

## GOVERNMENT OF GUYANA RESPONSE

### TO THE CALL FOR INPUTS

#### BY THE UNODC IN PREPARATION FOR THE THIRTEENTH MEETING OF THE OPEN- ENDED INTERGOVERNMENTAL WORKING GROUP ON THE PREVENTION OF CORRUPTION

March 25, 2022

**Information requested from States parties in relation to promoting the use of information and communications technologies (ICT) for the implementation of the Convention.**

#### **Article 9 - Integrity in public procurement and management of public finances**

**1. Utilizing ICT to ensure full compliance with the Convention** is discussed in the ensuing sections of this response by the Government of Guyana.

**2.** The Procurement Act, Cap 73:05 (2003), regulates the procurement of goods, services, and the execution of works by the State. The Act promotes competition among suppliers and contractors, and fairness and transparency in the procurement process. Procurement by public entities in Guyana is regulated by the National Procurement and Tender Administration, established under the Procurement Act, Chapter 73:05, Laws of Guyana. Procurement involving public bodies is regulated by this Act, as well as the Procurement Regulation # 9 of 2004.

**3. Procurement Regulation # 9 of 2004** imposes a mandate upon government to create a website to publicise contracts awarded as well as to generally disseminate information concerning public procurement. This information includes information related to procurement procedures, invitations to tender, and information on contracts awarded. This website has been established. <sup>1</sup>The publication of invitation to tender is critical since **section 25 of the Procurement Act requires** that public tendering is mandatory for State procurement entities.

**4.** This provision supplements **section 11** of the Procurement Act, which requires procuring entities to publish notice of procurement contract within seven days of awarding contracts.

**5. Section 25 (1) of the Procurement Act** provides as follows: subject to subsection (2), public tendering is mandatory. For such tendering an invitation to tender or to prequalify, as applicable, is mandatory.

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<sup>1</sup> <https://www.npta.gov.gy/>

**6. Section 25 (2)** provides that, a procuring entity may use a method of procurement other than tendering proceedings in accordance with sections 26 through 29, in which case the procuring entity shall include in the record required under section 10 a statement of the grounds and circumstances on which it relied to justify the use of that method of procurement.

**7. Section 11 (1)** of the Procurement Act provides as follows: the procuring entity shall publish notice of procurement contract awards within seven days of awarding such contracts.

**8. Section 11 (2)** states that the procurement regulations shall provide for the manner of publication of the notice required by subsection (1).

**9. Regulation 4 (1)** provides as follows: the Administration **shall create an internet website** for the purpose of giving publicity to contract awards and to otherwise disseminate information about public procurement.

**10. Regulation 4 (2)** states that within five (5) days of dispatching notice concerning the award of any contract exceeding GY\$200,000 in value, the procuring entity shall provide a report to the National Procurement and Tender Administration with the following information about the contract;

- a. name of the procuring entity;
- b. date of award;
- c. name of the party to whom the contract was awarded;
- d. object of the contract (short description and classification);
- e. amount and currency of the contract;
- f. procurement method used;
- g. number of tenders, proposals or quotations received;
- h. contract identification number/letter

**11. Regulation 4 (3)** states that within two days of receiving any report of the type mentioned in the preceding paragraph, the administration shall publish the information obtained on the Website.

**12. Regulation 4 (4)** states that the Information contained on the website shall be freely available to the public.

**13. Regulation 4 (6)** states that the Administration shall organise the Website in such a manner as to provide information on public procurement in general, including business opportunities and to facilitate access to standard forms and documents in use by the Government.” Guyana’s NPTAB was the first in the Caribbean Region to post on its website

information on contracts, minutes of opening of tenders, and awards.<sup>2</sup> It should be noted that this website was dismantled between the years 2016-2020 and has now been restored in 2021.

**14.** The procedure for public tendering is set out in **Part V of the Procurement Act**. Under this part, tenders must be solicited through publication of invitations in at least two newspapers of wide circulation or on a website of free access where Government procurement opportunities are displayed. Such invitations may also be published in at least one journal of wide international circulation dedicated to publishing international tendering, where applicable.

**15.** The relevant provisions on the procedure of open tendering are set out below:

*Part V “30. (1) - A procuring entity shall solicit tenders by causing an invitation to tender to be published in newspapers of wide circulation or on a website of free access where Government procurement opportunities are displayed and posted in public places. The invitation to tender or to prequalify, as applicable, shall contain a brief description of the goods or construction to be procured and shall state the deadline for submission and where the solicitation documents and additional information regarding the tender may be obtained.”*

**16. Part V (2)** states that the invitation to tender or invitation to prequalify, shall be published in at least a newspaper of wide circulation or in at least one journal of wide international circulation dedicated to publishing international tendering, whenever foreign tenderers are expected to be interested in the contract, or, on a website of free access where Government procurement opportunities are displayed. Contracts in which only national tenderers are expected to be interested may be advertised only nationally, pursuant to subsection (1).

**17.** All of this information, including the legislation which sets out the procedure referenced, and all other relevant information may be accessed from the National Procurement and Tender Administration Board’s website, which was referenced earlier.

**18.** The National Procurement and Tender Administration Board (NPTAB) was established in accordance with **Section 16 (1) of the Procurement Act 2003**. **Section 16 (2) provides that** the Administration shall be managed by the National Board which shall consist of seven members, appointed by the Minister from among persons of unquestioned integrity who have shown capacity in business, the professions, law, audit, finance, and administration. Section 16 (3) states that

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<sup>2</sup> [www.nptab.gov.gy](http://www.nptab.gov.gy)

*“the members of the National Board to be appointed by the Minister shall comprise - (i) not more than five persons from the Public Service: (ii) not more than three persons from the private sector after consultation with their representative organizations. Section 16 (4) provides that two members of the National Board shall serve on a full-time basis and the remainder shall serve on a part-time basis. The Minister shall appoint as Chairman one of the full-time members.”*

**19.** The National Procurement and Tender Administration Board (NPTAB) manages the government procurement process. The NPTAB appoints the Ministerial Tender Boards, the (10) Regional Democratic Council Tender Boards and the eighty (80) Local Authorities Councils Tender Boards; it also selects and approves the members of the evaluation committee for each tender across the entire government system.

**20.** The opening of tenders at all levels of the government and statutory agencies are open to the media and the bidders where the bid by each contractor is read out publicly. Due to the Covid -19 pandemic, NPTAB is using its website to enhance transparency by streaming live the opening process of Bids. When a person submits a Bid, they receive an ID, and a link which allows that person/contractor to view the Bid opening process online. Further, through the online viewing, persons are allowed to view who they are competing with as if they were attending a normal in persons opening of the bids.

**21.** By procurement regulation (No. 9 of 2004), the thresholds are defined for tenders for consultancy services and goods and infrastructural works by different Ministries, Regional Democratic Councils and Local Authorities. The threshold for National Tenders that must be submitted to the NPTAB and subsequently NPTAB’s recommendations for Cabinet’s “no objection” is presently set at the value that exceeds GYD15 million, equivalent to approximately USD 75,000.

**22.** There is a Bid Review Committee (BPC) that is comprised of 3 members out of which one is appointed by the Minister of Finance, one by the business community and one by the Attorney General. Its central role is to review bidders' complaints if the bidder feels he was wronged in the tender process.

**23.** A major shift in the 2003 Procurement Act was the removal of the Cabinet’s prior prerogative to amend recommendations by the NPTAB in the award of tenders. **Section 54** of the Act requires the Cabinet to give its ‘**no objection**’ to the recommendation of the NPTAB with regards to tenders brought to it. Where Cabinet is of the opinion that the recommendation is flawed or questioned, it can (a) withhold its ‘no objection’ and return the recommendation to the NPTAB for review based on its observations. In the period 2006 -2011, this was only

used in 11 of the 2000 recommendations for award of tenders by NPTAB to the Cabinet. There are no figures available for the period 2015-2020. This recourse has not been used as yet under the new government from August 2020 to date.

**24.** The Public Procurement Commission is established by Article 212W of the Constitution and buttressed in the manner of its appointment and functions by the Procurement Act. The Commission monitors public procurement, including procurement procedures, toward ensuring the procurement of goods, services, and the execution of works in a fair, equitable, and cost-effective manner.

**25.** The Public Procurement Commission is appointed through an agreed on consensual mechanism by the National Assembly and implemented by the Parliamentary Standing Public Accounts Committee (PAC) and the approval of a two-thirds majority of the elected members in the National Assembly when the five nominees are presented. The first Commission was appointed in 2016 for three years. The PPC expired in October 2019 and due to elections and no Parliament, the process could not commence until the new Parliament was inaugurated on September 1, 2020 and the PAC appointed. The PAC has unanimously agreed to the names of the 5 new commissioners on the PPC and its recommendation is pending on the Order Paper of the National Assembly for April 2022; it is anticipated that the two-thirds of the majority of the elected Assembly will be achieved.

**26.** In relation to transparency in the management of public finances, Guyana's budgetary process is transparent and guided by the **Fiscal Management and Accountability Act Part 2, S12 and 13**. The Act stipulates when the Budget should be prepared by the Minister of Finance in accordance with the Constitutional provisions. The annual budget process in Guyana and the laying of the Annual National Budget and Supplementary Financial documents are the responsibility of the Minister of Finance.

**27. Article 218 of the Constitution**, which regulates such matters, provides as follows:

*“218.(1) The Minister responsible for Finance or any other Minister designated by the President shall cause to be prepared and laid before the National Assembly before or within ninety days after the commencement of each financial year estimates of the revenues and expenditure of Guyana for that year.*

**28. Article 218 (2)** states that when the estimates of expenditure (other than expenditure charged upon the Consolidated Fund by this Constitution or any Act of Parliament) have been approved by the Assembly a Bill, to be known as an Appropriation Bill, shall be introduced in the Assembly, providing for the issue from the Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

**29. Article 218 (3)** states that

*“If in respect of any financial year it is found: (a) that the amount appropriated by the Appropriation Act for any purpose is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by that Act; or (b) that any moneys have been expended for any purpose in excess of the amount appropriated for that purpose by the Appropriation Act or for a purpose for which no amount has been appropriated by that Act, a supplementary estimate or, as the case may be, a statement of excess showing the sums required or spent shall be laid before the Assembly by the Minister responsible for finance or any other Minister designated by the President.”*

**30.** With regards to the Consolidated Fund, all revenues and other monies raised by Government must be paid into the Consolidated Fund in accordance with the Constitution and the Fiscal Management and Accountability Act (FMAA). This Act is detailed in subsequent paragraphs # **47-51**.

**31. Article 216 of the Constitution** which provides as follows:

*“216. All revenues or other moneys raised or received by Guyana (not being revenues or other moneys that are payable, by or under an Act of Parliament, into some other fund established for any specific purpose or that may, by or under such an Act, be retained by the authority that received them for the purpose of defraying the expenses of that authority) shall be paid into and form one Consolidated Fund.”*

**32.** A Budget Circular is usually sent out to Government agencies and departments in preparation for the budget. Ministries and agencies are required to submit their budget plans and programmes, which should have a Theory of Change, justifications, prior year expenditure performance, etc. to the Director of Budget. Once the agency makes its submission it meets with the Budget Office and the Minister of Finance to go through their requests.

**33.** The Minister of Finance also consults with stakeholders such as the private sector bodies, forestry, miners and farmers associations, labour unions, religious bodies, to discuss their issues and recommendations for input into the annual budget. After the absence of this consultative process over the last five (5) years, it has been re-instituted in the preparation for the budget in 2021.

**34.** Importantly, after the annual budget is read for the first time in the National Assembly, the budget estimates can be read on the Ministry of Finance website, which can be viewed by

the public, nationally, regionally, and internationally.<sup>3</sup> All Members of Parliament receive the Budget speech and three volumes of estimates, both current and capital.

**35.** The National Assembly debates the policy matters in the Budget for 5 days where all Members of Parliament participate. The Committee of Supply then considers the proposed budgetary estimates line by line of each agency, during which process the Parliamentary Opposition asks questions, to which answers must be provided. This process, more than anything else, allows for transparency in public expenditure.

**36.** All of the Parliamentary sittings are live streamed, so the public is able to be informed about the budget process. This ensures that members of the public are informed and can engage in informed exchanges on the subject of public expenditure.

**37. To promote transparency** the media is an integral part of this process by offering live and written coverage.

**38.** Checks and balances have been worked into the budget process, which includes support from the Audit Office. Internal audits are conducted, and external audits would be activated if any evidence of wrongdoing arises.

**39.** Further, Guyana's efforts to promote greater accountability in the management of public finances and resources are evidenced in the annual audits of government accounts conducted by the Office of the Auditor-General. From 1992 to the present year, every, and, all Annual Reports of the Auditor General have been tabled in the National Assembly in keeping with the requirements of the statutes.

**40.** Fifteen to twenty years ago when manual pay sheets were used, there were greater opportunities by persons to commit acts of corruption. With the introduction of the IFMAS and later the implementation of the IFMIS system, an electronic system regarding payments and requests for payments, the Ministry of Finance has been able to prevent and reduce the numbers of acts of corruption of persons attempting to embezzle funds from the state. The IFMIS system has been able to close many additional lope holes in the payments and disbursement of funds.

**41.** The Public Accounts Committee (PAC) exercises powers in keeping with the Legislative Bodies (Evidence) Act, Chapter 1:08 which allows for the summoning of witnesses to give evidence and or provide documents to the Committee. The Act also provides for a person who refuses or neglects to attend without sufficient cause to be apprehended and held in custody

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<sup>3</sup> <https://finance.gov.gy/2021/02/>

for a period not exceeding one week. However, this has never been enforced by the Committee.

42. During the examination of the Auditor General's Annual Report, the PAC requires the Chief Accounting Officers of agencies under scrutiny to appear before the Committee and respond to the Auditor General's findings/statements in that Annual Report under review. During these proceedings members of the media are present and play an active role in keeping the public informed. Due to COVID 19, the PAC has developed a hybrid system which allows members to choose to attend in person or virtually as well as the media. Most recently these hearings are being live streamed.

43. When the Committee has concluded its examination of an Auditor General's Annual Report, it compiles a report with findings and recommendations to the National Assembly. Once adopted by the National Assembly, the Minister of Finance must table a Treasury Memorandum within 90 days in accordance with the Parliament Standing Order 82 (3) to the National Assembly outlining corrective action that has been or will be taken.

44. **The Integrity Commission Act, Cap 26:01**, provides for the establishment of the **Integrity Commission**. Under this Act, elected officials including the President, Ministers, Members of Parliament, elected officials at local government, Judges and Magistrates, public officers, including senior public servants, heads of the Disciplined Forces, are required to declare the totality of their assets and liabilities to the Commission on a yearly basis. These declarations are then examined and verified by the Commission.

45. The Commission also has powers to publish the names of persons who have failed to submit their declaration within the stipulated time, and to prosecute persons who remain non-compliant. In 2019, the Commission exercised this power for the first time and published a list of persons who were non-compliant. The list included members of the then Executive and the Legislature.

46. It should be noted that the Integrity Commission Act is currently under review. The Chair and members of the Commission are appointed by the President after consultation with the Leader of the Opposition.

47. The Fiscal Management and Accountability Act, Cap 73:02, (FMAA) (2003) regulates the preparation and execution of the annual budget, the receipt, control and disbursement of public funds, accounting for public funds, and other related matters. It is intended to ensure the transparent and efficient management of Guyana's public finances.

48. Importantly, **section 16** of the **FMAA** provides that no public funds can be expended except in accordance with **Article 217** of the **Constitution of Guyana**. That Article stipulates,



among other things, that monies may only be withdrawn to meet expenditure authorised by the Constitution, an Act of Parliament, and an Appropriation Act. **Section 32** of the **FMAA** dictates that drawing rights are required to carry out various transactions regarding public funds. These rights are conferred or withdrawn by the Minister with responsibility for finance.

**49. Article 38 (1)** of the **FMAA** requires that, with few exceptions, all public monies received on behalf of the Government of Guyana must be paid into the Consolidated Fund.

**50.** Ministers and other public officials are expressly proscribed from misusing, misapplying, or improperly disposing of public funds (**s48 FMAA**). A Minister or public official who causes or contributes to the loss of public monies through misconduct or deliberate or serious disregard or reasonable standards of care are personally liable for such losses.

**51.** For transparency, the Government of Guyana is required to disclose Guyana's public debt and lending (**sections 69 and 70 FMAA**). Most recently, the Natural Resources Fund Act, No. 19 of 2021, was passed in the National Assembly of Guyana on December 29th, 2021 and assented to on December 30<sup>th</sup>, 2021. Section 16 of the Act prescribes that oil revenue will be disbursed only with approval from the National Assembly. The NRF Act lays the framework for the management of Guyana's oil revenue to ensure greater transparency and accountability.

**52.** Government subventions are provided in accordance with the constitutional provisions (art 222A) to seventeen (17) constitutional bodies and commissions, including the Office of the Auditor General and the Public Procurement Commission, which monitor the work of the government agencies and officials to maintain fairness, transparency, and accountability.

**53. A good practice in using ICT** is that Guyana's budget presentation is live streamed, and sections of the roads are blocked around the Parliament of Guyana with large television screens streaming budget presentations, for the public to view. This is not practiced in many countries around the world. Once the Budget is read, all the documents regarding the Budget are circulated in the National Assembly to all Members of Parliament and posted on public websites.

**54. Utilizing information and communications technology to identify and analyze risks of corruption.** In establishing the methodology for Guyana's Second Money Laundering/ Terrorist Financing National Risk Assessment Report of July 2021, the working group considered the World Bank's Risk Assessment advisory package provided to Guyana as part of its technical assistance to the country.

**55.** This is a methodological tool, developed by the World Bank to assist countries in carrying out their own national risk assessments. It is an Excel-based model that enables

countries to identify the main drivers of ML/TF risks. It provides a methodological process, based on the understanding of the causal relations among money laundering risk factors and variables relating to the regulatory, institutional, and economic environment. The tool comprises several interrelated modules. These are built on “input variables”, which represent factors related to money laundering/terrorist financing threats and vulnerabilities. The model is applied as follows:

- For each sector or area or assessment, a multidisciplinary team is set up consisting of experienced practitioners from government and, the private sector.
- Each team member assigns ratings to input variables related to their area of expertise and justifies those ratings with quantitative and qualitative data.
- Each input variable has an assigned weight and impact on the vulnerability level of the assessed sector, or area.
- The tool generates an overall rating, based on the inputs from the modules.

**56.** Additionally, at the Audit Office, **the risk-based approach to auditing is being used**, whilst, the Interactive Data Extraction and Analysis (IDEA) software, which is a computer-assisted auditing tool (CAAT) acquired to support the audit process. Further, the Audit Office introduced and implemented a new audit management software (TeamMate AMS), which is also an enhancement of its auditing processes. Use of the software ensures that work is executed in a consistent manner using procedures and practices that follow international standards. The mechanisms of the software are such, that reviews and sharing of information can be done in real time, regardless of the locations of the users.

**57.** The Bank of Guyana utilizes a **National Payment System** which is a form of automation and digitization of government processes and services. It should be noted that the National Payment System Act, 2018 is covered by statute passed on July 13<sup>th</sup>, 2018, in the National Assembly and assented to on August 13<sup>th</sup>, 2018.

**58.** The I.T infrastructure of the National Payment System is designed to provide a verifiable audit trail, data is locked into the system, any attempts to alter, remove or delete information from the system will be recorded thereby making it harder to interfere with the data and to hide corrupt transactions. The data is stored on devices other than the primary one as part of the disaster recovery strategy. The system is also encrypted with passwords for protection against hackers.

**59. This heavy-security I.T infrastructure is demonstrative of a best practice in the use of ICT for preventing and combatting corruption.** Additionally, the Bank is charged with regulating and supervising the National Payment System. Technical officers conduct regular

monitoring, periodic evaluation, and reporting. As a result, the system is constantly being upgraded through mechanisms such as stress testing, penetration testing and security testing with the aim of identifying gaps or loopholes in the system.

### **Article 10 - Public reporting**

**60.** The Integrity Act allows the Commission to publish the names of persons in public life who have failed, to file declarations of income, assets and liabilities and statements of interests. This the Commission did in 2019 and again in 2021 listing Members of Parliament who were not in compliance with the law for the periods ending December 31, 2017, 2018, 2019, 2020 and October 2021.<sup>4</sup>

**61. This is a considered a good practice** of the Integrity Commission in order to publically shame and bring declarants in compliance with the Integrity Act.

**62.** The **Access to Information Act 2011 (Act 21 of 2011)** was promulgated with the intention of making the information and documents enumerated therein available to members of the public following the prescribed process. This process has been, and continues to be, utilised by members of the Guyanese public to access various documents.

**63.** This Act allows ordinary members of the public, including natural and legal civil society actors to request information regarding any government entity, its functioning and decisions of organisations.

**64. Section 8 (1) (a) (i) and (iv) of the Act**, for example, requires the Commissioner of Information to publish information regarding the functions, decisions-making powers, and decision-making processes of public authorities. Specifically, **section 8 (1) (a) (i) and (iv) of the Act** provides as follows:

*“8. (1) The Commissioner of Information shall in relation to a public authority and with the approval of the responsible Minister: (a) cause to be published in the Gazette and in a daily newspaper circulating in Guyana as soon as practicable after the commencement of this Act: (i) a statement setting out the particulars of the organisation and functions of the public authority, indicating, as far as practicable, the decision-making powers and other powers affecting members of the public that are involved in those functions and particulars of any arrangement that exists for*

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<sup>4</sup> Link to list of name: <https://integritycommission.org.tt/2021/10/names-of-persons-in-public-life-who-have-failed-to-file-declarations-of-income-assets-and-liabilities-and-statements-of-registrable-interests-for-the-years-ended-december-31-2017-2018-2019-and-2020-of/>

*consultation with, or representation by, members of the public in relation to the formulation of policy in, or the administration of, the public;(iv) a statement of the procedure to be followed by a person when a request for access to a document is made.”*

**65.** There have been issues in recent years, which saw the Commissioner of Information taking legal action against the previous administration for, among other things, unlawful dismissal, and failing to furnish his office with the resources needed to execute its mandate. Due to this large gap, work has to recommence on re-building the infrastructure as required by the Access to Information Act.

**66.** The Government’s commitment to public access to information extends beyond current legislative measures as documented in the earlier section of this report.

**67.** The operationalization of the 2018 Telecommunications Act in December 2020 provides a legal framework for the liberalization of the telecommunications sector and more equitable access to the internet and a variety of other forms of communications.

**68.** The Government makes every effort to ensure that the public remains informed and can access information easily. As such, every Government Ministry and state agency is required to have a website and active social media accounts (Facebook, Instagram, Twitter, etc.) as is necessary and deemed most effective for their purposes. These platforms are constantly updated to reflect the work being done by the Ministries, provide information to the public on their and other government programmes and how to access goods and services by the public, and create an easily accessible means of open communication. Within each Ministry, there are public relations focal points which manage these platforms and relay questions and concerns to relevant departments to offer real-time responses, as far as practically possible

**69.** Training of government officials to ensure that they are familiar with and compliant with constitutional and statutory requirements is on-going.

**70.** It should be noted that the entire country is still not fully connected. However, through the National Data Management Authority (NDMA), the Government has been working to create ICT Hubs throughout the country, targeting mostly interior and remote areas. Through the creation of these hubs predominantly in Amerindian/indigenous communities, they have access to ICT services, information and greater knowledge and access to the goods and services provided by the state as well as enhancing communication with the rest of the country. This also facilitates reporting acts of corruption.

**71.** To date, more than 241 ICT Hubs have been activated across the ten Administrative Regions of Guyana, providing citizens with free access to the internet, allowing students and

community members to complete research in a safe and comfortable space, surf the internet, access news and updates, among other features. The ICT Hubs also serve the important purpose of making government services accessible remotely, reducing the time and cost associated with traveling to a central area to be able to access such services. The Hubs are equipped with internet ready computers, and training is also conducted to ensure the beneficiary communities are able to take full advantage of the services available.

72. In addition to the ICT Hubs, 158 Primary Schools and 105 Secondary schools so far are also now connected to the internet, particularly in communities where household internet access is low or does not exist. This programme will continue to expand and upgrade all schools to be internet connected.

73. Moreover, WiFi access is also provided through the Government Free WiFi offered by the NDMA at central locations in remote communities, and, at public buildings across the country. In remote Amerindian communities, these WiFi hotspots have proven critical particularly during the current COVID-19 pandemic, as they facilitate access to educational materials and instruction for students, as well as news and information regarding COVID-19 protocols and interventions by the Government.

74. The media is free and is not restrained or restricted from covering, exposing or investigating matters. The media<sup>5</sup> is populated by a large number of privately owned television and radio stations and newspapers, one government owned newspaper and television and radio station, and several privately run internet media outlets.

75. The Guyana Revenue Authority (GRA) has introduced eServices, intended to make increasing use of technology and to improve taxpayers' overall experience when interacting with the GRA. In 2021, the GRA replaced their flagship taxes software (TRIPS) with the new, intuitive, and powerful Optimal Revenue Management System (RMS). By switching to Optimal RMS, they are offering a new and improved eServices platform. Forms for the application of Value Added Tax Services, Taxpayer Identification Number, Compliance, Exemptions, Mortgage Interest Relief, Income Tax Submission Of Returns, Allowances: Taxable & Non-Taxable Allowances, Property Tax and Miscellaneous Taxes are available on the GRA website.<sup>6</sup>

### **Measures to prevent money-laundering**

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<sup>5</sup> See Appendix 1 for the list of media houses

<sup>6</sup> Link to the GRA website: <https://www.gra.gov.gy/tax-services/>

76. Additionally, the Financial Intelligence Unit Guideline No. 3 2017 on Politically Exposed Persons provides guidance to reporting entities on who is considered a politically exposed person (PEP), and the steps that must be taken when treating with such persons.

77. For example, at page 9 of the Guidelines, it is explained that politically exposed persons are considered to be high risk:

*“...mainly because of their position of influence. They have opportunities and the ability to influence decisions, control human and financial resources and impact policy decisions within Government institutions and International Organisations. These factors inevitably can make these individuals vulnerable to corruption, a criminal activity which impacts both the local and global economy.”*

78. In light of the risk which such persons are exposed to, the Guidelines recommend the following approach to treat with politically exposed persons.

*“Because of the wide meaning that could be given to the definition of PEP and the possible challenges that may be encountered in its interpretation, this guideline seeks to provide reporting entities with basic information to aid in the formation of appropriate policies and procedures, clarify legal expectations, and share international best practices, when dealing with customers. Some of the legal expectations and best practices are listed hereunder:*

*(i) Ensure a system is in place for Risk Management and Risk Mitigation; (ii) Include in the entity’s AMLCFT Manual, Standard Operating Procedures, guidance relating to SDD, CDD and EDD for dealing with PEPs; (iii) Develop a PEPs listing system or a PEP Register; (iv) Obtain, keep and maintain records on all transactions conducted by PEPs; (v) Establish and Maintain a system for identifying and monitoring the transactions conducted by PEPs; (vi) File suspicious reports on PEPS (where and when necessary).*

79. In August 2020, the newly appointed Attorney General and Minister of Legal Affairs, Mohabir Anil Nandlall, met with the Head of the Financial Intelligence Unit (FIU), and team. The Team reported that the Caribbean Financial Action Taskforce (CFATF) had indicated that there are serious deficiencies in Guyana’s legislative network because of deficient legislation enacted under the previous Administration. The Team also related that Guyana’s Risk Assessment for the year 2020, is currently under preparation and identified a number of weaknesses in the existing apparatus.<sup>7</sup> Legislation is being drafted to correct these deficiencies in the previous amendments.

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<sup>7</sup> <https://mola.gov.gy/attorney-general-and-minister-legal-affairs-mohabir-anil-nandlall-met-officials-financial>

**80.** Noteworthy, Guyana attends and participates at the CFATF Plenary and Working Group meetings held semi-annually twice annually as well as FATF Plenary and Working Group meetings on several occasions<sup>8</sup>.

**81.** Guyana has established an **Anti-Money Laundering and Countering the Financing of Terrorism and Proliferation Financing National Co-ordination Committee**. The Committee is composed of members from all state agencies and matters are discussed at monthly meetings on prevention of corruption. Mr. St. Hill is the Anti-Money Laundering/Countering the Financing of Terrorism (AML/CFT) Officer within the Ministry of Legal Affairs, and he is tasked with developing an AML/CFT strategy for the country. The Committee was provided for in a 2018 Amendment of the Anti-Money Laundering and Counter the Financing of Terrorism Act.

**82.** It should also be noted that the Director and key staff in the Financial Intelligence Unit provided for in the AMLCFT Amendment Act 2015, are determined by a bi-partisan process of recruitment and selection by the Parliamentary Standing Committee on Appointments.

**83. Section 9(4) (n) of the AML/CFT Act** authorises the FIU to enter into any agreements or arrangements with any international or domestic government institution or agency regarding the exchange of information.

**84.** Additionally, the Serious Organized Crime Unit (S.O.C.U.)/Guyana Police Force, has established informal networking between representatives of the US Customs Service, US Department of Homeland Security; National Crime Agency (United Kingdom); Royal Canadian Mounted Police; Brazilian Federal Police; Netherlands Intelligence Services and Interpol, based in Guyana. This networking provides the bulk of information/ intelligence flows which have so far supported several detentions of cash and other smuggling investigations.

**85.** There were approximately seventy-seven (77) Financial Crimes/Money laundering/ asset forfeiture Investigations conducted by SOCU during the years 2019 to 2021. The number of Detention/Restraint orders related the Money Laundering amount to six (6) for the period 2019 to 2021.

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<sup>8</sup> Between 2018 to 2021 Guyana attended the following meetings: CFATF XLVII Plenary and Working Groups Meetings – Trinidad – May 27 – 31, 2018; CFATF XLVIII Plenary and Working Group Meetings – Barbados – November 19-23, 2018; CFATF XLIX Plenary and Working Group Meetings – Trinidad – May 27 – 31, 2019; CFATF Plenary and Working CFATF Plenary and Working Group Meetings May 12<sup>th</sup> -May Group Meetings – Antigua – November 24-29, 2019; CFATF Plenary and Working Group Meetings held in December 11<sup>th</sup>, 2020; 27<sup>th</sup> 2021; CFATF Plenary and Working Group Meetings November 18 – December 3, 2021 – Virtually.

**86.** There were four successful Civil (non- conviction based) Forfeitures for the period 2019 to 2021. The number of charges instituted in the year 2019 amount to six (6); while there was a decrease to three (3) charges in 2020, because of the COVID 19 Pandemic. However, seventy (70) charges were instituted for the year 2021.

**87.** There are currently seventy prosecutions involving fraud and corruption type cases with the Special Organized Crime Unit. Further, there are two money laundering charges engaging the Magistrates Courts.

**88. In conclusion, information is proactively made available and automatically published by the government** through online platforms and websites, which include: -

- Through the NPTAB website contracts can be accessed;
- Ministries publish as much information on advertisement for tenders, in the media and on their facebook platforms;
- Ministries post information on policies, programmes etc on their website/Facebook/websites so that the public is informed in a timely manner.
- Section 54(1) of the Procurement Act provides for a Cabinet brief which publishes information on contracts over \$GY15 million. The purpose of such briefs is, inter alia, to inform the public of such high value contracts;
- The Department of Public Information (DPI) provides live streams of the presentation of budget and consideration of estimates as well as all Parliament sittings. These streams are in addition to the Parliament's continuous live stream carried on its website. These streams are also picked up and carried by private media houses;
- When bids are open, this is a process open to the bidders and the media via live streaming.
- The DPI uses the media to hold discussion fora with various ministries and agencies, sometimes with civil society, to have more in-depth discussion on the budget and other policy issues and programmes.
- At the end of each year, each ministry is required to prepare an annual report on accomplishments and challenges and the media is invited to ask questions to the various ministers.
- The Public Accounts Committee invites media to observe scrutiny of the Auditor General's report.



- Four Parliamentary sectoral committees on economic services, social services, natural resources and foreign services, oversee government policy and performance and are also open to the media and public.
- Through the Guyana Extractive Industries Transparency Initiative (GYEITI) information pertaining to extractive industries is published.
- The majority of the government websites provide useful links to other agencies.
- Parliament website provides access to documents and video replay of sittings.
- Guyana Revenue Authority now offers services online.
- The Office of the DPP, the Office of the Auditor General and the Integrity Commission all have their own websites

**89.** One of the challenges Guyana is working to overcome in the use of ICT is in regard to building a national ICT infrastructure, including development of software and hardware solutions, to serve a broad range of stakeholders.

### **Article 13 -Participation of Society**

**90.** As stated earlier in this report, paragraphs # **62-65** above refer to the Access to Information Act.

**91.** As stated earlier in this report, as an additional step to ensure accountability and transparency in the process of governance, the Government broadcasts and stream all debates of the national budgets. These debates can therefore be viewed by all and sundry on YouTube, Facebook and on government owned television.

**92.** Screens have also been erected on the grounds of Parliament Building and access to the road which runs in front of the building is usually restricted to motor vehicles to allow persons to congregate for the purpose of viewing the debates.

**93.** As such, aspects of the sittings, including the debates and questions asked regarding line items are open for viewing by all members of the Guyanese public, locally, regionally, and internationally. These debates are also opened to be scrutinised by anyone else, including organisations and States. The public discussions on various platforms, including television and radio programmes, illustrate the interest and participation of members of the public in the budget and parliamentary affairs.

94. As stated earlier, the national budgets are also available online and can be downloaded and viewed at the pleasure of the viewer. It is also important to reiterate that hearings of the Public Accounts Committee are open to members of the media.

95. The Broadcasting Act regulates the service providers and requires them to comply with the constitutional requirements such as human rights, anti-discrimination, freedom of religion and reflect Guyana's cultural and ethnic diversity. As stated earlier there is press freedom to investigate, publish and disseminate information concerning corruption in accordance with the professional ethics of the profession.

96. Quite significantly, when the Cyber Crime Bill 2018 was being debated in the National Assembly, the current Government, then in the Opposition, opposed the inclusion of sedition in the bill as a retrogressive step and open to abuse. Seditious had been removed as a criminal offense in 1997. The proposed section 18 (1) (a) of the (then) Cyber Crime Bill 2018 provided as follows:

“18. (1) A person commits an offence of sedition if the person, whether in or out of Guyana, intentionally publishes, transmits, or circulates by use of a computer system or any other means, a statement or words, either spoken or written, a text, video, image, sign, visible representation, or other thing, that –

(a) brings or attempts to bring into hatred or contempt or excites or attempts to excite disaffection towards the Government established by law in Guyana;

97. The current government, then Opposition, along with other civil society organisations contended that this and other provisions on sedition threaten freedom of expression and press freedom.<sup>9</sup> Indeed, even the marginal note to the proposed section 16 was titled Offences of Sedition.

98. As a result the section 18 (1) was amended, and the proposed section 18 (1) (a) removed altogether. Today, the marginal note to section 18 is titled ‘Offences against the State’, and section 18 (1) (a) provides as follows:

*“A person commits the offence if the person, whether in or out of Guyana, intentionally publishes, transmits or circulates by use of a computer system, a statement or words, either spoken or written, a text, video, image, sign, visible representation, or other thing, that-*

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<sup>9</sup> <https://www.stabroeknews.com/2018/07/20/news/guyana/ppp-c-proposing-deletion-of-sedition-clause-from-cyber-crime-bill/>

*(a) advocates the use, without authority of law, or force as a means of accomplishing a governmental change within Guyana;*

**99.** The Government of Guyana is of the view that this and other provisions in section 18 of the Cybercrime Act are open to abuse. As such, the current Government of Guyana intends to amend these provisions. Steps are currently being taken to effect these changes.

**100.** Section 111 of the Criminal Law (Offences) Act, Chapter 8:01, Laws of Guyana, creates the offence of criminal defamation/libel.

**101.** It is also important to note that, Guyana has moved up in the press freedom rankings for the third straight year, moving to 49th out of the 180 countries listed on the 2020 World Press Freedom Index from 51<sup>st</sup> of 180 countries in 2019.<sup>10</sup>

**102.** In August 2021 Guyana became the 49th country to join the Media Freedom Coalition. The Media Freedom Coalition is a partnership of countries whose objective is to defend media freedom where it is under threat.

**103.** In 2017, Guyana joined the Extractive Industries Transparency Initiative (EITI), which requires countries to submit reports detailing the use of revenue obtained from the extraction of their natural resources. This move was aimed at improving transparency in all of Guyana's extractive industries.

**104.** The Guyana Extractive Industries Transparency Initiative (GYEITI) is headed by a Board which was re-appointed in September 2021 and comprises 4 members of government, 4 members of civil society, and 4 members of the private sector in the extractive industry.

**105.** In 2019, GYEITI published its first report which addresses its 2017 financial year. The report, which is publicly available, contains a plethora of information regarding the agreements between the State and private entities involved in resource extraction, as well as figures on resource extraction.

**106.** As reported in para # **68**, the Government makes every effort to ensure that the public remains informed and can access information easily using ICT. These platforms allows for accessibility and greater communications with the public to offer real-time responses, as far as practically possible.

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<sup>10</sup><https://www.stabroeknews.com/2020/04/30/news/guyana/guyana-rises-in-press-freedom-ranking-2/>

**107.** These have been effectively used by Government Ministers to consult with the public during the Covid 19 pandemic, e.g., Minister of Education has repeatedly virtually met thousands of teachers and parents regarding the re-opening of schools.

**108.** Due to the Covid 19 pandemic, the courts have been using the internet and live streaming to hear cases and to ensure that justice is not denied nor delayed. Containerised courtrooms were set up in the prisons to allow for remand prisoners to have their day in court.

**109.** As stated in para # **67, 70-73**, the Government operationalized the long-awaited liberalization of the telecommunications sector, and implemented the ICT Access and eServices project. To achieve this, the GoG has created new opportunities for fibre optic cables, reduce cost of bandwidth, reduce cost of data so that our ICT environment will also become competitive and affordable. The ICT services provided to the hinterland and riverine communities provides the opportunity for reports of acts of corruption being channelled to relevant authorities in a timely manner and responded to with greater alacrity.

**110.** This was especially evident during the 2020 elections in Guyana, when repeated efforts by the senior officials in the Guyana Elections Commission and the then government to steal the will of the electorate to choose the government of their choice were communicated and exposed via WhatsApp, mobile text messages and Facebook.

**111.** The Office of the Director of Public Prosecutions has a website and information on the types of cases prosecuted and convictions are posted there. Also, the DPP Office has an electronic complaint form for the public to use.

**112.** With respect to ensuring full compliance with article 13 (1)(c ) of the Convention and, in particular, anti-corruption awareness raising programmes, education, training and research, anti-corruption programmes in schools and universities, Guyana notes that this is an area that it may need technical support from the UNODC.

**113.** Guyana would welcome assistance with institution building and capacity building, specifically training of academic staff/teachers/lecturers, with the development of curricula and training of trainers with regards to the preparation of resource materials in schools and universities.

**Information requested from States parties in relation to achieving the commitments regarding corruption prevention from the UNGASS political declaration.**

**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 2<sup>nd</sup> Self- Assessment.

**125.** The preparation of the 2<sup>nd</sup> 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.

**END**