

Guyana's Anti-Corruption Preventive Measures reference para # 1- #22 of the UNGASS Political Declaration.

114. Guyana is a signatory to the Inter-American Convention against Corruption and the United Nations Convention against Corruption and has adopted the Lima Commitment of April 14, 2018 and the United Nations General Assembly's Political Declaration on Corruption, in November 2021.

115. Guyana is committed to enhancing and strengthening its anti- corruption framework and its regulatory and oversight bodies to prevent and expose acts of corruption as outlined in paragraphs # 1 to # 22 of the UNGASS Political Declaration.

116. Recognizing the challenges and difficulties of small developing countries with limited human, technical, technological, and financial resources, Guyana has established a number of innovations to enhance the coordination, management, monitoring and follow up of commitments made to these treaties and declarations.

117. The establishment of the Ministry of Parliamentary Affair and Governance in September 2020, following the General and Regional Elections in 2020, is an indication of the new Government's commitment to building democratic governance and progressively strengthening its international treaty commitments. One of the mandates of the new Ministry is to coordinate, monitor and follow up on its treaty obligations on human rights and anti-corruption.

118. The four (4) pillars of this Ministry match those of the Government- inclusion, participation, transparency, and accountability- which also stated in para # 6 of the UNGASS Political Declaration.

119. Guyana has appointed the Minister of Ministry of Parliamentary Affairs & Governance, the Hon. Gail Teixeira, as its Expert on the MESICIC, the body that monitors the implementation of the Inter-American Convention against Corruption of states which ratified the Convention. Guyana is up to date with its reporting responsibilities and will be reviewed in the sixth-round review in 2023.

120. With regard to the Lima Commitment, Guyana has been a participant in the drafting of the Proposed Indicators of the MESICIC to Prevent, Detect and Eradicate Impunity for Acts of Corruption regarding Results of their Investigation, Prosecution, Adjudication, and Sentencing as part of the implementation of the Lima Commitment.

121. Recognising the difficulties experienced by small developing states, with regards to small populations, and limited technical, financial, and physical resources, particularly for emerging small state democracies, the Ministry of Parliamentary Affairs and Governance established a national monitoring and follow-up mechanism with regards to its anti-corruption framework and treaty obligations.

122. The National Coordinating Committee (NCC) for the United Nations Convention against Corruption and the Inter -American Convention against Corruption, chaired by the Minister of Parliamentary Affairs & Governance, was created in June 2021, with the objectives of encouraging greater inclusiveness and participation in the reporting process, of ensuring that the regulatory and oversight bodies are trained and competent with regards to their responsibilities under the constitution and the law, to monitor and bring to Cabinet the progress and deficiencies in its anti-corruption measures and reporting to the international treaty bodies, and with increasing greater awareness and coordination to develop consistent quality in the state party reporting submissions and monitoring of implementation of recommendations.

123. The NCC is comprised of the following agencies: the Ministry of Parliamentary Affairs and Governance, the Attorney General's Office and the Ministry of Legal Affairs, the Guyana Revenue Authority (GRA), the Public/Police Service Commission, the Ministry of Public Service, the National Procurement and Tender Administration Board (NPTAB), the Ministry of Finance, the Office of the Auditor General, the Judicial Service Commission, the Integrity Commission, the Office of the Director of Public Prosecutions (DPP), the Financial Intelligence Unit (FIU), the Bank of Guyana, the Ministry of Home Affairs, the Guyana Police Force(GPF), and the Special Organized Crime Unit (SOCU)/GPF..

124. Guyana wishes to go on record with its appreciation for the technical assistance it received from the UNODC in August 2021 during its 3-day workshop with regulatory and oversight bodies and representatives of civil society on the UNCAC and the requirements in the preparation of its 2nd Self- Assessment.

125. The preparation of the 2nd Self-Assessment has been an exercise that has been driven by the NCC and for the first time the various agencies have been integrally involved and more sensitized and familiar with the UNCAC.

126. The Government of Guyana notes that many of the commitments of the UNGASS Political Declaration contained in paragraphs 1 to 22 which focuses on 'Preventative

Measures' are very similar to Chapter 11 of the United Nations Convention against Corruption.

127. Steps taken by Guyana to implement the commitments contained in paragraphs 1 to 22 of the UNGASS (preventative measures), have been reported in the first part of this document under the following thematic areas:

- Preventive anti-corruption policies and practices (see para **#2-#25, and #41-#53**);
- Preventative anti-corruption body/bodies and their independence (see para **# 38-#39, #41-#42, #44-#46**);
- Public procurement and management of public finances (see para **#2 to # 40, #47- #52**);
- Public reporting (see para **#60 to # 75**);
- Role of the legislature (see para **# 27- #31, #34- #36, #41- #44**);
- Participation of Society (see para **#90 -#113**), and
- Measures to prevent money-laundering (see para **#54, #76- # 89**),

Preventive anti-corruption body or bodies

128. Guyana has several anti-corruption/oversight bodies with a view to implementing modern mechanisms for preventing, detecting, punishing, and eradicating corrupt acts, among which the following are highlighted: the Auditor General's Office (AGO), the Public Procurement Commission (PPC), the Office of the Director of Public Prosecutions (DPP), the three Service Commissions (Judicial, Police and Public), which are constitutional bodies, and statutory bodies – the Special Organised Crime Unit (SOCU)/Guyana Police Force, the Financial Intelligence Unit (FIU), the Integrity Commission (IC), the Parliamentary Public Accounts Committee (PAC), the National Procurement and Tender Administration Board (NPTAB), the Securities Council, and the Commissioner of Information.

129. Description of the anti-corruption bodies are discussed in detail in Guyana's Self-Assessment for the United Nations Convention against Corruption which is in its final editing. Specific inclusions are listed below which were not addressed in articles 9, 10 and 13 in the first part of this report.

Codes of conduct for public officials

130. Code of Conduct for public officials -Schedule II of the Integrity Commission Act provides for a Code of Conduct for public officials. The Code was revised and published in the Gazette on 13 June 2017. It specifies that a person in public life:

- Shall be accountable to the public for his or her decisions and actions and shall submit himself or herself to scrutiny and criticism. (Accountability);
- Shall, in the execution of his or her official functions, conduct himself or herself in a manner that is worthy of the respect of his or her peers and the public. (Dignity)
- Is expected to be effective, efficient, and reliable in the performance of his or her duties. (Diligence)
- Owes a duty to the public and shall consider himself or herself a servant of the people. (Duty)
- Shall regard it as an honour to serve in the nation's highest legislative forum as an MP. He or she has a moral responsibility to preserve the reputation of his or her office. (Honour)
- Shall declare any private interest relating to the discharge of his or her duties and responsibilities and ensure that this or her personal decisions and actions are not in conflict with the national interest. (Integrity)
- Shall display allegiance to the State and shall show concern for the wellbeing of the persons that he or she was elected to represent. (Loyalty)
- In carrying out public business, shall make decisions based on merit when making public appointments, awarding contracts, or recommending individuals for rewards and benefits. (Objectivity)
- Shall have a basic responsibility to take decisions only in the national interest void of any forms of personal gain, or other material benefits for themselves, their family or their friends. (Responsibility/Integrity)
- Shall be open about all his or her public decisions and actions and be prepared to provide explanations when so demanded by the public. (Transparency)

131. Included with the Code are eleven articles relating to: (i) soliciting/acceptance of bribes; (ii) discrimination; (iii) acceptance of gifts; (iv) conflict of interest; (v) use of official influence; (vi) handling of classified or proprietary information; (vii) use of public property; (viii) sexual misconduct; (ix) acceptance of entertainment; (x) use of office in an improper manner; and (xi) outside employment.

132. For the purpose of the Code, a conflict of interest arises where a public official makes or participates in the making of a decision in the execution of his or her office and at the same time knows or ought to have known, that in the making of that decision, there is a material beneficial opportunity either directly or indirectly to further his or her private interests or that of a member of his or her family or any other person or entity.

Private Sector

133. Guyana has passed various laws which are aimed at preventing corruption and enhancing accounting and auditing standards in the private sector and reporting to the public while providing penalties for failure to comply. The FIU, the Guyana Revenue Authority and the Securities Council play oversight, investigative and regulatory roles.

Public Sector

134. With reference to the Guyana's Public/ Police Service Commission, recruitment in the public service is open to all Guyanese and residents in Guyana. The system of recruitment and appointment is premised on merit where suitably qualified persons are selected for the filling of vacancies in accordance with the Job Description / Specification.

135. In accordance with **article 201 of the Constitution**, the Public Service Commission's mandate is to make appointment to public offices and to remove and exercise disciplinary control over persons holding or acting in such offices.

136. The powers of the Public Service Commission are further regulated by the Public Service Commission's Rules (hereinafter referred to as "the PSC Rules"), which governs the overall work of the Commission.

137. On the other hand, the Police Service Commission's functions are set in article 212 of the Constitution and includes: the power to make appointments to any offices in the Police Force on or above the rank of Inspector; the power to exercise disciplinary control over persons holding or acting in such office; and the power to remove such persons from those offices.

138. There are no specific rules of procedure governing the work of the Police Service Commission in relation to appointment, promotion, and transfers; guidance is taken from the **Police Force Standing Orders**. However, in the case of disciplinary matters those directions contained in the **Police (Discipline) Act Cap 17:01** are adopted.

Measures relating to the judiciary and prosecution services

139. The standard of conduct, disciplinary procedures, and criminal liability of Judicial officers is addressed in the Constitution, the Judicial Services Commission Rules 2/2010, the Time Limits for Judicial Decisions Act 2009, the Integrity Commission Act and Code of Conduct in Schedule 11, and the Supreme Court of Judicature of Guyana Code of Conduct for Judges and Magistrates [November 2003].

140. Judicial officers take an oath of office, and are subject to dismissal for inability or misconduct, subject to three codes of conduct, which includes making detailed financial

disclosures yearly, and are liable to criminal prosecution leading to fines and imprisonment, for misconduct and breaches of the rules and codes of conduct.

141. Article 132 states that Judges must subscribe to the oath of Office set out in the First Schedule to the Constitution in which they promise to faithfully execute their duties without fear or favour, affection or ill will and to honour uphold and preserve the Constitution.

142. Judges are also subject to the same three Codes of Conduct – the Judicial Services Commission Rules 2/2010, the Judicial Code of Conduct, The Code of Conduct at Schedule II of the Integrity Commission Act, Cap. 19:12.

143. Judges may be dismissed for inability to perform or misconduct. The Constitution provides at Art 197(3) that judges may be removed only for cause and cause is inability to perform, misconduct, failure to give decisions. Art 197(4)(5) The Prime Minister or the JSC may recommend that removing the Judge be considered, the President appoints a 3-member Tribunal to enquire into the matter and advise whether the Judge be dismissed for inability to perform or misbehaviour.

144. The Judicial Services Commission Rules 2/2010 govern Judicial Officers' Conduct and Standards of Duty (Part III), their training and development (Part IV), and set out Disciplinary Procedures (Part VIII). Rule 70 states that Officers may after due process, be dismissed at any time on the grounds of misconduct, insubordination or gross inefficiency at work. Rule 72 envisions that the process is begun by allegations in writing against the Judicial officer, and that the JSC investigate the allegations and offer the officer an opportunity to respond and be heard and due process be followed.

145. The JSC has exercised its disciplinary role. In 2011 the JSC dismissed a magistrate for failure to perform duties and in 2015 the JSC dismissed two (2) magistrates on grounds of inefficiency and misconduct. The JSC had dismissed a judge for misconduct, but he successfully appealed on the ground of lack of due process. [Barnwell v AG 1993 49 WIR 88]. He did not sit much longer on the bench as he had reached retirement age.

[Technical assistance and collaboration](#)

146. Turning attention to technical assistance, Guyana as member of CARICOM has been receiving technical assistance under the United States Caribbean Basin Security Initiative (CBSI), which included anti-corruption training. The UNODC has also provided assistance to Guyana. The GoG/IDB Citizen Security Strengthening Programme (CSSP) (loan agreement)

has contributed to improvements in citizen security. Guyana also benefits from assistance from bilateral and multi-lateral agreements and partnerships.

147. In terms of regional and international collaboration, Law Enforcement agencies are continually collaborating with regional partners such as the Implementation Agency for Crime and Security (IMPACS) the Joint Regional Communication Centre (JRCC) and the Standing Committee of Heads of Intelligence and Financial Investigation Units in the Caribbean region. Guyana also has on-going collaboration with INTERPOL and individual CARICOM member states.

Conclusion

148. One of the main challenges with regards to meeting State party reporting obligations is the fact that there is little or no synchronization or synergy between the IACAC, the UNCAC, the Lima Commitment and the newly adopted UNGASS Political Declaration although there is great similarity and overlap in the measures.

149. Therefore, Guyana advocates that there be greater reporting synergies between the bodies that monitor the implementation of these treaties and new declarations. For instance, if a State Party has reported to the IACAC and the same areas will be reviewed by the UNCAC would it possible for the State Party to refer to the previous report and then include additional information where required?

150. Collaboration between the treaty bodies in the UN and the OAS would greatly enhance states under review to provide more timely reports and focus on follow up and implementation of the recommendations of these bodies.

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