

**TRINIDAD AND TOBAGO TRANSPARENCY INSTITUTE
LAUNCH OF CORRUPTION PERCEPTION INDEX 2020**

KEYNOTE ADDRESS

CORRUPTION IN TRINIDAD AND TOBAGO: PERCEPTION OR REALITY?

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When Dion Abdool’s phone call came Sunday afternoon, asking me if I remembered him from law school, I knew there was something brewing. Could you deliver a keynote address on Thursday? he asked. I visualized my packed diary. Apart from Senate, legal and consultancy work, having to prepare the Opening Address for a juvenile justice webinar at Eugene Dupuch Law School in The Bahamas, I had a deadline on an article for the International Survey of Family Law. I tried to reason with myself. You just don’t have the time. Let good sense prevail, but a voice in my head, like Shadow’s Bassman, said, this fits snugly into the Joint Select Committee on Finance and Legal Affairs Inquiry you chaired recently on the Ease of Doing Business in Trinidad and Tobago, and which some may describe as the grease for doing business. One of the indicators of the ease of doing business that potential investors examine is the level of corruption in the society. And besides, how could I refuse my erstwhile student? So, here I am to do his bidding. Thankfully, not bid-rigging.

Trinidad and Tobago Transparency Institute is the national or local chapter of Transparency International, a global non-governmental organization that promotes measures against corporate crimes and political connection in the international arena. Its vision is a world free of corruption. If I could substitute one word for that stated vision of Transparency International, that word would be “Utopia”. When one investigates the roots of the word, “Utopia, one discovers that the word has both Greek and Latin roots, and means, literally: “No Place.” It just

does not exist. So, Transparency International, aims for a goal that is unattainable, a world in which government, politics, business, civil society and the daily lives of people are free of corruption.” It defines corruption as “the abuse of entrusted power for private gain.” So, should I advise that Transparency International abandon its vision? Indeed not. I would advocate instead that it shoot for the moon and hope to reach the stars. Where there is life there is hope and I am sure they can cope.

Transparency International publishes annually the Corruption Perceptions Index (CPI) which gives the perceived levels of public sector corruption as determined by expert assessment and opinion surveys. Countries are scored on a scale of zero to one hundred. A zero score means the country is highly corrupt, while a score of 100 indicates it is very clean. The score is derived from opinions of business people, investors and market analysts. It is the private sector’s perceived level of corruption in the public sector. A score below 50 indicates serious levels of public sector corruption. In 2015, our CPI score was 39, in 2016, it was 35, in 2017- 41. In 2018, it held steady and remained at 41 and in 2019, our score was 40. Today we will learn of our 2020 CPI Score.

An American political strategist, Lee Atwater once said: “Perception is reality.” Most people run with that supposed adage, as though it were a gospel according to Saint Lee, but Lee is nowhere in my Holy Bible. Perception is the view that we take of things based on our reality, our lived experiences or opinion of others that we trust. That perception may not necessarily be true, but the possibility exists that it might be, and to that extent, it offers an opportunity for self- examination, to see whether or not that perception is fact or fiction. If factual, it is a matter needing our urgent attention. It has implications for our economy, our well-being and indeed the level of comfort we feel being a member of a society regarded as being corrupt.

Are we corrupt? What is your perception of the level of corruption in our beloved country? Are we guilty as charged? And if we are, do we want to eliminate corruption from the society? Or is it, that we like it so?

“All ah we thief!” Poor Desmond Cartey. He cannot rest in peace. I am sure he did not mean to be taken so literally, but after his death, that ill-fated statement is for what he is remembered. But he is not the only one with that unenviable legacy. We have had scandal after scandal, over the year: the infamous gas station racket with Jean Miles giving testimony, dressed in her fabulous black and white outfits with matching hats. We had the Lockjoint and Caroni race-track stories. We heard about Johnny O’Halloran, Francis Prevatt, the \$30million dog rice, Calder Hart, the never-ending Piarco airport story, firetruck fiasco and section 34.

We cannot forget Life Sport, Clico, the Las Alturas Building Project, the FCB IPO Scandal and the list goes on. Contract workers with false papers, not immigration fraud, mind you, but fraudulent qualifications, based on which they were hired, received hundreds of thousands of taxpayers dollars and were neither prosecuted nor asked to return the money they had received under false pretenses. The rationale given was that the shame they had brought upon their families was punishment enough. But not so, when a poor and desperate youth forges CXC certificates to reflect qualifications he did not possess. Even before he got a chance to earn a cent, he is hauled before the court and feels the full brunt of the law in our egalitarian just society.

Are we a corrupt society?

Vaneisha Baksh, wrote in the Newsday on Saturday, January 23, 2021:

We have no faith in our institutions, and none in the integrity of our systems, and a kind of hopelessness prevails as a consequence.

We have come to expect corruption everywhere, so much so that we prepare ourselves grudgingly to participate in it. If we honestly reflect,

we will agree that turning a blind eye, or paying a bribe is as complicit as destroying and falsifying records.

The behaviours have seeped into our DNA so insidiously that we no longer recognize what it means to conduct ourselves ethically. We no longer recognize the roles we play in perpetuating our felonious culture. Our exemplars are the people who get away with the most egregious acts, the smartmen.

This is the worst indictment of our society that I have ever read. It tells a tale I will not read to my beloved grandsons. But Miss Baksh is not singular in her view. Kyron Regis, in the Sunday Guardian of December 6, 2020, quotes the findings of the Economic Development Report 2019 by Principal economist at the Latin American Development Bank, Dr. Gustavo Fajardo. The report stated that “Trinidad and Tobago had a higher than average bribe rate in the region.”

Dr. Fajardo warned that corruption can have a serious impact on the economy of countries in the Caribbean, Latin America and anywhere in the world. He stated that “corruption had welfare costs that go beyond simply the money transacted in bribes and has costs that operate through different channels and had different ways of affecting the welfare of society.” He described corruption as consisting of “exploiting and abusing public office and its attributes to obtain private benefits.” He said, “it reduces the capacity of states to deliver public goods and services of quality and it reduces productivity and innovation.”

It is because of the opportunities for corruption that public procurement offers that there was such an outcry last December, over amendments to the procurement legislation by way of the Public Procurement and Disposal of Public Property (Amendment) Bill, 2020. The public perception was rooted in our history of deals under the table, on the table and around the table and there was fear that amendments to the Procurements law that effectively removed oversight of, inter alia, legal, medical, accounting, auditing services from the Procurement Regulator,

would facilitate corrupt deals being made. Former Senate President, Timothy Hamel-Smith, in a letter to the press, referred to the Bill as Institutionalized Corruption as it removed from oversight government to government, special purpose companies, internationally-funded projects via loan arrangements and the other arrangements I referred to earlier.

The perception of Trinidad and Tobago and Trinidadians as a corrupt or generally, unethical, people is a view I have encountered in my travels around the Caribbean conducting training for child justice stakeholders. On more than one occasion, on my way to my hotel, to my chagrin, taxi drivers would point out certain imposing edifices and announce with a smirk, "That was built with dirty Trinidad money."

Are we a corrupt people? In the past at least two Registrars-General have expressed to me their despair over the level of corruption in their department. One said she was shocked that when she told a member of the public that she could not facilitate his request, that was interpreted to mean that she was not being offered enough money. He offered even more and she had to run him out of her office. She said to me, "Hazel, you know people believe they can pay and get anything they want here."

In those days, there was a roaring trade in birth certificates. The Government had shut down a certain plant and to get compensation persons had to produce a birth certificate. Some corrupt employees would give them a birth certificate without a name, but which carried "boy child" or "girl child" and had a particular date of birth that suited them. They would then go and get sworn affidavits to go along with the certificate. Someone would swear they were present at the birth or provide some other proof. One Registrar-General had even encountered a woman with a decidedly Guyanese accent, who tried to convince her she was a born Trini, who had lost her birth certificate. Once, I, myself, encountered a young man who worked in the vault, boasting he could make any certificate. Judges, lawyers and members of the public have expressed outrage about the number of fraudulent deeds in existence and

I cannot help wonder why more people are not in prison for those crimes that have brought such great distress to so many. Today, computerisation of records has helped to close the flood gates in many ways.

Successive Commissioners of Inland Revenue have tried to stem the tide of corruption flowing through many departments there. They have retired knowing that the problems persist. Some customs officers live lifestyles way beyond their pay packets and it is not due to overtime. So too, some police officers whose wealth has been derived from activities, other than moonlighting.

The theme of this Launch of the Corruption Perception Index is Covid 19 and Corruption. What does corruption have to do with Covid 19? They both begin with the letter C but I could not see the connection. But then, stories began to emerge about fraudulent claims for relief being made, that could not be substantiated. And mind you, it was not just the potential recipients, whose wrongdoings were being unearthed but also those of employers who provided false salary slips and landlords who did not give receipts for rent. There were sins of omission and commission, but nobody was going to confession.

Paolo Kernahan, writing in Newsday on January 18, 2021, in his column titled “A culture of accountability” related that news from the UK revealed scandalous revelations about a government -funded food package programme for meal support for children at home from school. The package was supposed to be worth thirty pounds, but what was being given was estimated to be worth five pounds. He drew a parallel to what was happening in Trinidad with food hampers after food cards ran out. One recipient had described the care package as a “dohcare” package. The reaction from an official was, “People too damn ungrateful. He begging and is gourmet food he want.” Smacks of a Marie Antoinette response, if you ask me. During the recent House of Assembly election campaign, a caller to a radio station complained she had to state her allegiance to the ruling party before she got food relief.

Clearly, short memories do not recall the circumstances under which a former Minister of Social Development was dismissed.

What does Covid -19 have to do with corruption? The Express of December 8, 2019, in a report from Bridgetown, quoted then President of the Caribbean Development Bank, Dr. Warren Smith, who warned:

The current Covid- 19 pandemic has put into sharp focus the thorny and constantly evolving nature of corruption and how it can reverse development gains in the Caribbean.” Dr. Smith further stated, ***“Corruption matters, even when it is not in our peripheral vision. It matters to governments and corporate leaders because of the speed with which it can lead to significant financial and reputational damage and retard economic development.***

It matters to our youth, the next generation of employers, workers and service providers who will face constant temptation when they enter the workplace, and sometimes even earlier.

And it matters to our citizens who pay the price for corruption through reductions in the quantity and quality of social services, decaying infrastructure and inefficient State institutions.

A segment of the society that has suffered disproportionately from the havoc being wrought by that monster of a pandemic, we call Covid 19, are the women and children of Trinidad and Tobago. They are the most vulnerable victims of Covid- 19. They have suffered not only economic hardship but sexual, physical and emotional abuse. Their suffering, well-documented in the media, aroused our concern and fuelled our anger at the continued failure of our society to protect the most vulnerable among us, children, domestic violence victims and, I might add, the elderly.

UN Women has documented the impact of Covid -19 on women. The report, entitled Covid -19 and its economic toll on women, states in part, “While everyone is facing unprecedented challenges, women are bearing the brunt of the economic and social fallout of Covid 19.” The Report

stated that women who are poor and marginalized faced an even higher risk of Covid-19 transmission, and fatalities, loss of livelihood and increased violence. The report revealed that worldwide 70% of health workers and first responders were women, that women had fewer savings, were more disproportionately in the informal sector, have less access to social protections, are more likely to be burdened with unpaid care and domestic work and have had to drop out the labour force and they make up the majority of single parent households.

We, in Trinidad and Tobago have seen the impact of Covid- 19 on our women in the labour force. Many of the stores in the Malls and in the city centres, and other small businesses that have been closed, were either owned or managed by women. Hairdressers, nail technicians, beauticians, day care centres, private schools, small restaurants run by women have been closed and domestic workers have been sent home. Women are, in the main, engaged with home schooling and supervising the online learning of children, while shouldering most of the household tasks. Confinement to home has led to increase in domestic violence, both physical and sexual abuse. Children are also suffering the brunt of this gender -based violence. Covid-19 has played havoc with women's physical and emotional wellbeing. It has also made women more susceptible to the corruption, that is sexual harassment.

The Guiding Principles on Business and Human Rights. Implementing the United Nations "Protect, Respect and Remedy Framework" was endorsed by the Human Rights Council by resolution in 2011.

These Guiding Principles are grounded in recognition of:

- (a) States existing obligation to respect, protect and fulfil human rights and fundamental freedoms;
- (b) The role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights;

- (c) The need for rights and obligations to be matched to appropriate and effective remedies when breached.

The Guiding Principles emphasize the importance of State responsibility to put in place and enforce laws that directly or indirectly regulate business respect for human rights. This includes ensuring equality before the law and non-discrimination not only by business enterprises owned or controlled or supported by the State, but also other companies within its jurisdiction. In that context I must remind government of its obligation to enact laws to protect vulnerable women from sexual harassment. The Sexual Harassment Policy laid in Parliament last International Women's Day does not go far enough. Government must recognize the need to provide an effective remedy by passing a law to eradicate and punish sexual harassment of women. Having interviewed victims of sexual harassment while conducting two enquiries into charges of sexual harassment in the workplace, one at a Credit Union and the other, a government Ministry and while conducting a study of sexual harassment on the UWI Campus for the Women and Development Studies Group, I can say it is a matter requiring urgent attention. It is a humiliating and painful experience. I, myself, had personal experience of sexual harassment. I was young and innocent and at the time did not even know the term sexual harassment. I did not know where to turn, to whom I should report. Even though it was so many years ago, I still remember the circumstances, the threats and victimization. But like Singing Sandra I held on to my dignity. I refused to budge. I could not be enticed by the prospect of material gain. Instead, my response to the celebrated cultural icon was, "You cannot touch me with a 10-foot pole." I had a job, that was not in danger, but many women caught in this Covid-19 pandemic do not have the choice I had. So, corruption takes many forms and wears many faces, many of them respectable. Is it a perception or reality that we are corrupt? As I said before, perception, to some, is reality and reality comes from our lived

experiences. At times, we see people through our own lenses. Who remembers the false allegation of a piano being removed from the Prime Minister's residence? Was an apology made when it was found?

Confronting corruption requires courage. Few people can speak truth to power. I remember standing like the cheese alone on a particular Board, when I maintained that a particular Prime Minister was not entitled to have his wish complied with because it was unlawful. I pointed to the legal provision that supported my view. I was told he is the Prime Minister. It was Good Friday, when the Attorney-General phoned my house to ask me to reconsider, I refused saying, "Today is Good Friday. You can crucify me." He said that the PM was a very determined man. He did not know I was a Taurean.

Yes, we are corrupt but not all of us are, so there is hope. I dare say, there are more honest people in this country than there are dishonest ones and the phrase honest politician is not an oxymoron. Elimination of corruption is not an insurmountable mountain we cannot climb.

A useful starting point can be the recommendations by Transparency Maldives for an Anti-Corruption Agenda for Clean Governance: viz

1. Promote Clean Leadership in Key Institutions;
2. Develop Parliamentary Processes to Hold State Institutions to Account;
3. Ensure the Integrity and Independence of the Judiciary;
4. Ensure Independence of Commissions to Counter Corruption;
5. Establish Freedom of Media;
6. Establish an Independent, Effective and Merit-Based Public Service and Law Enforcement Regime;
7. Improve Integrity and Transparency in Revenue Collection;
8. Ensure Procurement Transparency and Open Contracting;
9. Engage Civil Society and Improve Its Participation in Governance;
10. Inculcate a Culture of Human Rights and Rule of Law;
11. Ensure Political Finance Transparency;

12. Promote Decentralised Administration.

So, ladies and gentlemen, there you have it, a checklist for anti-corruption. Not one of these items is new to us. Some are in place already. Some are what civil society has clamoured for, for years, and political parties have called for, when out of office.

All we need is the will to succeed in this place where every creed and race must find an equal place. All we need is the will not to just say the words, but to live the words, I love my country.

I thank you again for inviting me to deliver this keynote address and for your kind attention.

Hazel Thompson-Ahye

28th January, 2021