

## Questionnaire – OHCHR - The Negative Impact of Corruption on the Enjoyment of Human Rights

With regard to concrete measures to link anti-corruption efforts with the realization and protection of human rights, please provide, where applicable:

- 1. Examples which show how anti-corruption efforts can be effectively complemented through the use of human rights standards, methods and mechanisms**

*The Integrity in Public Life Act, 2000* is an example of a piece of legislation enacted as part of Trinidad and Tobago's anti-corruption efforts. This Act provides for the prevention of corruption of persons in public life by providing for public disclosure, by regulating the conduct of persons exercising public functions, and by preserving and promoting the integrity of public officials and institutions.

This Act is complemented by the Integrity Commission which is established under the legislation. It is an independent body which is mandated *inter alia* to regulate the conduct of "persons exercising public functions" through the receipt of declarations of income, assets and liabilities, and by monitoring compliance with the Code of Conduct presented in Part IV of the Act. An important human rights mechanism of the Commission is its ability to receive complaints from a member of the public. Section 32 (1) of the Act provides that, "A member of the public who wishes to allege or make a complaint that a person in public life or any person exercising a public function – (a) is in contravention of this Act; (b) in relation to the Register of Interests, has a conflict of interest; or (c) is committing or has committed an offence under the Prevention of Corruption Act, may do so in writing to the Commission."

- 2. Examples where national human rights institutions (NHRIs) identified corruption as a cause of human rights violations and effective remedial measures taken**

Trinidad and Tobago does not have an established NHRI.

- 3. Examples which show how the work of national anti-corruption agencies (ACAs) and NHRIs can be interlinked, substantively, structurally and organizationally (such as existing memoranda of understanding; other formal working relations; designated human rights/anti-corruption focal points)**

This question is not applicable as Trinidad and Tobago does not have an established NHRI.

- 4. Examples of engagement with regional and international human rights mechanisms that brought about change in anti-corruption efforts**

In 2013, Trinidad and Tobago, as part of its international obligations under the United Nations Convention Against Corruption (UNCAC) successfully underwent its review under the UNCAC

Peer Review Mechanism for Parts III and IV of the Convention. As part of the Review, Trinidad and Tobago accepted recommendations for legislative and institutional strengthening of anti-corruption mechanisms. As such, the Government is in the process of reviewing and strengthening its anti-corruption framework as in accordance with its obligations under UNCAC. In this regard, in November 2015, the Attorney General announced the Government's intention to bring to Parliament the *Whistleblower Protection Bill 2015* and the *Public Procurement and Disposal of Property (Amendment) Bill 2015*.

Trinidad and Tobago is also a member of the Caribbean Financial Action Task Force (CFATF). The (CFATF) is an organisation of twenty-seven states of the Caribbean Basin, with a main objective to achieve effective implementation of and compliance with its recommendations to prevent and control money laundering and to combat the financing of terrorism. These recommendations, which have specific relevance to the region, are complementary to the additional forty recommendations of the Financial Action Task Force established by the Group of Seven at the 1989 Paris Summit. With the support of and in collaboration with the United Nations Drug Control Programme (UNDCP) the CFATF Secretariat developed a regional strategy for technical assistance and training to aid in the effective investigation and prosecution of money laundering and related asset forfeiture cases. The development of this regional strategy by UNDCP/CFATF parallels and is being closely co-ordinated with similar initiatives by the European Commission and efforts arising from the Summit of the Americas Ministerial in Buenos Aires. At present, the CFATF Secretariat is hosted by the Government of Trinidad and Tobago.

#### **5. Examples of the incorporation of human rights considerations in self-assessment of the implementation of the United Nations Convention against Corruption**

An example of the incorporation of human rights considerations in T&T's self-assessment of the implementation of UNCAC was the establishment of the Regional Justice Protection Programme which was identified in T&T's Review as a good practice. The Programme provides for the protection of witnesses, experts and victims on a regional basis, facilitating international cooperation.

Another example identified through T&T's self-assessment is the establishment of the Police Complaints Authority (PCA). The PCA is an independent body responsible for investigating criminal offences by police officers, police corruption and serious police misconduct without the involvement of the police. As part of its mandate, it engages in aggressive community outreach programmes designed to educate and sensitize the public to gain a better appreciation of the role and responsibilities of the PCA. By going into communities across both Trinidad and Tobago, the organization is better informed about the unique needs of the public based on the complaints of residents.

6. Examples of successful human rights litigation, or of investment disputes of civil law cases where human rights arguments played a decisive role, in corruption cases

Information not available.

7. Good practices for safeguarding human rights while combatting corruption, in particular with regard to: a) the criminalization of corruption (e.g. illicit enrichment), b) the detection and investigation of corruption, c) the prosecution and judicial proceedings (including *suo motu* powers) d) in the recovery of illicit assets.

Good practices with regard to:

a) The criminalisation of corruption:

- i. Trinidad and Tobago has enacted various pieces of anti-corruption legislation dealing with offences such as bribery, money laundering and the financing of terrorism. These include: *The Proceeds of Crime Act, 2000*; *The Financial Intelligence Unit of Trinidad and Tobago Act, 2009*; *The Prevention of Corruption Act, 1987*; and *the Anti-Terrorism Act, 2005*.
- ii. Although T&T does not have the offence of “illicit enrichment”, the T&T self-assessment identified an innovative alternative to the criminalisation of illicit enrichment as requiring public officials to make asset declarations as an administrative matter with criminal sanctions for failing to cooperate or producing false declarations under the *Integrity in Public Life Act, 2000*.

b) The detection and investigation of corruption:

- i. Trinidad and Tobago has established various anti-corruption agencies such as the Integrity Commission, the Ombudsman, the Police Complaints Authority, the Financial Intelligence Unit, the Financial Investigations Bureau, the Anti-Corruption Investigations Bureau, the Fraud Squad of the Trinidad and Tobago Police Service, and the Director of Public Prosecutions.
- ii. The Integrity Commission provides for a member of the public to submit a complaint in writing concerning the corruption of a person in public life or a person exercising a public function.

c) The prosecution and judicial proceedings:

- i. Although the Court does not have *suo motu* powers, several anti-corruption agencies may initiate investigations on its own initiative such as the Police Complaints Authority and the Integrity Commission.

d) Recovery of illicit assets:

- i. It was observed during T&T's Peer Review that the *Mutual Assistance in Criminal Matters Act, 1997* provides for all the forms of assistance required under UNCAC in relation to asset recovery.

**8. Good practices for the protection of victims, witnesses, reporting persons, anti-corruption activists, whistleblowers and other persons involved in the fight against corruption which explicitly build on human rights standards.**

*The Justice Protection Act, 2000* establishes the Regional Justice Protection Programme which provides for the protection of witnesses, experts and victims on a regional basis, facilitating international cooperation. This programme is one of the most efficient programmes of its kind in the region and as of 10 May 2014, there were no casualties to State Witnesses who were enrolled in the programme since its establishment in May 2003.

The Attorney General announced in November 2015, that the Government will be bringing to Parliament the *Whistleblower Protection Bill 2015*.

**9. Good practices for securing the independence and enhancing the effectiveness of ACAs which draw upon the United Nations Paris Principles and the practice and modalities followed for strengthening the independence and effectiveness of NHRIs (e.g. the International Coordinating Committee of NHRIs; its peer review process; sharing of substantive and administrative approaches to work).**

Good practices for securing the independence and enhancing the effectiveness of ACAs include the operations of the Police Complaints Authority (PCA). As regards its independence, the Director and Deputy Director of the PCA are appointed by the President on the joint advice of the Prime Minister and the Leader of the Opposition. The PCA is not accountable to any line Ministry but only to the Parliament. In relation to its effectiveness, the PCA produces annual reports that are made public and are heavily engaged in public awareness and outreach.

**10. Any other issues relevant to the scope of this study, including for instance information on the use of indicators for measuring the negative impact of corruption on human rights or the correlation between corruption and human rights violations and vice versa.**

Information not available

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