



ANNUAL REPORT

2021-2022

*“Promoting Integrity,
Honesty and Good
Faith in Public Life”*



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TRANSMITTAL LETTER

December 1st, 2022

The Hon. Speaker
Turks and Caicos Islands (TCI) House of Assembly
NJS Francis Building
Grand Turk

Dear Hon. Speaker,

In accordance with the provisions that are contained in Section 102 of the Constitution of the Turks and Caicos Islands (TCI), and Section 16 of the Integrity Commission Ordinance, The Commission hereby submits the Annual Report of the Integrity Commission for the period 1 April 2021 to 31 March 2022 for the attention of the House of Assembly.

Respectfully yours,

A handwritten signature in black ink, appearing to be "Tanya Lobban-Jackson", written over a horizontal dashed line.

Justice Tanya Lobban- Jackson
Chairman

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PREFACE

Shortly after its establishment in May 2010, the Integrity Commission adopted and promulgated its Vision Statement, as well as its Mission Statement.

In addition, the Commission committed itself to upholding the Seven Principles of Public Life. These Principles were adopted and published in the TCI Code of Conduct for Persons in Public Life in 2012.

The Commission's Vision and Mission Statements, and the Seven Principles of Public Life, have been reproduced on the pages that follow.

OUR MISSION

The TCI Integrity Commission will lead in combating corruption, promoting integrity and increasing legal compliance amongst persons in public life, so that public resources are used fairly and for the benefit of all TCI people.

OUR VISION

The Turks and Caicos Islands as a corruption free nation with high ethical standards, where persons in public life are respected for their integrity and commitment to serve their people.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

LEGAL AUTHORITY AND ESTABLISHMENT OF THE TCI INTEGRITY COMMISSION

The Constitution and the Integrity Commission Ordinance

The Integrity Commission Ordinance 2008 (No. 8 of 2008) was passed by the House of Assembly of the Turks and Caicos Islands and assented to by His Excellency, Governor Tauwhare, on 15 May 2008. It was published in the Gazette on 23 May 2008.

Section 97 of the Turks and Caicos Islands Constitution, which came into force on 15 October 2012, provides for the establishment of the Integrity Commission, among other institutions protecting good governance.

Section 1 of the Integrity Commission Ordinance provides that the Ordinance shall come into operation on such date as the Governor may appoint by notice published in the Gazette. By virtue of the Integrity Commission Ordinance 2008, Notice of Commencement 2009, (Legal Notice 6 of 2009), His Excellency, the then Governor, Mr. Gordon Wetherell, appointed 1 June 2009 as the day on which the Integrity Commission Ordinance 2008 should come into operation.

Section 97 (2) of the Constitution secures the independence of the Integrity Commission and other institutions protecting good governance. It is enacted in Section 97 (2) that, in the exercise of their functions, these institutions shall not be subject to the direction or control of any other person or authority.

Membership of the Commission

Section 3 of the Ordinance establishes the Commission and, together with Section 102 (1) of the Constitution, provides that its membership shall consist of –

- (a) A chartered or certified accountant of at least seven years' standing appointed by the Governor, after consultation with any body which, in his opinion, represents chartered or certified accountants in the Islands.
- (b) A person who holds or has held the office of Judge in the Court of Appeal or Supreme Court in any part of the Commonwealth, appointed by the Governor, after consultation with the Premier and the Leader of the Opposition.
- (c) A person who has been admitted as an attorney under the Legal Profession Ordinance and whose name has been entered on the Roll of Attorneys, with at least seven years' standing, appointed by the Governor, after consultation with the Bar Council.
- (d) A member of the Clergy, appointed by the Governor after consultation with the Premier and Leader of the Opposition.
- (e) A person appointed by the Governor on the advice of the Premier.
- (f) A person appointed by the Governor on the advice of the Leader of the Opposition.

The Chairman of the Commission is appointed by the Governor, from among the six members, acting in his discretion. Sections 4, 5, and 7 of the Ordinance, make further provisions as to the disqualification from membership, the tenure of office of members, as well as any vacancies that may arise in the membership of the Commission.

MEMBERS OF THE COMMISSION

1.1 The Commission's membership, as at 31 March, 2022.



**JUSTICE TANYA
LOBBAN-JACKSON**
Chairman

Justice Tanya Lobban-Jackson was appointed as Chairman of the Commission, for 3 years, with effect from February 2022. She succeeds the Commission's former Chairman, Justice Seymour Panton who demitted office in December of 2021 with effect from February 2022. She succeeds the Commission's former Chairman, Justice Seymour Panton who demitted office in December of 2021.



STEPHEN WILSON, QC
Member

QC Wilson has been a member of the Commission since 2020.



**CANON MARK
KENDALL**
Member

Canon Mark Kendall has been a member of the Commission since April 2016.



MR. DAX BRUTON
Member

Mr. Dax Bruton has been a member of the Commission since February 2018.



**MRS. TREMMINE
SWANN-HARVE**
Member

Mrs. Swann Harvey has been a member of the Commission since April 2019.



**DR. THE REV. SAMUEL
GOLDSTON WILLIAMS**
Member

Dr. the Rev. Samuel Goldston Williams has been a member of the Commission since September 2018.

FUNCTIONS OF THE COMMISSION

1.1 The functions of the Commission are principally set out in 3 Legislative enactments, namely, the Integrity Commission Ordinance, the 2011 Constitution, and the Political Activities Ordinance (PAO). The initial functions of the Commission were set out in Section 13 of the Integrity Commission Ordinance, upon its enactment in 2008. In 2012, both the Constitution¹ and the Political Activities Ordinance² (PAO) significantly expanded the remit of the Commission³

1.2 In accordance with the provisions of the PAO (as amended), the Commission is mandated to register and regulate the conduct of political parties and independent candidates, and control donations to and campaign expenditure by these parties and candidates, as well as their income and expenditure. Notwithstanding this expanded role, the primary responsibility of the Commission is “to promote integrity, honesty and good faith in public life in the Islands.”(Ref. Section 102 (2) of the Constitution).

1.3 The Commission’s core functions, among others, are:

- (a) To receive Declarations of Income, Assets and Liabilities, Statements of Registrable Interests, and Statements of Gifts, filed by persons in public life; to maintain Registers of these Registrable Interests; and to generally manage compliance concerning these Declarations, Statements of Registrable Interests and Statements of Gifts.
- (b) To examine the Declarations and Statements filed, and to make the necessary enquiries and carry out investigations, where warranted, to verify the accuracy of same.

¹ Secs. 102 & 103

² Sec. 71

³ At the time of the finalization of this report, the Bribery Ordinance had been enacted to come into force at such date as the Governor shall designate by notice published in the Gazette. This Ordinance further expands the mandate of the Commission.

- (c) To receive and investigate complaints regarding any alleged act of corruption, breach of the Code of Conduct for Persons in Public Life (the Code), breach of the Political Activities Ordinance, or breach of any other law in respect of which the Commission has a statutory mandate. The Commission may also carry out investigations on its own initiative where it is of the opinion that there are reasonable grounds for doing so.
- (d) To establish and maintain transparency and integrity in party and election financing, on behalf of the public of the Turks and Caicos Islands, and to receive, consider and publish information about political donations and campaign spending at elections.
- (e) To prepare and publish guidance and good practice for political parties and candidates to comply with the requirements of the Political Activities Ordinance, and generally to monitor compliance with the provisions of the Ordinance.
- (f) To contribute to public education about integrity in public life.
- (g) To encourage and promote high ethical standards and principles of good governance in public life through the formulation, publication and enforcement of a Code of Conduct for persons in public life, including Members of the House of Assembly.
- (h) To exercise such other functions as are conferred on it by the Constitution, the Integrity Commission Ordinance, the Political Activities Ordinance, and any other laws, for the purpose of fulfilling its primary responsibility.



ORGANIZATIONAL STRUCTURE OF THE COMMISSION

Composition of Commission

1.1 The Chairman and 5 other members constitute the Commission. Together, they discharge the functions and exercise the powers of the Commission, whether directly as a body or, indirectly, through the Commission's Executive arm and/or Sub-Committees of the Commissioners. The Commissioners meet regularly to deliberate and decide upon matters, over which they are vested with full jurisdiction by virtue of the provisions of the Constitution and the Integrity Commission Ordinance.

Executive Team

1.2 The Commission's daily operations are currently undertaken by an Executive team that is headed by a Director. The Director is expressly charged with the responsibility for the management of the day-to-day affairs of the Commission. He is assisted by a Deputy Director and other officers from the Compliance, Enforcement (Investigative and Intelligence), Public Education and Information Technology and Security Units of the Commission. A Statutory Secretary to the Commission also serves the Commission and its Executive arm. In accordance with Section 17 the Integrity Commission Ordinance, these officers are appointed on such terms and conditions as are

determined by the Commissioners, acting within the funds and resources that are made available to the Commission.

Historical Development of Organization

1.3 For approximately one year and four months after its inaugural meeting on 12 May 2010, the Commission operated with a skeletal Executive team which was composed of an Interim Director and a Secretary. Because of the very parlous state of the Commission's then finances, the original Commissioners were obliged to function virtually as the Executive arm of the Commission. Thereafter, between July 2011 and January 2012, the Executive arm operated with a substantive Director, one Investigative Officer and the Secretary. A Compliance Officer was added to the Executive team in February 2012. Subsequently, the Commission's staff was increased.

Organization Structure in Reporting Year

1.4 The Commission's 19 staff members inclusive of the ancillary staff, can be gleaned from the Annual Budget documents.



DIRECTORS REPORT



MR. PAUL MARTIN
DIRECTOR



'The global cost of corruption is at least \$2.6 trillion or 5 per cent of the global gross domestic product, according to the World Bank, businesses and individuals pay more than \$1 trillion in bribes every year.'

In 2019 the World Economic Forum stated that corruption, bribery, theft, tax evasion and other financial flows cost developing countries \$1.6 trillion per year. The British Overseas Territories have been in the spotlight over the last five years with the publication of the Panama Papers and the Paradise Leaks and most recently corruption in the British Virgin Islands.

The Intelligence Unit of the Integrity Commission has intelligence that there is significant corruption in the public sector and TCIG. A Strategic Assessment has been carried out and a Control Strategy (Priorities/Major Risks) has been agreed. These are 'living' documents, which are updated as the intelligence picture changes. The current focus has been on the following areas:

Allegations related to the Immigration, Labour and associated departments which provide status documents for immigrants. This links in with areas of national security, particularly related to people trafficking activity and smuggling of contraband. Declarations, with particular emphasis and focus on the most senior officials within TCI who have a duty to submit full and proper disclosures in relation to their financial activities.

Conflict of Interest, specifically those which may relate to Members of the House of Assembly and Members of Statutory Boards within TCI. Government Contracts, where credible intelligence exists, that is not based on rumour, or a lack of understanding, on the part of an unsuccessful bidder. Funding requests to allow for the continuance of the investigation of two major enquiries.

All cases are put through a risk matrix, which ensures that those being worked on carry the greatest risk to TCI.

For the Integrity Commission to fulfill its mandate of: 'The promotion of Integrity, honesty and good faith in public life.' there must be:

An acceptance of the prevalence of corruption.

The political will to deal with it.

An effective agency to prosecute.

An effective prosecution service.

An effective judicial system to hear cases.

On my taking up the post of Director Integrity Commission, it was significantly under resourced and unable to deal with the level of corruption that existed. The IC was reliant on ad hoc short-term funding for contractor investigators, which resulted in a lack of continuity in the investigations and staff. Insufficient resources were the single most significant operational risk. During the last year, funding has been obtained to progress the two major investigations and permanent staff have been recruited for the Compliance and Investigation Units. I am grateful for the support of TCIG and the Governor's office. There is still the issue of the IC requiring work permits, however, this should be resolved in the near future.

There has been greater synergy between the units in the IC with Compliance, Enforcement and Public Education all working towards the same goals in line with the Control Strategy. It is accepted that previously there has been too great an emphasis on judicial process. The focus has moved to more pragmatic outcomes, utilising the Code of Conduct. The IC is also working in partnership with the Governor's office and the Deputy Governor in particular to ensure a coordinated approach.

A review of Compliance has been carried out, which has resulted in a prioritisation of Declarants. Cabinet Members, Members of the House, Permanent Secretaries and Deputy Permanent Secretaries will take precedence over other Declarants. The necessity of all declarants to provide full supporting document has been examined and only those of those of the higher risk and where there appear to be irregularities will it be



mandated. The principle is the same as for investigation, those with the highest risk will be prioritised.

A more structured approach has been taken to non-compliance. There will be an escalation of response from the IC, only resulting in investigation when all other avenues have been explored. The primary response will be educating and preventing non-compliance. Likewise, with 'Conflicts of Interest' a structured approach has taken place, with an emphasis on educating and preventing.

This does not negate the fact that these areas are recognised as significant risks, as per their inclusion in the Control Strategy, however, our duty is to prevent, as well as investigate. There are also capacity issues in relation to investigation.

Previously the three departments have tended to work in isolation and there have been problems when Compliance issues reached prosecution stage. There is now a greater co-operation between investigation and compliance and vice versa and a sharing of skill sets. Public Education now work in conjunction with Compliance and Investigation sharing the same goals and objectives.

There has been increased outreach from Public Education, through engagements with Declarants and the HOA, various departments of government, churches, schools, and the general public. Production of additional infomercials and maximising the use of our media, online presence, utilising social media. Additionally, an increase in outreach to high-risk groups: Immigration/Border Control, Contract Department/Board, Labour Department, Police and Tourism- Pls.

Information security is fundamental to the function of the IC. By its very nature, the IC holds highly confidential and sensitive information, therefore should the security be breached, it would cause irreparable damage to the reputation of the IC. The IC currently employs an IT Specialist/Security Manager who ensures the security of information. The IC is currently implementing an online portal for declarants to submit. Due to the security issues this is a significant project.

The Integrity Commission has been given responsibility for enacting the Bribery Ordinance, with no additional resources. This was not possible in the last year, due to existing priorities. The challenge will be that there will be additional cases, which will require further staff. A further issue is, whilst there are insufficient resources to deal with public sector corruption, private sector corruption will rarely take precedence.

As a consequence of the Turnbull Statutory Review, which makes various HR recommendations, the IC employed a HR consultant on a three-month contract. The report is in the process of being finalised and albeit positive in general, makes recommendations which will be enacted next year.

As always, this has been a challenging year for the Integrity Commission, however, significant steps have been taken but there is still much to do.

GENERAL OVERVIEW OF COMMISSION'S ACTIVITIES

Introduction

1.1 During the financial year, the Commission continued to discharge its mandates under the TCI Constitution, Integrity Commission Ordinance and Political Activities Ordinance. The anti-corruption compliance and investigation mandates, as well as its mandate to educate the country's citizens and residents about the Commission's vision, functions and objectives. The 2021 General Election was also monitored by the Commission and International agencies. The Commission, as always, continued its assistance to those who offer themselves for public service, in following the principles of integrity and good governance in public office so as to facilitate the sustained economic growth and development of the TCI.

Changes in Composition of Commissioners and Executive

1.2 The Commission, during the year, welcomed a new Chairperson and Director, along with two (2) new Staff. It bade farewell to former Chairman Seymour Panton who was replaced by Justice Tanya Lobban Jackson. Mr. Paul Martin, the former Intelligence Officer of the Commission from 2015 to 2017, took the helm as the Director in February of 2021.

Compliance Staff members Lucy Mureithi and Gustavo Peinado joined the ranks of the Executive during the year.

Meetings of the Commissioners

1.3 During the year, the Commissioners convened 8 formal Virtual Meetings. They were as follows:

M65 - 28th April 2021 - GotoMeeting

M66 - 9th June 2021 - GotoMeeting

M67 - 22nd July 2021 - GotoMeeting

M68- 9th September 2021 - GotoMeeting

M69 -3rd November 2021 - GotoMeeting

M70- 14th December 2021 - GotoMeeting

M71 -28th January 2022 - GotoMeeting

M72 -8th March 2022 - GotoMeeting

It should be noted that in the light of the Covid19 pandemic the Commissioners utilized the GoToMeeting virtual Conferencing facility to conduct urgent Meetings when physical face-face Meetings were not recommended.

BUDGET

1.4 The Commission received for the 21/22 Financial year, approximately two million three hundred thousand dollars, as its recurrent subvention from the TCIG. (\$2,294,310)

General Election 2021

1.5 The General Election was held in February of 2021 and as usual the Political Activities Unit engaged with all the Registered Political Parties and Independent Candidates during the year leading up to the Election. The 2021 General Election Report (attached), covers the totals of the Donations and Expenditure of all involved in this exercise.

Compliance Function

1.6 The Commission's Compliance Unit welcomed two new staff members during the 21/22 year, Lucy Mureithi, and Gustavo Peinado . These additions enhanced the Unit's ability to administer the discharge of its critical and formidable mandates. As usual, and thanks to the positive attitude of Declarants in public life in the TCI, the Unit enjoyed a relatively good year with approximately 90% compliance amongst the country's 350 + Declarants, who were required to submit Declarations of Assets, Liabilities and Income during the period in question.

1.7 The names of less than 10 non-complaint Declarants, each for 2020, and 2021, were submitted to the Deputy Governor, on account of their failure to provide additional information to the Compliance Unit.

1.8 There is still the lingering issue of the Unit not being notified of new employees in Government positions, inclusive of Public Body Board appointees, who fall into the category of Declarants, or of those who have left the TCI Public Service and are required to file exit declarations. With continued outreach, public notices, and meetings with Ministries and Heads of Departments, the Compliance Unit has been addressing the problem. Its objective is to ensure that all Declarants are properly notified of their responsibilities to the Commission, and to people of the TCI, and are fully compliant with the requirements of the law.

1.9 In keeping with their prior practice, all 21 Members of the TCI House of Assembly were compliant in filing their two-year Declarations of Assets, Liabilities and Income, as well as their annual Statements of Registerable Interests and Gifts, on time.

Investigations and Enforcement Function

1.10 The Commission's Investigation and Enforcement Unit composed of the Senior Investigative Officer, an Investigative Officer, a Financial Investigative Officer, and an Intelligence Officer had their hands quite full even though Covid lock downs of offices for most of 2020 dictated operations were somewhat curtailed. Finances are in place for the hiring of three Specialist Investigators who will take up positions early 22/23. The Enforcement team will then have a compliment of seven officers.

1.11 The Unit is managing two complex investigations for which consultant specialist teams have been recruited from overseas as the demands of the Commission's investigations are significant.

1.12 It is worthy of note that the Unit continues to collaborate with local and overseas law enforcement agencies on a few matters. It has also secured funding to undertake a number of very critical investigations, which could pose far-reaching adverse implications, for the TCI, if they are not urgently addressed. The matters were awaiting thorough investigation, but same was and is beyond the resource and technical capacities of the Unit.

1.13 The confidence that is reposed in the Commission, by those who report matters to it, has to be reinforced by its actions in effectively and efficiently dealing with same. Our teams understand that this is the core of our functioning, if the Commission is to be taken seriously. We do, however, explain to persons who have reported issues to the Commission, that each matter will be interrogated or investigated and determined on its peculiar merits. Resource constraints may also result in the Commission having to take more time than would be reasonably expected, if it is to effectively address the matters that are at hand.

1.14 Some of our stakeholders do seem to understand this. However, when matters drag on for extended periods, it will inevitably lead to persons who will then doubt the Commission's ability to do what it says it will do. Expectations must be managed when the lack of resources inhibit an anti-corruption commission from discharging its functions efficiently and effectively, failing which its reputation, in the public's eyes, and in the eyes of other stakeholders, will be negatively impacted.

1.15 The Commission currently has two matters before the Courts. There is also at least one matter that is pending with the Office of the Director of Public Prosecutions. One of the difficulties that we experience, being a part of a relatively small island community, in which residents are drawn from several nationalities, is that witnesses, while some may be forthcoming with information, the overwhelming majority are, nevertheless, extremely reluctant to appear in Court. Our teams, having observed the outcomes of Commission matters, that have passed through the Courts over the past 4 years, are exploring alternative avenues for dealing with these challenges. We are, therefore, presently engaged in the process of implementing new strategies to tackle the issues that we have identified.

Public Education Function

1.16 The Commission's sole Public Education Officer (PEO) continued the Commission's outreach during the year to its very critical stakeholders – the wider community, but specifically to our schools, public bodies and public officers. The Commission's annual High School Debate and Community College Speak-Off Competitions were held in March 2019. This was in addition to the other usual outreach engagements that are routinely undertaken at schools, and at several Public Bodies. Some of the Commission's planned visits, and scheduled programmes for radio and television broadcasts, were put on hold but should be re-instituted during the new financial year. As we had advised last year, the costs that are associated with executing these activities, across the islands, in what is essentially an archipelagic state, require significant funding that did not materialize in the past financial year.

1.17 The Public Education Unit conducted a Behavioral Change training seminar in November of 2021. This was the first phase of a two part program conducted by Dr. Evrold Hossein. The training was well attended and will continue very early in the 22/23 year.

1.18 The Unit's introduction of Integrity Clubs, throughout TCI High Schools, is still being worked upon, as funding issues appear to make it difficult for personnel from the schools to commit to the undertaking. Among the Unit's plans, is the objective of partnering with business persons, artists and professionals, who are drawn from the local communities, and to take them into the schools along with the Commission's officers, during its outreach engagements. This way, the students will have the opportunity to hear of their experiences, and how important adherence to principles of integrity has been throughout the development and growth of their careers.

Information Technology / Security Function

1.19 The Commission's IT Specialist and Security Manager, within the resources that have been made available to the Commission, has consistently kept the Commission on the cutting edge of information and communications technologies with continuous upgrades to the Commission's IT systems and licences. He did not fail in the discharge of his responsibilities during the reporting year, in consequence of which the Commission has continued to benefit from his stewardship of this critical operating function.

COMPLIANCE UNIT REPORT

Declarations of Income, Assets and Liabilities

Two hundred and forty (240) persons were expected to file by 31st December 2020. As at 31st December 2020, one hundred and eighty-nine (189) persons (79%) had filed. A total of fifty-one (51) persons (21%) did not file.

Two hundred and twenty-eight (228) persons were expected to file by 31st December 2021. As at 31st December 2021, two hundred and six (206) persons (90%) had filed. A total of twenty-two (22) persons (10%) did not file.

Total Declarations Received as at December 31, 2020

	Number	Percentage
Total Declarations Received to date	189	79%
Total Declarations Outstanding to date	51	21%
Total Expected Declaration Intake 2020	240	100%

Total Declarations Received as at December 31, 2021

	Number	Percentage
Total Declarations Received to date	206	90%
Total Declarations Outstanding to date	22	10%
Total Expected Declaration Intake 2021	228	100%

House of Assembly

All twenty-one (21) House of Assembly members have filed a Declaration between 2020 and 2021. Additionally, all twenty-one (21) filed a Register of Interest, which was published on 1st September 2021.

As at 31st December 2021, twelve (12) House of Assembly members were recommended for a Certificate of Compliance.

Verification of declarations for the other nine (9) members are ongoing. The verification process for some of these HOA has proved very complex in nature for several reasons, including but not limited to, conflicts of interest, multiple private businesses, difficulty reconciling details as filed in the declaration to supporting documents and non-provision of requested documents. The Compliance Unit continues to communicate and work with these HOA to finalize the verification process.

Orientation Sessions for new Specified Persons in Public Life (SPPL)

The Compliance Unit hosted orientation sessions, in small groups, for new (Specified Persons in Public Life (SPPL). The sessions aim to educate newly appointed members on the Declaration process and their responsibility to file in a timely manner. A total of seventy-two (72) persons attended sessions for the year 2021. The sessions have all been interactive and well received. The Compliance Unit is now focused of verification and therefore orientation sessions for new declarants will resume in early 2022.

Verification of Declarations

The Compliance Unit has been in continuous receipt, assessment and verification of declarations. Work towards the clearing of all outstanding declarations has been challenging since there has been only one/two active members staff within the Compliance Unit at any one time since the Commission began operations. For all Declarations filed, there has been limited staff to effectively verify them.

With the introduction of the new Compliance Officer in 2022, and the use of specialized software, Crimson, it is anticipated that more time can now be spent on the verification exercises. The Crimson software was specifically tailored to meet the need of the Compliance Unit. The input of declaration details into the system allows for the generation of net worth reports, which facilitates ease of analysis. This is expected to increase the efficiency of the verification process.

Certificate of Compliance

A total of one hundred and thirty-seven (137) Certificates were issued in 2020.

A total of one hundred and seventy-eight (178) Certificates were issued in 2021, an increase of 23% up from 2020.

The Compliance Department continues to work with Declarants to promote the Integrity Commission's mandate for good governance.

ENFORCEMENT UNIT REPORT

Once again 2021 proved a challenging year in respect of what the Enforcement Team was able to achieve. As previously highlighted, the operational team continued to be significantly under-resourced based on the allegations which were reported and the added complications of Covid.

However, the number of actual ongoing operations and incidents was reduced to a slightly more manageable level from previous years, which was primarily as a result of a Control Strategy which was instigated during 2021.

This identified priority areas to which resources could be focused and continues to be implemented. The primary focus of attention being on law enforcement, illegal immigration and status document issues and allegations, government contracts and an ongoing complex major corruption investigation.

Inevitably there are other significant distractions which sit outside of these primary areas such as ongoing prosecutions.

Continuing investigation and case management in respect of the 21 incidents which were reported to the Commission last year; the 77 intelligence reports all of which require evaluation and, in many cases, ongoing development; together with the current and ongoing 10 live investigations with further in development, have and continue to be investigated.

With just a core team of four staff, emphasis had also been provided in relation to managing a small number of temporary staff in order to assist with more complex operations.

At the end of 2021, a more significant amount of funding was finally agreed, which has resulted in some seven temporary contractors being deployed by the Enforcement Team for several months during 2022. It is anticipated that this will make a significant difference in the capabilities of the team during the period that they are deployed in TCIG.

Further ongoing investigations continue and it is anticipated that they will reach a threshold for prosecution in the near future.

Due to the nuances of the TCIG funding process, funding was also secured in respect of an additional three Special Investigators to be added on a permanent basis to the Enforcement Team. Whilst the process in respect of this recruitment continues, it is anticipated that once recruited there should be a strong cadre of a further three highly skilled investigators who will be operating on the team by mid-2022.

All things considered, during 2021, whilst on appearance perhaps only small steps have been made in respect of the team's successes, those successes are the cornerstones of what will follow. With a core team of seven staff going forwards plus financing in respect of temporary contractors during 2022, it is very much hoped that a more capable and effective operation can be achieved, in respect of what the Enforcement Team can do reactively and potentially proactively, which resource dependent, may also involve integrity testing of potentially corrupt TCIG employees where a suitable intelligence case exists.

PUBLIC EDUCATION UNIT REPORT

Introduction

1.1 The Commission, through its Public Education Unit, continued its outreach throughout the reporting year, as its budget and Covid-19 pandemic restrictions allowed. Its mandate to pursue public engagements with its key stakeholders in the various sectors of the TCI community, including Government Departments, Public Bodies is a continuous and ongoing function. The Commission held its first ever Behaviour Change Communication Seminar.

1.2 The Public Education Officer presented on behalf of the Integrity Commission, for the Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies (CCAICACB), Annual Conference held virtually in June 2021 under the theme ALL IN: Promoting Integrity, Compliance and Accountability in the Fight Against Corruption.

TCI Public Service Engagement

1.3 Public Service engagements began with the House of Assembly Members in collaboration with the compliance Unit, there were some challenges in setting the right date, due to their busy schedules, however, it proved a very beneficial and engaging over three-hour sessions (2) in May 2021. This collaboration continued in June with the Specified persons in public life with the appointments of new board members.

1.4 Public Education sessions continued with the other specified persons in public life, and government stakeholders, groups included the Contract and Labour Department, Gaming, Tourism and Planning Board, TCI Regiment, a subset of Immigration and TCI International School of Learning. See pictures of outreach engagements below.

Engagement – House of assembly Members- Functions of the Integrity Commission & Conflict of Interest.



Engagement – Specified Persons in Public Life- Functions of the Integrity Commission & Conflict of Interest.



OUTREACH

Engagement – TCI Regiment, Labour Department, Tourism & Gaming Board- Functions of the Integrity Commission & Conflict of Interest.



The Commission introduces – Behaviour Change Seminar – 9th to 13th November 2021

1.5 The Behaviour Change Seminar was held at The Atrium Resort Conference Room, Providenciales. At the Opening Ceremony, some of the Anti-Corruption challenges here in the TCI were highlighted by the Director Paul Martin with the media and participants. The Deputy Premier disagreed that Corruption was a problem in the TCI however, reaffirmed, that he would continue to publicly support the Commission and ensure that it gets the resources that it requires to perform its function.

The facilitator for the Seminar was Dr. Everold Hosein, a Senior Communication Advisor/Consultant, World Health Organization (WHO) Communication Consultant to UNICEF, UNFPA, UNDP, UNWOMEN; President, The COMBI Institute; Distinguished Scholar, CUNY Graduate School of Public Health and Health Policy.

This Integrated Marketing Communication for Behavioural Impact seminar ~Behaviour Change Seminar, was purposefully directed at behavioural goals, critical to not only educate and inform, but influence mindset, and its processes to transition from knowing to doing what is right. It sought to engage personnel from all ministries across government sectors, other entities of good

governance and other stakeholders. Among the TCIG Departments, Statutory Bodies and Groups represented at the event were Attorney General's Chambers, Complaints Commission, Department of Public Prosecution, Elections Office, Office of the Chief Internal Auditor, Financial Services Commission, Immigration, RTCI Police Force, Ministry of Education, National – Provo Christian Council, Representative Haitian Community, Ministry of Tourism, Ministry of Home Affairs, Ministry of IHPD, Customs and the Youth Church.

Those who attended, thoroughly enjoyed the sessions, and thought it an enriching and meaningful seminar which all civil servants should be enabled to engage in, particularly, the decision-makers as the skillset and principles garnered will be translated within their working environments.

By the end of the Workshop, eighteen stakeholders are trained in Communication for Behavioural impact; three partially drafted behavioural plans were presented, all highlighting to some degree the importance of “civil servants not accepting bribes” and the “public not offering bribes”.

The Integrity Commission publicly thanked all who participated during the opening ceremony, the media who shared this important information with the public and all the attendees of the five-day seminar as well as their supervisors who allowed them to attend.

Opening Ceremony~ Behaviour Change Seminar



1.6 The Commission's progression with its anti-corruption PSAs and jingles will continue in collaboration with the Behaviour Change Seminar follow-up plan scheduled to take place before the end of 2022. New PSAs will be drafted, with the skillset of communicating for behaviour impact as budgetary resources allows. The Spanish translations were completed, and the older PSA's (English and Creole) will continue to play periodically across all local broadcasting networks in the upcoming year.

Media

1.7 Local newspapers kept their agreement to post Public Education initiatives free of cost during the year and the Integrity Commission made several newspaper headings; highlights from the Behaviour Change Seminar, was also posted on TCI Weekly Newspaper and on the local television network station People's Television, Providenciales (PTV) as well as our local radio station - Radio Turks and Caicos (RTC). Anti-Corruption messages to celebrate Anti-Corruption Day on 9 December 2022, were video recorded by the Chairman, the Director, the Hon. Premier, and the Hon. Leader of the Opposition, were shared with all local media outlets for dissemination. See some newspaper highlights from 2021 below.



INFORMATION TECHNOLOGY (IT) AND SECURITY REPORT

The Continuing **Duty of Confidentiality**

The Ordinance imposes heavy confidentiality obligations on Commissioners and Staff of the Commission in the performance of their roles and functions. This obligation is continuous and the Commission is irrevocably committed to ensuring very strict compliance with this statutory imperative. Accordingly, the Commission has continued to enhance and improve the infrastructure and systems already in place to maintain an organizational culture and mindset of zero- tolerance to any form of confidentiality breach.

Enhancement of ITC **Infrastructure and Security**

Over the 2021-2022 financial years the Commission's Information Technology unit has been engaged in the continued on-going projects of modernising the Commission's Information Technology Infrastructure, Improving Business Continuity & Disaster Recovery preparedness, Effective Internal Communication and Collaboration and increasing User Mobility & Security.

New **Technologies**

In this regard the Commission has embraced both technologies which allow for the virtualization of servers (which can allow for one or more server images to simultaneously operate off of the same physical server hardware) and the availability of reasonably priced enterprise grade storage devices, to improve the efficient use of the Commission's IT Infrastructure and to improve on the Commission's Business Continuity/Disaster Recovery stance.

Investments have been made to upgrade the Commission's IT Infrastructure to improve both the redundancy of the network and the electrical power distribution, this includes the monitoring and management of the same.

Mobile **Devices**

Additional Investments were made to supply members of the team with secure devices to support their respective roles. This ensures that they are equipped with devices to suit their mobile roles at the Commission which allows them to increase their productivity without compromising network security.

Intranet Portal

The Commission also completed the first and second phases of the design, installation, and customization of its first internal staff portal. This portal will serve to increase the effectiveness of staff collaboration and Human Resource Management.

This portal will allow the Commission to transfer many common paper-based processes to a simpler digital process hosted on the portal. The digitization of these processes will further increase operational flexibility especially for staff members working remotely and allow the Commission ability to work greener.

Information Security Awareness Training Program

Given the ever-increasing threats to information security in today's digital space and the critical importance of the confidentiality and security of the Commission's digital information and assets, the Commission has made the necessary investments into technology to maintain its security. To complement this investment the Commission has fully implemented a Security Awareness Training Program to reduce the risk to what is known as the greatest security risk to any organization's security program, which is 'the human element'. This program provides regular information security awareness training and assessments to all Commissions, Staff and Consultant's to ensure that they remain security aware in all of their operations.

Security Posture

The Commission has striven to strategically implement a combination of policy and physical controls to manage the assessed threats to the security of persons, assets and information at each of the physical locations that is under the Commission's management purview. The Commission's Security Policy is meant to guide and influence these controls through a mature risk-based approach that is designed to manage the Commission's overall security posture. The Policy is regularly reviewed and amended to ensure that it can adapt to evolving threats to its operations.

With regard to securing the Commission's information, the Commission's ICT and Security Unit strives to ensure that the following principles are maintained:

Confidentiality: To maintain the confidentiality and secrecy of its information as per its internal policies and statutory obligations.

Integrity: To ensure that the integrity of the information it maintains is preserved throughout its life-cycle within the Commission.

Availability: To ensure that the information it collects, produces and manages is made available 'restrictively' and 'exclusively' for the purpose of achieving its official mandate, in keeping with the constraints imposed by its statutory obligations.

The Commission has sought to improve on its security posture during the reporting period. It will continue to learn, adapt and improve on same to ensure that all perceived risks will be managed and reduced to a level that is deemed acceptable to the Commission.



ADMINISTRATIVE UNIT REPORT

The function of the Administrative Team in the Turks and Caicos Islands Integrity Commission is to ensure that the day-to-day administrative operations of the Commission are taken care of in a professional manner, which will benefit all staff members and the Commissioners of the Integrity Commission.

The Secretary to the Commission has direct responsibility for the two Secretarial Support Officers who are both currently located in Providenciales, as well as two auxiliary (cleaners) staff members who are tasked with the daily cleaning of the two offices.

The Secretary to the Commission is a statutory appointment, as per the IC Ordinance, she is responsible for ensuring that all Commission Meetings are arranged and held and that a record of all decisions and actions are recorded in the minutes of the Commission. The Secretary to the Commission also ensures that all payments to vendors are made on time, as she is responsible for data entry for the online banking transactions of the Commission.

The two Secretarial Support Officers are tasked with, amongst other things, receiving visitors to the Commission and, in the case of Declarants/SPIPL, ensuring that their confidential documents are deposited into the drop safe that is located in the Office. Ensuring that all travel arrangements (i.e airline tickets, hotel accommodations, vehicle rental, etc) for all staff and Commissioners are made promptly. The purchasing of general office supplies for both Providenciales and Grand Turk offices. The preparation of purchase orders and payment vouchers that facilitate the payment processes that are in place.

The admin team also undertakes some aspects of human resources management, such as preparation and monitoring of staff contracts and tenure of Commissioners, monitoring staff vacation leave, ensuring that staff payroll is paid in line with TCIG pay schedule.

Overall the administrative tasks of the Commission are carried out in an efficient and timely manner and we look forward to some growth with new team members over the next two years.



POLITICAL ACTIVITIES REPORT

General Statement

1.1 The primary object of the TCI's 2012 Political Activities (Amendment) Ordinance (PAO) is to ensure transparency and integrity in the financing of Political Parties and Independent Political Candidates. The Ordinance also serves to create a level playing field among the Political Parties, and Independent Candidates, in the political, electoral and democratic processes of the TCI.

1.2 All requirements of the Registered Political Parties have been complied by the Treasurers of the three (3) currently Registered TCI Political Parties. The Annual Statements of Accounts are available for public inspection at both locations of the Commission's offices in Grand Turk and in Providenciales.

1.3 The General Election held in 2021 was monitored by the Political Activities Unit and International Observers. The 2021 General Election Report is attached to this report for perusal by the HOA Members. It will be released to the General Public and available for inspection at our offices.

COMMISSION'S FUNDING, FINANCIAL ACTIVITIES AND FINANCIAL ACCOUNTABILITY FRAMEWORK

General Budgetary Funding

1.1 The Commission is funded by the TCI Government as mandated by the Appropriation Ordinance, which has been enacted by the TCI House of Assembly. The Commission's bid for its budget for each financial year is usually presented to and scrutinized by the Appropriations Committee of the House of Assembly in a public hearing which is broadcast live on radio and via the internet. The Appropriations Committee subsequently makes a recommendation to the House of Assembly for approval of the Commission's budget. In furtherance of the constitutional protection of the independence and funding of the Commission, the House of Assembly, pursuant to Section 105 (2) of the Constitution, may pass or reject the budget so recommended by the Committee. However, it may not amend it. Once passed by the House, the budget forms part of the Appropriation Ordinance for that fiscal year. This budget approval process is also applicable to all constitutional institutions protecting good governance.

2021/22 Financial Year Funding

1.2 For the 2021/22 financial year, the Integrity Commission received approximately \$2.3 million dollars in recurrent funding. In addition the Commission also received an additional \$1 million dollars in Supplementary funding from the House in December of 2021. This Supplementary is for continuing Special Operations, and the creation of a secure Declarant Portal for the electronic submission of declarant information.

\$500,000 of the Supplementary was been allocated in December 2021 with the remaining \$500,000 to be allocated early in the 22/23 financial year.

Financial Accountability Framework

1.3 The funds that are appropriated for the Commission are usually made available to the Commission by way of quarterly subventions. The funds are spent under the authority of a General Warrant that is issued by the Hon. Minister of Finance and, further, under the authority of subsequent Warrants that are issued by the Accountant General.

1.4 The Commission's financial activities, including its financial reporting, are carried out within the legislative, policy and regulatory framework of the Constitution, the PFMO, the Public Procurement Ordinance and the Office of the Governor. In addition to being guided by its own internal Accounting Policy and Procedures, the Commission, since the 2017/18 financial year, has also been bound over to comply with the terms of the Governor's Sponsorship Letter which is issued pursuant to the PFMO. The Commission is also generally governed by best accounting standards, practices and principles.

Financial Reporting and Auditing

1.5 The Commission is required by the PFMO to submit, to the Ministry of Finance, and to the Governor, a quarterly report of its financial activities, as well as of its performance against the approved budget, and set strategic objectives for the relevant fiscal year. The Commission has consistently complied with this statutory reporting requirement. As at the date of finalization of this Annual Report, the Commission has been further required to submit a monthly financial report.

1.6 In accordance with the provisions of the TCI Constitution, the Integrity Commission Ordinance and the PFMO, the Commission's finances and financial activities have been regularly audited by the Auditor General and the National Audit Office (NAO), through WB Financials Group, which is one of the NAO's approved contracting audit firms.

1.7 The Commission's audited Statements of Accounts, for the 2020/21 financial year, have been completed and are attached to this Report. As at the date of the finalization of this Annual Report, the audit process for the Commission's 2021/22 financial year Statement of Accounts/Audit has commenced.

SOME CHALLENGES AND CONCERNS

Funding and Resource Challenges

1.1 As with virtually all countries, the TCI Government has limited resources and, as such, the Commission is extremely thankful for what it has received. The Commission always plans and intends to efficiently and effectively use its subvention in the furtherance of Good Governance throughout the TCI, as it is expected to do under the Constitution.

1.2 Funding remains an area in which an increase would position the Commission to make greater strides in terms of the effective and efficient discharge of its several mandates. As the funding authorities, through continuous Public Education and engagements with the Commission, begin to understand the remit and demands of the Commission, we believe that there will be a greater appreciation of the mandates of the Commission, and the critical need for them to be effectively discharged, as well as the costs that will be involved in administering that effective discharge. The Commission anticipates that, in time, the requisite remediation to its funding figures will be realized. However, in the interim, the work of the Commission must, and will, go on to the best of the Commission's ability.

Concerns About the Commission's Independence

1.3 Section 97 (2) of the TCI Constitution provides that: "In the exercise of their functions, each of the institutions protecting good governance, and any person acting on its instructions or on its behalf, shall not be subject to the direction or control of any other person or authority". Section 97 (1) lists the "Institutions Protecting Good Governance", one of which is the Integrity Commission [See Section 97 (1) (e)].

1.4 Section 13 (2) of the Integrity Commission Ordinance provides that: "In the exercise of its powers and performance of its functions under this Ordinance, the Commission may not be subject to the direction or control of any person or authority".

1.5 Section 17 (1) and (2) of the Ordinance provide that: "The Commission may, acting within the funds and resources available to it— (a) employ such officers and employees as are required for the proper performance of the functions of the Commission; (b) retain the services of professional persons. (2) The remuneration and other terms and conditions of employment of the officers and employees of the Commission employed under subsection (1) and the professional persons retained under that subsection shall be such as may be determined or varied by the Commission from time to time".



1.6 The Commission has, however, become concerned that the presumed intent of the TCI Constitution, and the TCI Legislature, as is expressed in the foregoing 3 provisions, to, among other things, insulate the Commission from adverse external influences, and to ensure the Commission's independence in the discharge of its mandates, the spending of its allocated resources, the hiring of its staff and consultants, and the compensation of its employees, is not being entirely fulfilled.

Unwillingness to Assist in the Fight Against Corruption

1.7 The ability of the Commission to protect from victimization, those who assist it in matters, only goes so far in a small island environment in which persons know each other through friendships, or through more personal familial ties. Consequently, complainants who have been brave enough to come forward, and to go as far as to testify either in Court, or before the Commission's Inquiries, have been easily identified. Some of them, or their relatives, have suffered reprisals, despite the provisions in the law which seek to protect them. Some of these persons have felt that the Commission, or other relevant authority that is empowered to protect them, has not made any effective intervention on their behalf. This perception has tended to infect other complainants who, subsequently, have become unwilling to assist the Commission with like matters.

1.8 Due to the Commission's resource constraints, some complaints have not been investigated as quickly as persons had expected. This, quite understandably, has resulted in persons losing faith in the Commission and its ability to discharge its mandates efficiently.

1.9 In respect of some high profile matters that have been determined, the final positions of the Commission, or the Courts, have not necessarily gone over well with many persons, several of whom have said that they are discouraged by the decisions, and are not as willing to report matters to the Commission.

1.10 The Commission is therefore employing alternative processes and procedures, as allowed under its Ordinance, so as to address some of the issues it has investigated and other going forward, without the requirement of live witness.



ACKNOWLEDGEMENTS AND APPRECIATION

1.1 At every stage of its existence, the Commission has been confronted with new challenging and difficult circumstances. The Commission has overcome most of these challenges, and is still grappling with some. In it all, however, the Commission has grown to be recognized and respected as a regional flag-bearer in good governance, integrity and anti-corruption efforts. It owes this testimony to the unwavering support, huge assistance, and cooperation of several persons, institutions and other Public Bodies.

1.2 The Commission, again, therefore acknowledges and registers its appreciation for the continuing assistance and invaluable contributions of the following entities, among many others: The Governor's Office, the House of Assembly, the Attorney General's Chambers, the Royal Turks and Caicos Islands Police Force and other uniformed law enforcement agencies within the TCIG; our Sister Institutions Protecting Good Governance; The TCI Education Department and Schools;

1.3 The Commission wishes also to thank all TCI public officials, including, the Hon. Members of the House of Assembly, for their continued understanding, cooperation and support. The Commission also acknowledges the invaluable contribution and support of the Church, the non-governmental organizations, the civil society, the Media and the public, in their respective and varied forms of support of the Commission's anti-corruption efforts.



APPENDIX 1

General Election 2021 Report on Political Financial Activities

Published by the TCI Integrity Commission
March 21st , 2022

Executive Summary

This report produced by the Integrity Commission (the Commission) on the political financing of political parties and candidates during the 2021 General Election, which took place in February 2021. It focuses on the registration process, donations received by the Political Parties and Independent Candidates and also expenditure incurred by Independent Candidates. It also sets out the regulatory controls introduced and how these were managed and administered by the Commission. In addition, it briefly covers the Commissions role in relation to constitutional notice requirements.

Generally, the Commission found the veteran political parties had a very good understanding of the reporting requirements under the Ordinance. The two Independent Candidates reporting donations adjusted to their reporting requirements quite well and met the deadlines set by the Commission.

Transparency is a key principle that underpins the Ordinance and enables the public to have an understanding of how the parties and candidates are funded, and how they spend those funds. The Commission recognizes that confidence in the integrity of the political process is essential to the health of democracy in the Turks and Caicos Islands. We hope that this report will contribute to such confidence and so encourage even greater participation.

Introduction

The Political Activities Ordinance 2012 (hereinafter referred to as ‘the Ordinance’) came into force on 28 August 2012 and provides for the registration and for the regulation of the conduct of political parties. In March of 2016 an amendment was made to the Ordinance bringing Independent Candidates under the same rules that govern the Political Parties in relation to their financial activity and reporting requirements. The Commission does not have responsibility for administering electoral registration or cover any aspect concerning the conduct of elections. This is the responsibility of the Elections Office under the direction of the Supervisor of Elections. All Political Party candidates and all Independent Candidates have to declare to the Commission, prior to being nominated to run in a General Election, any and all contracts they may have with the TCI Govt.(Constitutional Section 49 notice)

This was carried out quite well with all the candidates across the board, and the various S. 49 filings can be viewed at the offices of the Commission by interested persons.

The Commission’s focus is always to raise awareness among Political Parties, Independent Candidates and the general public, to ensure they fully understand the legislative/statutory requirements which govern their operations.

The Registration Process

Parties:

The Commission is required, under Section 3 of the Ordinance, to establish and maintain a register of political parties.

Three Political Parties contested the 2021 General Election.

The listing of Political parties contesting the 2021 General Election were:

- Progressive National Party PNP #RP001
- Peoples Democratic Movement PDM #RP002
- Progressive Democratic Alliance PDA #RP004

Details of the contacts of the Political Parties have been retained by the Integrity Commission in the Register of Political Parties which is maintained for public inspection at the Commissions offices.

Independent Candidates:

In addition to political parties, the amendment to section 68 of the Ordinance in March of 2016, captured the requirement for Independent Candidates to also be registered by the Commission. The deadline for their registration fell five days after the date of the Election Proclamation. On registering with the Commission, all prospective Independent Candidates had to also file with the Commission, any and all donations received and expenditure incurred for the previous 365 days.

No notifications were submitted to the Commission to register any “third parties” who would be campaigning on behalf of any Political Party or Independent Candidate for the 2021 General Election.

Campaign Donations

In relation to donations, no limit has been set in the Ordinance on how much a Political Party or an Independent Candidate can receive in donations. The Ordinance does however limit the amount that can be received from any individual donor, in a twelve month period, to \$30,000. This therefore totals a maximum of \$120,000, over a four year period, from any individual donor.

In relation to donations received, Treasurers of the Political Parties and all Independent Candidates, must check that all donations over \$150 are from a permissible source – the Ordinance sets out who are permissible donors.

Under the Ordinance, all Political Parties and Independent Candidates are also required to publish all donations which exceed \$3,000.

Political Parties and Independent Candidates were required to submit weekly donation reports to the Commission during the election period that follows the proclamation of the General Election.

The three Registered political parties that contested the 2021 election, received a combined total of \$956,799 in campaign donations. The table below sets out the total amount of donations received by the parties, based upon total donations they reported to have on hand on the 24th December 2020, when the House of Assembly was prorogued, and from the weekly reports submitted to the Commission during the General Election period between 25th December 2020 and 19th February 2021. The chart below shows the total donations from the reports submitted by the three registered parties.

Party	Election Period covered	Total donations received during election period	% of total by all parties
Progressive National Party	February 2020 to February 2021	\$483,999	50.6%
People's Democratic Movement	February 2020 to February 2021	\$472,800	49.4%
Progressive Democratic Alliance	February 2020 to February 2021	\$0	

Donations were received by two of the seven Independent Candidates. Mrs. Jacqueline Lightbourne RIC001 reported \$950.00, and Mr. Courtney Missick RIC006 reported \$2,345.00 bringing the total donations to the Independent Candidates to \$3,295.00.

Campaign **Expenditure**

Parties:

Spending by political parties and Candidates during the election period has also been regulated by the Ordinance and there is a maximum that each party or candidate can spend. In accordance with Section 46(8) of the Ordinance, the limits are as follows:

- \$30,000 in relation to each electoral district contested by the party (of which there were 10)
- \$40,000 in relation to the all-islands district (of which there were 5)
- \$100,000 in relation to each of the parties leaders

It was therefore possible for each party to spend a total of \$600,000 on their respective campaigns.

All political parties that put forward candidates for the 2021 General Election had to submit a campaign expenditure return. If their expenditure was under \$250,000 the report had to be to the Commission within three months of the election. If however their campaign spending was \$250,000 or more, the report has to be audited and submitted to the Commission within six months from the General Election date.

The Treasurers of two Registered Parties reporting to have received donations (PDM and PNP), informed the Commission, that their expenditure exceeded \$250,000 and as such, had their Audited Expenditure Returns to the Commission by the 19th August 2021. The remaining Registered Party (the PDA) that received no donations or expenditure, submitted to the Commission the usual documents stating as such, and a Statement of Accounts for the end of the Financial Year 2020/2021.

The diagrams below show the Registered Party's expenditure taken from the Campaign Expenditure Return documents submitted by the Treasurers of the three registered parties, along with category details

Party	Election Period covered	Total donations received during election period	% of total by all parties
Progressive National Party	February 2020 to February 2021	\$402,931	47.8%
People's Democratic Movement	February 2020 to February 2021	\$440,023	52.2%
Progressive Democratic Alliance	February 2020 to February 2021	\$0	

		PNP Expenditur	PDM Expenditure
A.	Party Political Broadcasts	\$ 24,805	\$ 63,017
B.	Advertising/Publicity material	\$175,705	\$ 235,015
C.	Unsolicited material	0	0
D.	Manifesto	\$ 43,145	0
E.	Market Research	\$ 4,751	0
F.	Media	\$ 15,737	0
G.	Transport	\$ 12,727	\$ 5,092
H.	Rallies/ events	\$ 93,039	\$ 114,670
I.	Overheads/Gen Admin	\$ 33,022	\$ 22,229
J.	Other	0	0
TOTAL EXPENDITURE		\$402,931	\$440,023

Independent Candidates:

Independent Candidates were required to submit a record of their donations and all expenditure incurred by them during the election period after the General Election. Seven Independent Candidates stood for the December elections. These persons were:

- Jacqueline Almartha Lightbourne
- LeKensay K.D. Missick
- Jermaine Richardson Fulford
- Lucky Shemock Forbes
- Alicia Kaye Swann
- Courtney Mancur Missick
- George Lightbourne

As with Political Parties there was no limit on how much an Independent Candidate could receive in donations, however, the \$30,000 maximum individual donation, every 12 months, obtained.

The spending restrictions on the Independent Candidates were:

If running as an All-Island Candidate, the maximum allowed spend was \$100,000.

If running as a Candidate in a specific constituency, the maximum allowed spend was \$30,000.

All seven Independent Candidates ran as All Island Candidates. Five Candidates reported receiving no donations and incurring no expenditure, while two candidates reported receiving donations and expenditure.

As said earlier, details on Donations and Expenditure by the Political Parties and Independent Candidates will be published in due course.

The list of Donors of \$3000 and over for each Registered Party, is available for inspection at the offices of the Commission.

Advice and Guidance

Given the Covid pandemic the Commission began conducting virtual engagements with the Treasurers of the Registered Parties and all the Independent Candidates from mid- 2020, so as to ensure that the new Independent Candidates understood the requirements imposed upon them by the Political Financial Activities Ordinance.

The Commission also circulated guidance notes to all Political Parties Leaders and Treasurers and all Independent Candidates on the following areas:

- Guidance note on the Registration Process
- Guidance note on Donations
- Guidance note on Corporate Donations and Dormant Companies
- Guidance note on Loans, how these are reported and what constitutes a loan on commercial terms
- Guidance Note on Campaign Expenditure
- Guidance Note on Interest in Contracts with Government.

The Treasurers and Independent Candidates all actively engaged the Commission with weekly queries during the Election period.

Constitutional Requirements

The Constitution of the Turks and Caicos which came into force on 15 October 2012 set out certain qualification requirements for elected or appointed members of the House of Assembly. Section 49 covers disqualifications for elected or appointed members of the House of Assembly. Section 49(1)(f) covers contracts or interests with Government and notice of any such contracts or interests were required to be submitted to the Commission prior to being nominated.

The Commission received responses from all thirty-eight (38) possible candidates prior to them being nominated, and, as is required under the Constitution, this information is available for inspection at the offices of the Integrity Commission in Providenciales and Grand Turk.

All elected and appointed members of the House of Assembly are now Persons in Public Life and are therefore subject to the Integrity Commission Ordinance. Under Section 36B, every member of the House of Assembly shall file with the Commission, in addition to the declaration under Section 25, a Statement of Registrable Interests.

In April 2021, the Commission held a briefing session with all Members of the new House of Assembly who are now subject to making the necessary declarations. This was to assist all in understanding the compliance requirements under the Integrity Commission Ordinance. For most new members of the House, it was their first interaction with the Commission in regards to the filing of their Declarations. In June 2021, the Commission also held Conflict of Interest sessions with the members of the House of Assembly where they were free to discuss their opinions and suggestions.

Closing Summary

The Commission's work in respect of monitoring the financing of political parties and candidates under the Ordinance is a continuous process. The diligence in complying with the requirements under the Ordinance, as exhibited by both the established Parties and the slate of Independent Candidates, indicates a very good understanding of the requirements of those who participated, and is something the Commission will expand upon. The Commission will continue to strengthen the guidance and advice that we provide to support the political parties and candidates in meeting their obligations, and in doing so, build on the already high levels of transparency in political financing in the Turks and Caicos Islands.

As is to be expected, the Commission will continue to impart advice and guidance to all in securing compliance with the Ordinance. We will be looking for opportunities to simplify the rules making them more effective, and to reduce the administrative burdens on parties and others who fall under the Jurisdiction of the Commission. We will therefore be working closely with the parties and others, in evaluating the work we have done so far, and to assess how we may be able to improve the process going forward.

For more information or any queries on this publication, please contact the Commission at the following:

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APPENDIX 3

Historical Overview Commission's Budget, Staff And Mandates



Published by the TCI Integrity Commission
March 21st , 2022

HISTORICAL OVERVIEW OF THE INTEGRITY COMMISSION'S GOVERNMENT SUBVENTION, STAFF COMPLEMENT AND STATUTORY RESPONSIBILITIES SINCE INCEPTION

YEAR	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Government Subvention Received		\$448,434.00 Through Smart Stream	\$514,508.58 Opened a Bank Account	\$1,165,376.00	\$1,165,377.00	\$1,200,338.00	\$1,123,3468.00	\$1,450,346.00
Staff Complement	2	4	4	10	11	11	11	13
Statutory Responsibilities	-IC Ordinance	-IC Ordinance	-IC Ordinance -Political Activities Ordinance	-IC Ordinance -Political Activities Ordinance	-IC Ordinance -Political Activities Ordinance	-IC Ordinance -Political Activities Ordinance	-IC Ordinance -Political Activities Ordinance	-IC Ordinance -Political Activities Ordinance



HISTORICAL OVERVIEW OF THE INTEGRITY COMMISSION'S GOVERNMENT SUBVENTION, STAFF COMPLEMENT AND STATUTORY RESPONSIBILITIES SINCE INCEPTION

YEAR	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
Government Subvention Received	\$1,882,662.00	\$1,882,662.00	\$2,314,310.00	\$2,314,310.00	\$2,314,310.00
Staff Complement	14	14	14	14	17
Statutory Responsibilities	-IC Ordinance -Political Activities Ordinance -Bribery Ordinance	-IC Ordinance -Political Activities Ordinance -Bribery Ordinance	-IC Ordinance -Political Activities Ordinance -Bribery Ordinance	-IC Ordinance -Political Activities Ordinance -Bribery Ordinance	-IC Ordinance -Political Activities Ordinance -Bribery Ordinance



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