



Benchmarking Report: The Bahamas Independent Commission of Investigations Bill, 2025

1. Executive Summary

The Bahamas has introduced two legislative proposals aimed at enhancing oversight and accountability within public institutions: the Independent Commission of Investigations Bill, 2024 and the Independent Commission of Investigations Bill, 2025. While both bills share the objective of establishing an independent body to investigate allegations against security forces and public officials, the 2025 Bill provides a more robust framework with expanded definitions, jurisdiction, and procedural guidelines.

To ensure the ICI Bill is as effective and functional as possible, it is critical to benchmark its provisions against regional and global best practices and to integrate it within a broader anti-corruption framework. This report provides specific recommendations to strengthen the Bill while also acknowledging its strengths, referencing key sections where applicable. These insights are offered to the Government, the Official Opposition, and the Bahamian public for consideration as this policy continues to evolve. ORG remains available as a resource to support this effort.

This benchmarking report analyzes the 2025 Bill's alignment with global best practices, highlights its improvements over the 2024 Bill, and presents recommendations for further strengthening its provisions. Notably, a number of the recommendations made by ORG for the 2024 Bill have been incorporated into the 2025 Bill, and additional opportunities for strengthening have been identified.

As the Independent Commission of Investigations Bill, 2025, advances, it is crucial to engage the public, particularly those from communities that have been marginalized by social and economic inequalities. This Bill presents a vital opportunity to strengthen transparency, accountability, and governance in The Bahamas. ORG calls for deeper, more proactive, and sustained involvement of vulnerable and marginalized communities in the advancement of the law beyond its passage, particularly in the planning, implementation, and monitoring phases. Public trust in policing and oversight mechanisms is essential to achieving the Bill's goals, and ongoing engagement will ensure its legitimacy and effectiveness.



Organization *for* Responsible Governance

While the Bill represents progress in establishing an independent investigative body, it does not fully address the complex conditions that create opportunities for corruption and misconduct. A comprehensive and coordinated cross-sector approach is necessary to support integrity, transparency, and accountability in governance. The government is urged to prioritize legislation, funding, and coordinated mechanisms such as an Independent Integrity Commission which could be charged with assessing and addressing overall conditionals and efforts related to Anti-corruption and integrity in governance and adopting a Cross sector Framework to identify, leverage and track the myriad of efforts currently in place to reduce the instance, opportunity and perception of corruption as per [ORG's Proposed Cross-Sector Anti-Corruption Framework](#) to engage, sustain and monitor a whole-of-society strategy for combating corruption and misconduct.

2. Comparative Analysis: 2024 Bill vs. 2025 Bill

2.1 Scope and Application

- The 2024 Bill established an independent body for the purpose of investigating allegations from whatever source, against members of Security Forces or specified officials, of participation in an incident¹.
- The 2025 Bill expands the scope of an independent commission to investigate allegations of serious criminal activity by members of the security forces and specified public officials scope by specifying incidents warranting investigation, such as murder, armed robbery, obstruction of justice, treason, bribery, and other significant legal breaches. It further mandates an investigation whenever an officer or official is implicated in these offenses.

2.2 Definitions and Terminology

- The 2024 Bill includes broad definitions of key terms such as "Commission," "Commissioner," "complaint," "concerned officer," and "concerned specified official."
- The 2025 Bill provides a more detailed enumeration of what constitutes an "incident," clarifying the types of allegations subject to investigation and a "specified official", as per ORG's recommendation, to include specific titles (including a member of Parliament; the Secretary to the Cabinet; the Financial Secretary; the Chairman of the Public Service Commission; the Chairman of the Police Service Commission; a Permanent Secretary of

¹ Independent Investigations Bill, 2024.



Organization *for* Responsible Governance

a Ministry; the Director of Legal Affairs; the Auditor General; the Director of Public Personnel; the Secretary of Revenue; an Under Secretary of a Ministry; a Deputy Permanent of a Ministry; the Deputy Financial Secretary; the Deputy Auditor General; (o) the Deputy Director of Public Personnel; a Head of Department of a Ministry; the General Manager (by whatever name called) of any Corporation established by Act of Parliament for public purposes; the Deputy General Manager (by whatever name called) of any Corporation established by Act of Parliament for public purposes; the Governor of the Central Bank; the Deputy Governor of the Central Bank; the Registrars of the Supreme Court and Court of Appeal; that reflect a wider range of government officials, that will be covered by the legislation.

2.3 Procedural Differences

- The 2024 Bill outlines the Commission's functions, powers, and structure, emphasizing independence and accountability.
- The 2025 Bill introduces clearer procedural steps, including the role of the Director of Complaints, formal vs. informal resolution processes, public sharing of information, and the obligation of the Director of Public Prosecutions (DPP) to act on findings.

3. Alignment with Global Best Practices

- **Independent Structure and Mandate (Clause 4 & 5)**
 - The Bill establishes an autonomous Commission, reducing political interference, which aligns with **UNCAC Article 6** on independent anti-corruption bodies.
 - The **Independent Office for Police Conduct (IOPC) in the UK** follows a similar structure, ensuring accountability without direct government control.
- **Clear Investigation and Complaint Procedures (Clauses 13-19)**
 - The Bill defines complaint handling, investigative steps, and reporting mechanisms, which align with **OECD Guidelines on Investigations**.
 - **Hong Kong's ICAC** operates with clearly structured processes, ensuring complainants know the investigative steps taken.
- **Reporting and Transparency Obligations (Clause 31 & Clause 17)**



Organization *for* Responsible Governance

- The requirement for annual reports to Parliament and inclusion of **Clause 17- Public Information which affords the Commission the latitude** to issue press releases and reports to Parliament follows best practices from **Transparency International**, which recommends institutionalized reporting for accountability.
 - The **U.S. Office of the Inspector General** mandates similar annual reports, ensuring oversight and public trust.
 - **Oversight of Security Forces and Public Officials (definitions)**
 - The Bill expands the Commission's jurisdiction to specify the inclusion of security forces and senior government officials, aligning with the **European Union's Agency for Fundamental Rights (FRA)** recommendations on police accountability and **Brazil's Ministério Público** has independent prosecutorial oversight over public officials, a similar mechanism to ensure transparency.
 - **Financial Accountability Mechanisms (Clauses 11-12)**
 - The Bill ensures financial transparency through **Auditor-General oversight**, following **World Bank recommendations** on anti-corruption agencies' fiscal independence.
 - The Bill mandates the appointment of a member of The Bahamas Institute of Chartered Accountants to the Commission, which is in line with best practices i.e. the inclusion of a variety of areas of expertise. This is demonstrated in the **UK's Independent Office for Police Conduct**, which employs multi-disciplinary teams.
 - The **Australian Commission for Law Enforcement Integrity (ACLEI)** mandates independent audits to prevent financial misconduct.

 - **Whistleblower Protection (Clause 13)**
 - The protection of internal complaints follows the **OECD Anti-Bribery Convention recommendations**.
 - The **U.S. Whistleblower Protection Act** and **EU Whistleblower Directive** provide strong legal protections, preventing retaliation against those reporting misconduct.
-



4. Recommendations for Strengthening the 2025 Bill

- **Financial Independence (Amend Clause 11)**
 - The Bill requires approval from the Minister for Annual Budgets
 - **Suggestion:**
 - Replace the requirement of submission of the Commission's annual budget in **Clause 11(2)** to the “Minister of Finance” for approval, to a required submission of the annual budget to Parliament for approval. This would support a more transparent process which **mitigates any instance, or perception, of political influence or control** of the operations of The Commission.
 - Add provisions in **11(1)** for continuous staff training on **human rights, forensic investigation, and anti-corruption practices.**
- **Explicit Protections for Whistleblowers (Revise Clause 13)**
 - Current provisions do not explicitly protect external whistleblowers from retaliation, as seen in best practices like the **U.S. Whistleblower Protection Act.**
 - **Suggestion:**
 - Revise **Clause 13 (3)** stating:
 - "No person shall be subject to retaliation, disciplinary action, dismissal, or legal repercussions for submitting a complaint in good faith to the Commission. Any person found engaging in retaliation shall be subject to legal penalties."
- **Public Access to Findings (Revise Clause 31(6) and Clause 13)**
 - Current reporting is to Parliament, but **UNCAC Article 10** emphasizes public access to anti-corruption findings.
 - **Singapore’s CPIB** releases summarized reports to enhance transparency.
 - **Suggestion:** Add **Clause 31(6)** stating:
 - "The Commission shall, on a timely basis, digitally publish on an official website a redacted version of final investigation reports, ensuring protection of confidential sources and national security concerns."
 - Amend **Section 31** to require digital **quarterly updates** to the public on major investigations and systemic findings.



Organization *for* Responsible Governance

- Include required provisions for **independent and accessible complaint mechanisms** under **Section 13**, ensuring inclusivity for vulnerable communities.

- **Follow-Up Mechanisms (Revise Clause 32)**
 - The Bill lacks an obligation for agencies to monitor actions based on the Commission findings.
 - **Best Practice:** The **Singapore CPIB** and **South Africa's Special Investigating Unit (SIU)** legally bind government bodies to implement and track recommendations.
 - **Suggestion:** add clause 32(5) stating:
 - "Government agencies and security forces must submit a written response 12 months from submission of a report on the Commission's recommendations, detailing status and outcome of the corrective actions"

- **Increased Civil Society and Public Engagement (Revise Clause 4)**
 - The Bill does not explicitly include public consultations or civil society input, a key recommendation of **UNCAC and Transparency International**.
 - **Best Practice:** The **Kenyan Ethics and Anti-Corruption Commission (EACC)** integrates civil society reports into its investigations.
 - **Suggestion:**
 - Add **Clause 5(7)** stating:
 - "The Commission shall establish an advisory board comprising representatives from civil society, academia, and the private sector to provide recommendations on corruption trends and preventive measures."
 - Require **transparent, merit-based appointments** for the Commission's leadership. The appointment process for Commissioners, **as indicated in sec 4(4)**, should involve input from civil society, the private sector, and institutions such as the **Bahamas Bar Association** and the **University of The Bahamas**.

- **Time Limits for Investigations (Revise Clause 13 (4))**
 - The Bill does not set specific deadlines, risking delays. **OECD guidelines** recommend defined investigation periods to enhance efficiency.



Organization *for* Responsible Governance

- **Best Practice:** The **New South Wales Law Enforcement Conduct Commission (LECC)** mandates completion of cases within six months, extendable upon justification.
 - **Suggestion:** Add **Clause 13(4)** stating:
 - "All investigations must be completed within six months unless an extension is approved by the Commission Chair, with written justification provided to Parliament."

 - **Strengthened Complaint and Prosecutorial Independence (Revise Clause 18 (4))**
 - Current provisions require Commission reports to be sent to the **Director of Public Prosecutions (DPP)**, but no provision ensures independence from political influence
 - **Best Practice:** The **World Bank's Stolen Asset Recovery Initiative (StAR)** recommends that prosecution bodies have independent authority over corruption cases.
 - **Suggestion:**
 - Revise **Clause 18(4)** stating:
 - " The Commission may recommend The Director of Public Prosecutions establish an independent unit for corruption-related cases, ensuring cases which may be deemed politically sensitive which are referred to by the Commission are reviewed and prosecuted without external interference."
 - Clause **14** grants authority to the **Ombudsman, Director of Internal Audit, and Auditor General**—in addition to the Attorney General—to refer matters to the Commission.
 - Introduce provisions for collaboration with the RBPF **Anti-Corruption Unit, Police Inspectorate and Corruption and Complaints Unit** to address broader governance and integrity issues.
-

5. Conclusion

The Independent Commission of Investigations Bill, 2025 represents a significant advancement in oversight and accountability within The Bahamas. While it aligns well with international best practices, further refinements can enhance its effectiveness, particularly in whistleblower



Organization *for* Responsible Governance

protection, public access to findings, and enforcement mechanisms. Implementing these recommendations will ensure a more transparent, independent, and robust investigative framework that meets the highest global standards.