child of both parties to a marriage;
(b) A child, whether or not a child of either party to a marriage, who is or has been living in the household in the same household;
(c) A child of a man and woman who, although not married to each other, are living or have lived together in the same household;
(d) A child, whether or not a child of the man and woman referred to in paragraph (c) or either of them -
I. Who is or has been a member of their household
II. Who resides in the household on a regular basis, or
III. Of whom either the man or woman is a guardian;



FILING OF DECLARATIONS

The Act lists **33 categories** of person requires the filing of declarations. The filing of declarations aligns with Article 5 (2) of the UNCAC. To date, the Commission have received a total of **663** Declarations.

Declarations were filed with the Commission, commencing 2014 from the following groups:

- Parliamentarians who were the first to file;
- Custom Officers
- Police Officers
- Prison Officers
- Public officers from Ministries and Departments etc.



KEY ASPECT: COMPLIANCE PROCESS

At the conclusion of the declaration process, all declarations undergo a Compliance Process.

Compliance includes the following:

- Checks for completeness and accuracy
- Conflict of interest
 - Authenticity of supporting documents
 - Consistency of information provided



KEY ASPECT: INVESTIGATION

As part of our mandate the Commission can conduct investigations based on (*but not limited to*):

- Complaints received from members of the public and in private;
- Information received from Stakeholder Groups
 - Information received from other Public Officers
 - Information garnered from the media following Commission's analysis



KEY ASPECT: PUBLIC EDUCATION & OUTREACH



MASCOT COMPETITION



from the merger of LIMB and FLOW.

This writer is wary of most things being done within our banking industry in the name of bringing benefits to our people and economies.

Brian M. Francis (Ph.D.)
Senior Lecturer
Department of Economics
University of the West Indies
Cave Hill Campus, P.O. Box 64
Bridgetown, Barbados
Email: brian.francois@cavehill.uwi.edu
Telephone Work: (246) 417-4278/4279
Fax Work: (246) 438-9104

Office of the integrity commission

The Commission is established by the Integrity in Public Life Act No. 24 of 2013.

Make up of the Commission

7 members make up the Commission.

Members of the Commission

- Chairperson and retired Judge, Justice Dame Monica Joseph
- Member and representative of the Prime Minister, Mrs Avril Amande Trotman-Joseph
- Member and Chartered Accountant, Mr Rupert Agostini
- Member and representative, Mr Robert Robinson
- Member and Attorney-at-Law of at least 7 years standing, Mrs Daniela Williams Mitchell
- Member and representative of faith based organizations - Conference of Churches, Mrs Oforiwa Augustine
- Member and representative of faith based organizations - Evangelical Churches, Mr Bertie Hill

Functions of the Commission

Some of the primary functions of the Commission are to: receive and examine declarations of the assets, liabilities, income and interest in relation to property of persons in public life, to give effect to the provisions of the Inter-American Convention Against Corruption (to which Grenada is a signatory), receive and investigate complaints under the provisions of the Prevention of Corruption Act No. 15 of 2007; Investigate the conduct of any person falling under the purview of the Commission and carry out public education.

WARMACKLE AUGUST 2016 09



<https://www.youtube.com/watch?v=ruayHxUoIFw> “Integrity Commission Declaration Form”

facebook

Office of the Integrity
Commission of
Grenada



CUSTOMS OFFICERS TRAINING



BEST PRACTICE: CODE OF CONDUCT

The Act provides for the first time in Grenada's history, a Code of Conduct for Public Officials, which includes:

- Conflict of Interest
- Incompatible Outside Interests
- Political or Public Activity
- Reaction to Improper Offers
- Susceptibility to Influence by Others
- Information held by Public Boards



BEST PRACTICE: CONFLICT OF INTEREST

Within the Commission, there is a system in place which addresses the Integrity of all Commissioners and Staff.

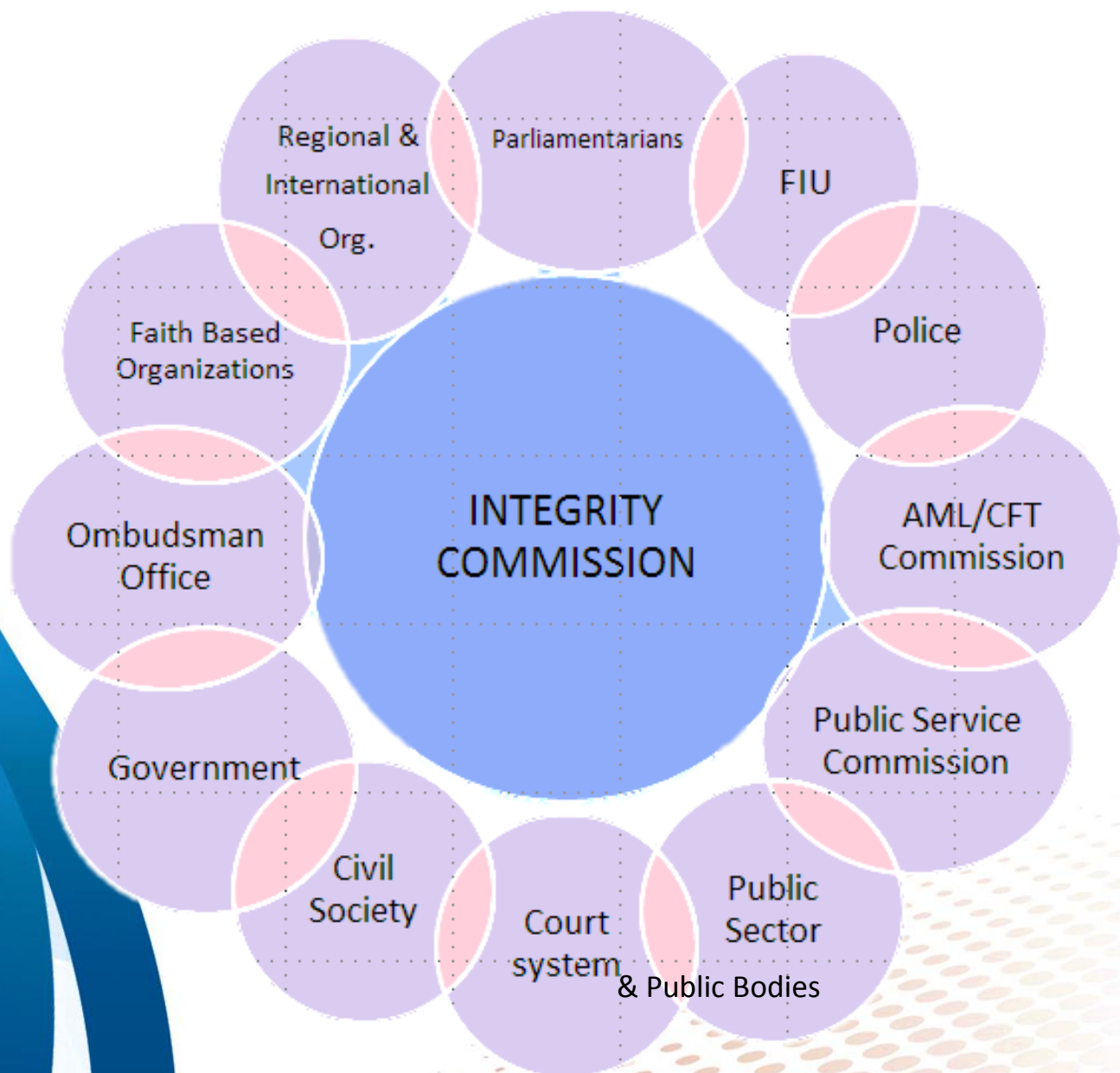
Whenever there is a perceived or real conflict both Commissioners and Staff shall:

- Declare the Conflict and/or
- Recuse themselves





STAKEHOLDERS ENGAGEMENT





BEST PRACTICE: ROUND TABLE MECHANISM

A system that was introduced, where our stakeholders can monitor the impact of Anti-Corruption Programmes and Activities aimed at sensitizing persons about corruption and the structures that they can introduced to monitor the anti-corruption initiatives and its effectiveness.





BEST PRACTICE: CHAIN OF CUSTODY

Noting of the physical movement and location of a declaration from the time of receipt to the time it is presented as evidence in Court.

- Following the Declaration Process, all declarations received on that day are recorded and secured.
- Retrieving a declaration from its secured location requires two officers. At all times such activities are recorded.
- **Confidentiality** - The Act highlights confidentiality: “All declarations filed with the Commission and the records of the Commission in respect of these declarations are secret and confidential.





BEST PRACTICE: GIFT REGISTRY

All Public Officials in accordance with the Prevention of Corruption and the Integrity in Public Life Acts shall not accept gifts or gratification, if gifts or gratification are accepted, the officer is required to disclose that gift to the Commission, who determines whether the gift is a personal gift or a state gift.





BEST PRACTICE: TRAINING & DEVELOPMENT

- Singapore's Anti-Corruption Strategies: Singapore , 2011 & 2017
- National Risk Assessment, World Bank & FIU: Grenada, 2017
 - Financial Analysis Techniques: Grenada, 2016
 - Regional Training for Focal Points and Governmental Experts: Panama, 2016
 - Anti-Corruption and Good Governance Workshop: Grenada, 2015- 2019 -:*Sessions held with Key Stakeholders, including closed Session with Members of Cabinet, parliamentarians, public officers, political parties, churches and and civil society.*
 - (CCAICACB), 2015 and continuous



RECOMMENDATIONS FOR IMPLEMENTATION





RECOMMENDATIONS FOR IMPLEMENTATION **continued..**

- **Political will** across the parliamentary divide enables the implementation of effective integrity and anti-corruption regimes.

Implementation requires an understanding on how regional and global corruption dynamics impact modern societies and economies.

- **Leadership:** Political and public sector leadership is required for the implementation of national anti corruption systems, across the Latin American and Caribbean region.



RECOMMENDATIONS FOR IMPLEMENTATION **continued..**

- **Policy frame works:** Comprehensive and intersecting national policies, require a paradigm shift to focus on the prevention of corruption and the entrenchment of integrity principles in public life (*Codes of Conduct, Risk Management, Conflict of Interest Management Protocols, Procurement and Disposal Practices*).
- **Legislative agendas:** Strong national commitments to good governance and the prevention of corruption which are responsive to society . Both national policies and legislation should have regard to ensuring the legislating of Codes of Conduct for all public officials.



RECOMMENDATIONS FOR IMPLEMENTATION **continued..**

- **National strategies** should be comprehensive and inclusive. Key stakeholders should no longer operate in silos, but work together to manage corruption, enshrine integrity and risk management principles in public life.
- **Budgets:** Parliaments should approve budgets which allow the Commissions to be independent rather than dependent.



RECOMMENDATIONS FOR IMPLEMENTATION **continued..**

- **Training and Development** should be undertaken by all tiers of the public sector so that there is” buy in” for the implementation of integrity and anti corruption systems.
- **Public Education** should be used as a way to educate all persons in public and civic life, including children. This will create a culture of integrity and good governance.
- **Parliamentary Oversight Committees** should be appointed with reference to anti-corruption and integrity issues in societies. Also to ensure passage of relevant legislation.



RECOMMENDATIONS FOR IMPLEMENTATION **continued..**

- Ensure transparency in tendering and procurement process through legislation and policies.
- Ensure good fiscal and organizational management of public sector Ministries, Departments and public funded bodies through enhanced legislation.
- Adopt a National Risk Management strategy.
- **Political , Parliamentary and Public Sector Champions** should be appointed for implementation.



THANK YOU!