



Ensuring Standards in Politics

ANNUAL REPORT
NOVEMBER 2015 TO DECEMBER 2016



Office of the Political Ombudsman
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February 2018

Senator the Honourable,
Thomas Tavares-Finson CD, QC, JP
President of the Senate
The Houses of Parliament
George William Gordon House
81 Duke Street
Kingston

Dear Senator Tavares-Finson,

It is an honour to once again fulfill this aspect of my mandate in compliance with Part V, section 20(1) of the Political Ombudsman (Interim) Act, 2002. I hereby submit the eleventh annual report of the Office of the Political Ombudsman.

This publication records the activities of the office for the period November 2015 to December 2016.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Donna B".

Hon. Mrs. Donna Parchment Brown, CD, JP
Political Ombudsman



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February 2018

Honourable Parnel Charles CD, MP, JP
Speaker of the House of Representatives
The Houses of Parliament
George William Gordon House
81 Duke Street
Kingston

Dear Mr. Charles,

I consider it a privilege to present to you, in accordance with Part V section 20(1) of the Political Ombudsman (Interim) Act 2002, the eleventh annual report of the Office of the Political Ombudsman.

This publication records the activities of the office for the period November 2015 to December 2016.

Yours sincerely,

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Hon. Mrs. Donna Parchment Brown, CD, JP
Political Ombudsman

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MISSION STATEMENT

To help protect the political parties and all their adherents against violation of their rights, abuse of power, error, negligence, unfair decisions and mal-administration in the political arena that would negatively impact the overall administration of the country as it advances.

VISION STATEMENT

This Office will be steadfast in ensuring that, political representatives, those aspiring to political office and constituents enjoy a fair and just electoral process, as well as wholesome representation that will positively influence the growth and development of a transparent and efficient system of governance in accordance with the **Agreement and Declaration on Political Conduct and the Political Ombudsman (Interim) Act, 2002.**

OPENING MESSAGE

GOOD GOVERNANCE: TWENTY FIRST CENTURY JAMAICA

The central responsibility of every Ombudsman is fostering good governance in the interest of the general public. Good governance is the process by which decisions are made and implemented. It is not about making ‘correct’ decisions, but rather about the best possible process for making the best decisions. Political parties and political actors, whether in the majority or in the minority form the Government, a major stakeholder in governance and so good decision-making processes must have a positive influence on the various aspects of government. Accountability, transparency, adherence to the Rule of Law, responsiveness, efficiency and participation are clear markers of good governance.

Good governance is essential for duty bearers and stakeholders, as it assures that corruption is minimized, the views of minorities are taken into account and the voices of the most vulnerable in society are heard in decision-making. It facilitates policies and actions that are responsive to the present and future needs of our society.

In twenty first century Jamaica, the ultimate purpose of governance must be aimed at creating a democratic government that promotes effective public institutions, competitive markets and civil society towards achieving crucial objectives of human development, equity, and sustainable development.

A shift from *governance of the past*, must be embraced, as we seek to overcome challenges such as bureaucracy, corruption, garrisonization, political tribalism, ineffective delivery of public services and low social capital.

HAVE WE DISREGARDED THE PRINCIPLES OF GOOD GOVERNANCE?

The door is open for action to change. The Agreement and Declaration on Political Conduct (the Code) provides an agreed set of standards for political practice. (See full Code at <http://psoj.org/information-center/library-books/2005-09-george-william-agreement-declaration-political-conduct/> and excerpt at appendix). Adherence to these standards would further normalize good governance as they stipulate both the promotion and the repudiation of certain acts and values. These remain relevant for 21st century Jamaica and the comprehensive vision of the national development plan to make Jamaica the place of choice to live, work, raise families and do business as we work in the spirit and principles of goal 16 of the Sustainable Development Goals; dedicated to the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and building effective, accountable institutions at all levels.

The latest annual Corruption Perception Index (CPI) 2016, ranked Jamaica 83rd out of 176 countries.

This is indicative of the perceived level of public-sector corruption on a scale of zero to 100, where zero means that a country is perceived as highly corrupt and 100 means it is perceived as very clean. While Jamaica is ranked 83rd out of 176 countries, its corruption perception is at 39 out of 100, which means it is rated as very corrupt.

A CPI score of under 50 signals prevalent bribery, a lack of punishment for corruption, and public institutions that do not respond to the needs of citizens. (*For more information, visit: https://www.transparency.org/news/feature/corruption_perceptions_index_2016*)

The 'Conversation with Young Jamaicans' programme, an initiative of the Office started in 2016 and allows for several meetings with students, revealed a high level of scepticism among students about the commitment of political actors to the standards in the Code.

The role of the two major political parties as government, developing and implementing certain goals and actions with the International Monetary Fund (IMF), underscores the political parties' capacity to work on shared ideas and in line with the standards. While the Agreement and Declaration on Political Conduct (the Code) was created in 2005 it was signed in the review period, and received significant promotion and validation through print advertisement, Code Signing Events and frequent references in speeches, presentations and on social media. (*See Media Mentions at Appendix*).

The Code, which extends the issues of concern under the Political Ombudsman (Interim) Act, 2002, is intended to be a commitment to the public thereby promoting respect for and confidence in state institutions and the political process while holding politicians to account on matters such as freedom of access for campaigning, proper use of public funds and care for public and private structures and eschewing of political tribalism in its various forms including garrisons.

We are committed to join the many others in Jamaica, who are concerned that corruption has led to human rights violations, marring of political elections, stunting business activities, undermining and destroying confidence in public institutions, and enabling organised crime, violence, and other threats to human security to flourish.

A great number of Jamaicans do not have a favourable view of the country's leaders, nor of some of the country's most critical institutions. The blanket expression, *corruption*, has covered incompetence, questionable prioritization, underfunding of institutions and other threats.

Good governance is a practical approach and an ideal which is admittedly difficult to achieve in its totality. To ensure sustainable human development in Jamaica and that the aspirations of our Motto, Anthem and Flag are fulfilled, action must be taken towards making this ideal a reality.

INTRODUCTION

The year Two Thousand and Sixteen marks fourteen years of operation for the Office of the Political Ombudsman (OPO). In June of 2013, Honourable Bishop Herro Blair retired from Office after eleven years of service. The Office remained vacant until November of 2015.

For the period January 2013 to October 2015 no Annual Reports were done.

The period of this report, November, 2015 to December, 2016 highlights the work of the Political Ombudsman with regard to complaints handling, public education and repositioning the OPO as a vibrant entity, as seen during the National and Local Government elections, as well as through the implementation of its programmes and projects and the challenges.

We are pleased to share an excerpt from the Electoral Observation Mission of the Organization of American States (OAS/EOM) in Jamaica, for the General Parliamentary Elections 2016. The Mission was led by former Attorney General and Minister of Foreign Affairs of the Commonwealth of the Bahamas, Mrs. Janet G. Bostwick and was composed of 23 international observers from 15 OAS member states and two observer states. The EOM also had specialists in electoral organization, electoral technology, political financing, gender and political analysis. The excerpt:

GOOD PRACTICES OBSERVED: *During its time in Jamaica, the EOM observed several good practices in the electoral field from which other countries in the hemisphere can benefit.*

1. Political Ombudsman

The EOM highly commends the institution and the work of the Political Ombudsman. The Political Ombudsman occupies a neutral space between the political forces in Jamaica and seeks to mediate and moderate unhelpful attitudes and actions in the political and electoral context. In countries where political polarization is present this role is especially valuable. The EOM encourages the people of Jamaica to continue to work with this important national institution to embed a positive, inclusive and peaceful political process. The country's success in moving beyond the challenges of its electoral history is an important accomplishment that must be upheld.

As a Commission of Parliament, established under the Political Ombudsman (Interim) Act, 2002, the Political Ombudsman is distinct from other state agencies; it is independent and submits reports to Parliament. The Political Ombudsman is intended to receive constitutional authority/protection pursuant to part 1, section 3 of the Act; *This Act shall continue in force until provision is made in the Constitution for the establishment of a Political Ombudsman in terms which preclude the alteration of that provision otherwise than in accordance with the procedures prescribed by or in relation to section 49(2) of the Constitution and shall then expire.*

The Political Ombudsman operates under the authority of Parliament, for the purpose of conducting investigations in accordance with the provisions of the Act.

The law names the Prime Minister and the Leader of the Opposition as playing important roles in the fulfillment of the desire of the Jamaican people for a robust and harmonious democracy.

On being appointed, the Political Ombudsman made a courtesy call on the Most Honourable Mrs. Portia Simpson Miller, then Prime Minister and President of the People's National Party who encouraged her to “.....*carry out duties of the Office without fear or favour....*”

During her courtesy call on then Leader of the Opposition and Leader of the Jamaica Labour Party, the Most Honourable Mr. Andrew Holness, he advised her “.....*be bold and deal with difficult matters....*”

A key advantage of having a Political Ombudsman, is that she examines complaints from outside the offending sphere, therefore avoiding the conflicts of interest inherent in self-policing. It is crucial that the Ombudsman's existence be publicized, and that she be afforded the means and the will to make her presence known. The Ombudsman should also be free to make findings public without permission from any source, even when these findings are disagreeable to the stakeholder under scrutiny. The right of every citizen to contact her must be safeguarded beyond all doubt. Citizens must be assured that they can go to the Ombudsman without any fear of reprisals from political actors, the government, the opposition or any other group. The Ombudsman must be able to operate completely independent of the government bodies within her area of competence. The presence of the OPO must have a psychological value, as it strives to build the confidence of citizens, that there exists a neutral Commission of integrity and a non-partisan body that will hold politicians accountable with regard to the established standards in the Agreement and Declaration on Political Conduct and the Political Ombudsman (Interim) Act, 2002.

I acknowledge the kind welcome extended to me by the Members of Parliament and the Senate. I thank those national leaders for the reports and complaints provided and their willingness to assist the Office with its investigations on various matters.

I especially want to thank the Clerk to the Houses of Parliament and her staff for the various services they continue to provide to the Office.

COMPLAINTS & INVESTIGATIONS

The Political Ombudsman (Interim) Act, 2002, describes a complainant as any person or body of persons, whether incorporated or not who claims to be affected by any action taken by a political party, its members or supporters, where the Ombudsman is of the opinion that such action is a breach of any agreement, code or arrangement.

A complaint to the Political Ombudsman may be made by any person or body of persons, whether incorporated or not who claims to be affected by any such action as is mentioned in section 12 (1) of the Political Ombudsman (Interim) Act, 2002, but such complaint shall not be made by a local authority or a body constituted for the purposes of the public service or a local authority.

Special complaints (*see section 13(2) (a) & (b) of Political Ombudsman (Interim) Act, 2002 at moj.gov.jm/laws/political-ombudsman-interim-act*)

A complainant may be:

- A minor

In such instance, the complaint may be made by a parent, guardian, a friend or a responsible adult acting on the minor's behalf.

- A person unable to act for himself by reason of infirmity or for any other cause or has died.

In this case, the complaint may be made by his personal representative, or a member of his family or any other suitable person.

- A person who is an inmate of a Government institution or is detained, section 13(4).

In such cases, the written complaint is forwarded- unopened if in a sealed envelope, to the Ombudsman by the person in charge of the institution. Correspondence between such person and the Ombudsman may be confidential according to section 25 of the Political Ombudsman (Interim) Act, 2002.

The Ombudsman did not receive any complaints from the special categories mentioned above in the review period.

It is to be noted that while the Political Ombudsman received many reports touching on the use of public funds for political purposes, billboards and posters of candidates remaining beyond campaign period, campaign material marring/ branding communities and other matters, not all were supported by written submission as formal complaints. They were incorporated in communication with the relevant political party or through media appeals by the Ombudsman for correction. The complaint of a reprisal killing escalating to death of two people, and reported shooting of a former candidate, were particularly egregious. These matters were referred to the Jamaica Constabulary Force (JCF) for action.

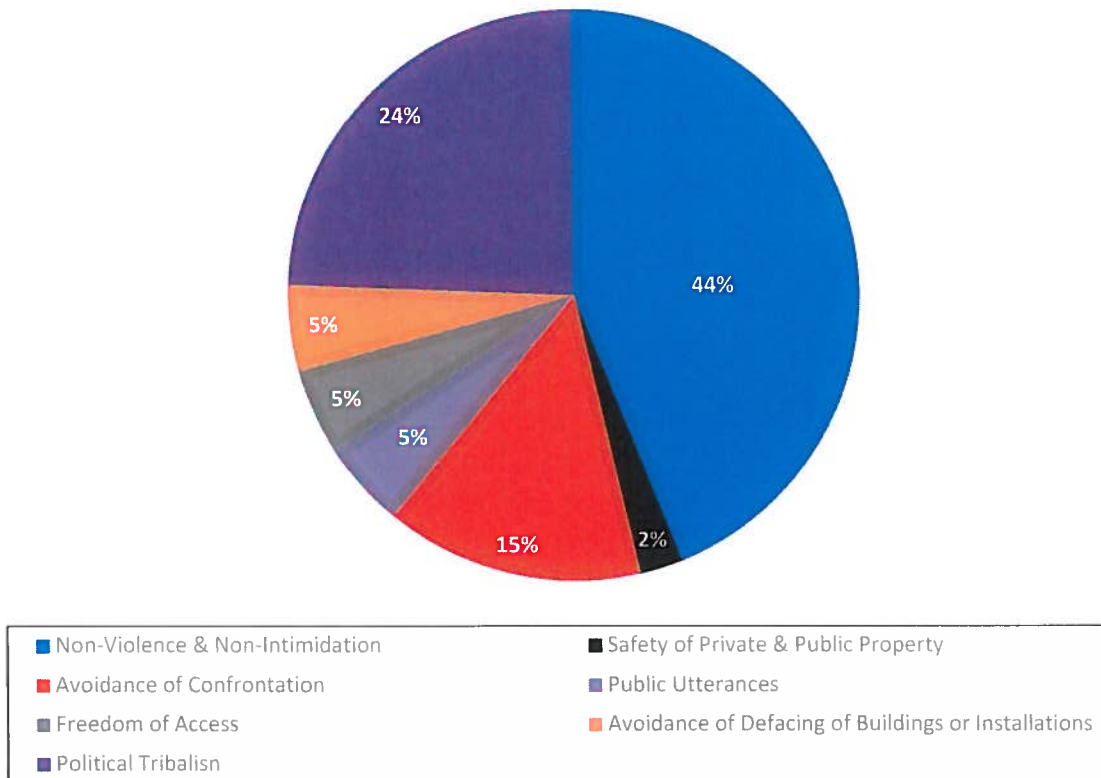
The political implication aspect remains an open question. These necessitated multiple visits by the Political Ombudsman to the various communities/constituencies.

CAMPAIGN AND ELECTION RELATED COMPLAINTS:

GENERAL ELECTION 2016

For this reporting period the Office of the Political Ombudsman received **forty one (41)** complaints leading up to and following the General Election of February 25, 2016. Of this, *Safety of Private & Public Property* accounted for the least number of breaches of the Agreement and Declaration on Political Conduct, showing two percent. Breaches occurring under *Avoidance of Defacing of Buildings or Installations*, *Freedom of Access* and *Public Utterances* accounted for four percent. The greatest number of breaches were seen under *Non-Violence and Non-Intimidation*, showing all of 40 percent while *Political Tribalism* accounted for 24 percent. The following chart plots the data:

BREACHES OF THE CODE - GENERAL ELECTIONS

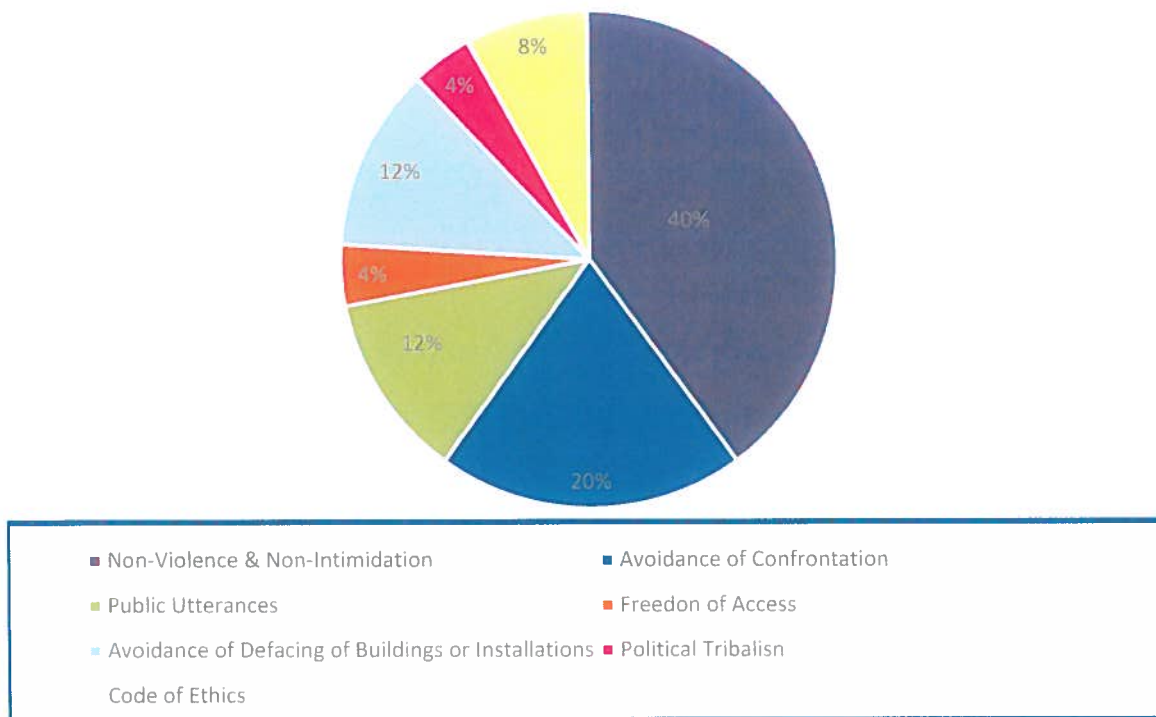


CAMPAIGN AND ELECTION RELATED COMPLAINTS:
LOCAL GOVERNMENT ELECTION

Of the **twenty five (25)** complaints received during the period leading up to the Local Government Election of November 28, 2016. *Non-Violence and Non-Intimidation* accounted for the greater number of breaches of the Agreement and Declaration on Political Conduct, representing 40 percent. *Freedom of Access* and *Political Tribalism* accounted for the least number of breaches representing four percent.

Eight percent of the breaches were related to the *Code of Ethics* while *Public Utterances* and *Avoidance of Confrontation* accounted for 12 percent each, as depicted in the following chart.

Breaches of the Code- Local Government Elections



GENERAL ELECTION 2016

On January 31, 2016, the Prime Minister of Jamaica, Most Honourable Portia Simpson Miller announced that Jamaica's 17th General Elections would be held on February 25, 2016 with Nomination Day scheduled for February 9, 2016. Nomination Day, saw a total of **one hundred and fifty two (152)** candidates nominated in their respective constituencies.

The number of candidates nominated per Party is depicted below:

NAME OF POLITICAL PARTY	NUMBER OF NOMINATED CANDIDATES
The Jamaica Labour Party	63
The People's National Party	63
The Marcus Garvey People's Progressive Party	7
The National Democratic Movement	8
Independent Candidates	9
The People's Progressive Party	2

Of the **1,824,412** electors eligible to vote, it is reported that **882,489** voted; representing a turnout of **48.37** percent.

The elections resulted in a change of administration and the swearing in of the Most Honourable Andrew M. Holness as Prime Minister.

LOCAL GOVERNMENT & PORTMORE MUNICIPALITY MAYORAL ELECTION.

Local Government Elections were constitutionally due between March and June of 2015. However, in June of that year, the House of Representatives approved two (2) bills, *the Kingston and St. Andrew Corporation General Election (Postponement) Act* and *the Parish Councils General Election (Postponement) Act* to postpone the election. The new legislation stipulated that the election should be held by December 29, 2016.

On November 3, 2016, Honourable Desmond McKenzie, Minister of Local Government and Community Development announced that Jamaicans would go to the polls on Monday, November 28, to elect Parish Councillors and Mayor for the Municipality of Portmore. Nomination day, Friday, November 11, saw a total of **four hundred and eighty-nine (489)** candidates nominated in 228 Electoral Divisions and 1 municipality.

The number of candidates nominated per Party is depicted below:

MUNICIPAL COUNCILS BY PARTY	NUMBER OF NOMINATED CANDIDATES
Jamaica Labour Party	228
People's National Party	228
Marcus Garvey People's Progressive Party	3
Jamaica Alliance Movement	1
Independents	27

Number of nominated Mayoral candidates:

MAYOR FOR MUNICIPALITY OF PORTMORE BY PARTY	NUMBER OF NOMINATED CANDIDATES
Jamaica Labour Party	1
People's National Party	1
Independents/Other Parties	0

Of the **1,942,066** electors eligible to vote, it is reported that **558,917** voted; representing a turnout of **28.78** percent.

THE ELECTION CENTRE

The Political Ombudsman was invited by the Electoral Commission to co-chair the Election Centre with the Director of Elections. The Centre, an admirable initiative of the Electoral Commission, was established to monitor the activities of the National and Local government elections. The centre served as:

- A clearing house for political events
- A focal point of coordination of activities
- A mechanism for conflict resolution
- A focal point for registering complaints
- A source of authentic information

The Election Centre was made up of representatives of the following organizations:

- The Jamaica Labour Party
- The People's National Party
- The Jamaica Defence Force
- The Jamaica Constabulary Force
- The Broadcasting Commission of Jamaica
- The Jamaica Umbrella Group of Churches
- National Integrity Action
- Citizen's Action for Free and Fair Elections

The Election Centre was convened for the National Elections on February 9, 2016 and remained in operation until February, 25, 2016. It was again convened for the Local government Elections on November, 11, 2016 and remained in operation until November 28, 2016. The centre met on the Nomination and Election Days for both elections.

A special meeting of the Centre was convened on February 10, 2016 to consider reports of shooting events on February 7th & 9th, 2016, impacting the security of electors and the electoral process in the community of Flankers in the constituency of North West St. James and possibly beyond. The Election Centre determined that all campaigning should cease in the community and so advised the Commissioner of Police to institute a ban and to prohibit or cease granting permits for any political campaign in Flankers.

The Members of the Election Centre received, validated, and reported on incidents on the ground using their respective organization's network. In so doing, full airing of reported conflicts and breaches, to authenticate and resolve same and enabling the issuance of factual reports to the media was achieved.

The Commissioner of Police/Jamaica Constabulary Force (JCF) liaison officers assigned to the Office of the Political Ombudsman were a particularly helpful resource, as they corroborate and clarify facts at ground zero in response to numerous issues referred to them from the Ombudsman at the Centre.

The diverse issues ranged from *names not appearing on the voter's list, electors being at the wrong polling division, sudden **accidental** death of an elector in the vicinity of a polling division, persons dressed and armed as security in the vicinity of a polling division, campaigning in the vicinity of a polling division* to other matters which were to a great extent effectively addressed on election days, February 25, 2016 and November 28, 2016.

PROGRAMMES & PROJECTS

The Political Ombudsman's independence grants liberty to address the general public and to make her presence felt in society without her actions being subject to approval of any kind, except for the principles of integrity and neutrality. As such, the Ombudsman is free to perform various roles including educational roles, as she sees fit to inform the public of their rights in relation to the political parties and their representatives in Government and in opposition and the ways in which these rights can be enforced as well as to gain feedback to dictate future actions.

On assuming office in November of 2015, a number of initiatives were projected as means of fulfilling the office's public awareness role. The goals of the various initiatives are detailed in the office's Work Plan for 2015 – 2017 (see *Work Plan* in appendix) and included:

1. Visibility
2. Pre-election preparedness
3. Engagement of Political Parties
4. Public Education
5. Outreach to young people

Visibility:

- A. Dissemination of the *Agreement and Declaration on Political Conduct (the Code)* and the *Political Ombudsman (Interim) Act, 2002* through print media channels, to create citizen's awareness of the Code and the Act as tools governing the operation of the Office of the Political Ombudsman and **Standards for Politics** in Jamaica. New copies of the Code were printed with additional sourced from the National Integrity Action (NIA), which had copies and disseminated through the Jamaica Umbrella Groups of Churches (JUGC).
- B. Use of electronic media, including social media to facilitate interviews, posts and feeds to further allow citizens an opportunity to learn more about the Office's mandate as well as having an avenue for question and answer on issues pertinent to the Office, the actions of political actors, breaches of the Standards and to improve public confidence in channels to protect democracy.
- C. The OPO was listed in FLOW's telephone directory and a marquee sign mounted outside the office building. The sign was designed by friends of the National Youth Service (NYS) with whom the Office partnered for their summer programme.
- D. The OPO developed and disseminated a new brochure (see appendix).

Pre-election preparedness:

- A. Code Adherence Signing Ceremonies coordinated in collaboration with the Custodes for each Parish and held after Nomination Day for General and Local elections. The main purpose of this event was to have all duly nominated candidates of the various political parties meet and re-commit their adherence to the established standards as stated in the Agreement and Declaration on Political Conduct. The Custodes hosted a range of events from Breakfast Meetings, Round Table discussions to theatre style civic events in their respective Parishes to allow for presentations by various speakers and stakeholders including the Political Ombudsman.

Engagement of Political Parties:

- A. Through meetings with the various Political Party representatives, especially General Secretaries and candidates regarding complaints the Office reminded the stakeholders of the function of the Political Ombudsman as set out in the Political Ombudsman (Interim) Act, 2002, the Code and the Representation of the People Act (ROPA). The meetings facilitated an avenue for grievances and issues to be aired and decisions taken for corrective action.
- B. The periodic submission of recommendations following investigations, to Party leaders was a method employed by the Office as a means of ensuring compliance with the Political Standards enshrined in the Agreement and Declaration on Political Conduct through party action.
- C. The Political Ombudsman made visits to several constituencies and divisions and met with political actors and members of the public.

Public Education:

- A. The Political Ombudsman was very accessible to the media, initiating and responding to opportunities to work with the media on many occasions including providing responses to issues of public concern. Through the provision of articles and features for print in magazines and newspapers, the Office sought to create a deeper awareness and appreciation by citizens of its role and function and to highlight how its relationship with political actors ultimately leads to improvement in good governance, Rule of Law, Human Rights and democracy standards, (*See Media Mentions at Appendix*). The Political Ombudsman also accepted numerous speaking and events invitations to build on improving awareness of the governance infrastructure to support a robust democracy in Jamaica. This also encouraged the public to submit reports and complaints.

Outreach to young people:

- A. To develop and increase young Jamaican's interest in politics, the OPO initiated a program dubbed "*Conversations with Young Jamaicans*".

Secondary and Tertiary level students from selected institutions across the three Counties, were invited to participate in various sessions where the OPO shared information on the role of the Office in promoting Democracy, Rule of Law, Good Governance and Human Rights and the handling of complaints and investigations.

Feedback from the students was captured through the use of a questionnaire designed and developed by a NYS Graduate Program intern. The findings were subsequently incorporated into later presentations. The OPO was supported by the Canadian High Commission and City of Kingston Coop Credit Union in providing promotional items to facilitate students' engagement. The following is a list of the schools that participated in the programme:

- Munro College
- Hampton School
- Bethlehem Moravian College
- Manning's School
- Frome Technical High School
- Mona High School

Code Signing Events:

In September 2005, by the signing of the Agreement and Declaration on Political Conduct (see copy in appendix) the People's National Party, The Jamaica Labour Party and all other legitimate political parties in Jamaica:

1. Affirm their belief in the sanctity of human life and abhor taking human life or the violation of the person of anyone because of that person's political allegiance.
2. Declare their opposition to and rejection of the use of violence or intimidation by any of their members or supporters as a means of expressing political support or furthering political objectives.
3. Denounce the procurement, possession or distribution of weapons or ammunition of any sort by their members or supporters for use in political activity.
4. Affirm their commitment to non-violent relations between the members and supporters of all political parties.
5. Repudiate any action by their members or supporters calculated to provoke, threaten or intimidate the members or supporters of any other party.
6. Recognize and respect the rights of each party, its members and supporters to express and demonstrate their political views and to conduct lawful, non-violent activities in support of their objectives.
7. Agree that they will only offer support to candidates who manifest the highest moral standards and who have not been convicted of any serious crime.

Following the nomination of candidates for the General election and the Local Government election, the OPO collaborated with the Custodes of each Parish in conducting *Code Signing Events*.

This included production of certificates for each candidate and a presentation on the Code at the ceremonies. Each event was held in the respective Parish capitals with Kingston and St. Andrew combined. A copy of the Code was given to each candidate and a presentation was done by the Custos explaining in detail the provisions of the Code along with the signing of certificates in duplicate by each duly nominated candidate, witnessed by the respective Parish Custos or their representative. By public demonstration, through the signing of the certificate, each Candidate committed to adhere to the provisions as stated in the Code. *(See copy of certificate at appendix)*

There were communication and political issues that impacted the turnout of some candidates to the planned events. The participation of candidates garnered high publicity and a report on compliance was published in the media. It is to be noted that all candidates are bound by the Code irrespective of them signifying their adherence through signing.

The following tables depict the number of candidates by Parish, for the two major Parties and the percentage of those who through signing, indicated their adherence to the Code.

General Election:

Jamaica Labour Party (JLP)

Parish Name	Number of Candidates	% Adherence
St. Andrew	12 of 12	100
St. Catherine	6 of 11	55
Clarendon	6 of 6	100
Westmoreland	2 of 3	66.66
St. James	5 of 5	100
St. Ann	4 of 4	100
Manchester	4 of 4	100
St. Elizabeth	4 of 4	100
Kingston	2 of 3	66
Trelawny	2 of 2	100
Portland	2 of 2	100
St. Thomas	1 of 2	50
St. Mary	3 of 3	100
Hanover	2 of 2	100
Total	55	87

People's National Party (PNP)

Parish Name	Number of Candidates	% Adherence
St. Andrew	12 of 12	100
St. Catherine	10 of 11	91
Clarendon	6 of 6	100
Westmoreland	3 of 3	100
St. James	5 of 5	100
St. Ann	3 of 4	75
Manchester	4 of 4	100
St. Elizabeth	4 of 4	100
Kingston	3 of 3	100
Trelawny	2 of 2	100
Portland	2 of 2	100
St. Thomas	2 of 2	100
St. Mary	3 of 3	100
Hanover	2 of 2	100
Total	61	97

Local Government Election:

Jamaica Labour Party (JLP)

Parish Name	# of Electoral Divisions	# of Candidates	% Adherence
Clarendon	22	20 of 22	91
Hanover	7	4 of 7	57
Kingston	6	5 of 6	83
Manchester	15	14 of 15	93
Portland	9	9 of 9	100
St. Andrew	34	14 of 34	41
St. Ann	16	16 of 16	100
St. Catherine	41	25 of 41	61
St. Elizabeth	15	14 of 15	93
St. James	17	16 of 17	94
St. Mary	13	10 of 13	77
St. Thomas	10	7 of 10	70
Trelawny	9	6 of 9	66
Westmoreland	14	14 of 14	100

People's National Party (PNP)

Parish Name	# of Electoral Divisions	# of Candidates	% Adherence
Clarendon	22	20 of 22	91
Hanover	7	5 of 7	71
Kingston	6	6 of 6	100
Manchester	15	15 of 15	100
Portland	9	9 of 9	100
St. Andrew	34	24 of 34	71
<i>*St. Ann</i>	<i>16</i>	<i>0</i>	<i>0</i>
St. Catherine	41	38 of 41	93
St. Elizabeth	15	14 of 15	93
St. James	17	17 of 17	100
St. Mary	13	9 of 13	69
St. Thomas	10	7 of 10	70
Trelawny	9	8 of 9	89
Westmoreland	14	14 of 14	100

*It is to be noted that the People's National Party advised that its Councillors for St. Ann were protesting the ≈ \$600 million **Island -wide Bushing Project** undertaken by the Government during the campaign period.

ADMINISTRATION AND GOVERNANCE MATTERS

The Governor General, pursuant to part 2, section 8(4) of the Act is advised by a special Commission regarding the OPO.

The OPO has the following establishment:

- Administrative Assistant
- Executive Secretary
- Office Attendant
- Bearer
- Driver
- Legal advisor (position vacant)
- Investigator (position vacant)

In 2016, Mr. John Cameron, who served the Office as Driver for over nine years, retired from service. The Office thanks him for his contribution and wishes for him the best in his retirement.

In the review year, the position of Legal Advisor remained vacant. The office was assisted by three volunteers from the National Youth Service, 14 Jamaica Constabulary Force Detective Sergeants Liaison officers and a Close Protection Officer.

The Office of the Political Ombudsman is located at 85A Duke Street, on the ground floor of the Jamaica Manufacturers Association building, adjacent to George William Gordon House.

Budget, accounting and other finance related services as well as some Human Resource functions are provided through the Houses of Parliament.

On the 20th of July, 2016 the OPO appeared before the Public Administration and Appropriations Committee (PAAC) of Parliament whose task is that of monitoring spending by all Government ministries, departments and agencies.

CONCLUSION

This OPO remains resolute in its mandate and continues to encourage citizens' partnership in striving to realize our nation's Vision 2030 in a strong democracy.

The political parties have worked with the OPO in their own desire to have a continuously improving governance electoral and political climate. Issues of concern remain where a party representative who also holds a governmental post acts in ways that breach the Code, or where an official named in the Code is not responsive to the recommendations of the Office.

The OPO is not mandated to do policing but rather is a facilitator of the declared objectives of the nation's political leaders, representatives and people. There may now be need for additional powers to improve accountability of political actors and further improve public trust in the integrity of Jamaicans political parties and 'system'.

This requires mutual respect, strength and sustained effort to which this office is committed.

APPENDICES

EXCERPT:
**AGREEMENT AND DECLARATION ON POLITICAL
CONDUCT (the CODE)**



Agreement and Declaration on Political Conduct

Office of the Political Ombudsman

Tel: 922-8653; 922-0317;

Fax: 922-1040

Email: politicalombudsman@yahoo.com

February 7, 2016

George William Gordon House, Jamaica
September 2005

THE PEOPLE'S NATIONAL PARTY, THE JAMAICA LABOUR PARTY AND ALL OTHER LEGITIMATE POLITICAL PARTIES IN JAMAICA:

1. Affirm their belief in the sanctity of human life and abhor taking human life or the violation of the person of anyone because of that person's political allegiance.
2. Declare their opposition to and rejection of the use of violence or intimidation by any of their members or supporters as a means of expressing political support or furthering political objectives.
3. Denounce the procurement, possession or distribution of weapons or ammunition of any sort by their members or supporters for use in political activity.
4. Affirm their commitment to non-violent relations between the members and supporters of all political parties.
5. Repudiate any action by their members or supporters calculated to provoke, threaten or intimidate the members or supporters of any other party.
6. Recognize and respect the rights of each party its members and supporters to express and demonstrate their political views and to conduct lawful, non-violent activities in support of their objectives.
7. Agree that they will only offer support to candidates who manifest the highest moral standards and who have not been convicted of any serious crime.

IN FURTHERANCE OF THE FOREGOING, THE PEOPLE'S NATIONAL PARTY, THE JAMAICA LABOUR PARTY AND ALL OTHER LEGITIMATE POLITICAL PARTIES IN JAMAICA HEREBY AGREE THAT:

1. A Code of Political Conduct as set out in Appendix 1 of this agreement will be established and will come into effect immediately upon the signing of this Agreement by the Leaders, Chairmen and General Secretaries of the parties.
2. All breaches of the Code of Political Conduct will be investigated by the Political Ombudsman.
3. The Officers, Executives and Constituency Representatives of all parties will use their authority and will make every possible effort to ensure restraint on the part of their members and supporters, to encourage respect of each other's rights and freedoms to effect compliance with the provisions of the Code of Political Conduct and to support the principles of this Agreement.
4. All political parties undertake appropriate action on any recommendation made by the Political Ombudsman.
5. Every candidate, along with an Influential member of the community, who is part of the party organization, will sign the Code of Political Conduct and will be (mutatis mutandis) subject to the same sanctions as if he or she were the candidate.

In addition to and without prejudice to the foregoing, the People's National Party, the Jamaica Labour Party and all other legitimate political parties will continue to work together on additional measures (including the vexed question of distribution of scarce benefits) which may be taken to reinforce this Agreement, to improve relations between the members and supporters of all parties, to eliminate politically motivated violence and to encourage peaceful political co-existence, political campaigns and elections.

APPENDIX 1

CODE OF POLITICAL CONDUCT

This Code shall apply to all officials of political parties. The term "officials of political parties" means:

- a) Persons holding any type of office within political parties, including persons approved by political parties for appointment to any such office or who intend to apply for such appointment.
- b) Members of the House of Representatives and of the Senate;
- c) Mayors and Councillors;
- d) Persons who intend to seek election to any office referred to in paragraphs a), b) and c).

The political parties shall take such actions as are necessary to ensure full compliance with this Code by all officials of political parties.

1. NON-VIOLENCE AND NON-INTIMIDATION

- a) No person should engage in, adopt or otherwise encourage, any form of violence or intimidation in their political activities.
- b) There should be no procurement or distribution of weapons or ammunition of any sort for use in political activities.
- c) No threats of violence or intimidation whatsoever, whether expressed or implied, should be made against anyone or any group of persons because of their political affiliation.
- d) No person should be forced, against his or her will, to declare his or her political affiliation or to acknowledge any affiliation whatsoever.
- e) Every individual should be free to go about his or her lawful business without restriction, harassment or intimidation and should actively discourage the erecting of roadblocks in this regard.
- f) Candidates or others acting on behalf of candidates:
 - i) Must not use funds derived from any source, public or private to improperly influence electoral choices; and
 - ii) Shall exercise all reasonable care in ensuring that all financial donations are derived from legitimate sources.

2. SAFETY OF PRIVATE AND PUBLIC PROPERTY

No damage should willfully be done to any property, whether private or public, in the course of, or as a result of, any political event or activity.

3. AVOIDANCE OF CONFRONTATION

- a) Nothing should be done or encouraged which can reasonably be expected to lead to volatile confrontation between opposing political factions.
- b) Every effort must be made to avoid any act which is likely to be provocative or which will increase tension between opposing political factions.

4. PUBLIC UTTERANCES

Party officials (including platform speakers) should not make statements which:

- a) Are inflammatory or likely to incite others to confrontation or violence;
- b) Constitute slander or libel;
- c) Are malicious in reference to opposing candidates, their families and Party officials.

5. FREEDOM OF ACCESS

- a) Nothing should be done to unlawfully prevent or restrict anyone from canvassing or campaigning in any place.
- b) Nothing should be done to unlawfully restrict or jeopardize the movement along any public road, of anyone or any group of persons engaged in legitimate political activity.

6. AVOIDANCE OF DEFACING OF BUILDINGS OR INSTALLATIONS

- a) There should be no defacing of any structure, roadway or installation (whether privately or publicly owned) for the purpose of displaying any political message or slogan except in such manner as is permitted by law.
- b) No action in relation to the distribution of any pamphlet, handbill, poster or any similar material shall be taken in such manner as would constitute a breach of the Anti-litter Act.

7. POLITICAL TRIBALISM

The Parties eschew the practice of political tribalism rooted in coercion, intimidation or violence of any kind and the parties commit themselves to removing any structures and resisting the development of any behavioural, cultural, social or organizational practices, which reinforce political tribalism.

8. CODE OF ETHICS

In case of a breach or suspected breach, the parties agree that each side will, firstly, consult with the other and, if necessary, invoke the intervention of the Political Ombudsman before recourse to any other forum.

Nothing in the above should be deemed to mean that any party or any individual has relinquished ultimate recourse, to the courts.

AGREEMENT AND DECLARATION ON POLITICAL CONDUCT

We confirm our intention to uphold and defend the Constitution of Jamaica and to discharge our responsibilities to the people of Jamaica in a conscientious and impartial manner.

Recognising that Jamaica faces significant challenges, among which are violent crime and other illegal activities, we will not knowingly associate ourselves with any person or persons in their pursuit of illegal activities and/or any kind of violence and will share with the Jamaica Constabulary Force or other relevant authority, any information that will help to lead to the prosecution of such persons.

We re-affirm and commit our obligation at all times to all our constituents and to act in the best interest of the Jamaican people.



President, People's National Party



Leader, Jamaica Labour Party



Chairman, People's National Party



Chairman, Jamaica Labour Party



General Secretary, People's National Party



General Secretary, Jamaica Labour Party



Central Manchester

The signature of the leader of a political party to this Code shall bind all officials of that party to the following:

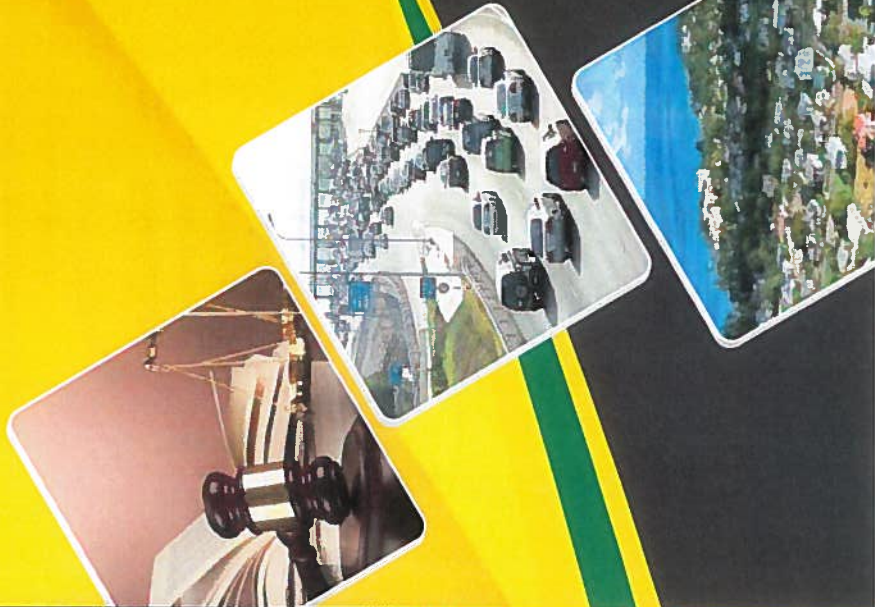
- a) It is the duty of officials to uphold the law and to support the security forces in the lawful execution of their duties.
- b) In their conduct and activities, officials should respect the rights of others, especially functionaries of contending political parties.
- c) Officials who by virtue of their positions have control or influence over the appropriation of public funds or other public resources should not discriminate against any individual, group or community on the basis of political allegiance or support.
- d) Elected representatives should at all times seek to represent the interests of all their constituents in particular and those of the nation as a whole.
- e) Officials should unequivocally reject the use of violence and of intimidation in the conduct of their activities.
- f) Officials should repudiate any act of corruption in the discharge of their functions.

BROCHURE



Political Ombudsman of Jamaica

ENSURING STANDARDS IN POLITICS



- OFFENCES (WITH LIABILITY ON CONVICTION FOR \$50,000 OR 6 MONTHS OR BOTH)**
- Making a false statement to, or misleading the Political Ombudsman or any person executing functions under this act.
 - Obstructing, hindering or resisting the Political Ombudsman in carrying out his functions.
 - Failing to comply with any lawful requirement of the Political Ombudsman.
 - Opening or not sending any sealed communication addressed to the Political Ombudsman from a prison.
 - Breaching the obligation of secrecy and confidentiality of information to the Political Ombudsman.



Ensuring Standards in Politics

Political Ombudsman of Jamaica
Tel: 922-8653, 922-0317; Fax: 922-1040
Email: politicalombudsman@yahoo.com

Like us on Facebook at:

The Office of the Political Ombudsman

DESIGNED AND PRINTED BY THE
JAMAICA INFORMATION SERVICE
NOVEMBER 2016



CERTIFICATE



Office of the Political Ombudsman

85a Duke Street, Kingston

Tel: (876)922-8653; 922-0317 Fax: (876)922-1040

Email: politicalombudsman@yahoo.com

Agreement and Declaration on Political Conduct

I _____ being a Candidate

for the office of Councillor for the Electoral Division of _____ in the Parish of _____ and a Member of the _____ Party

declare my support for the terms of the Agreement and Declaration on Political Conduct signed by the Leaders of the Jamaica Labour Party and the People's National Party on the 20th of **September 2005**. I further declare by signing this certificate, my commitment to comply with those terms and the Laws of Jamaica.

Signed this _____ day of _____ 2016

at _____

Candidate for Councillor

Campaign Manager

Custos Rotulorum

WORK PLAN 2016 – 2017

**WORK PLAN
OFFICE OF THE POLITICAL OMBUDSMAN 2016-2017**

Goal #1: Office Visibility					
Key Action Steps	Timeline	Expected Outcome	Data Source & Evaluation Methodology	Person Responsible	Comments
Dissemination of the Agreement and Declaration on Political Conduct & the Political Ombudsman (Interim) Act through print media channels	November 2015 to March 2017	To create citizens awareness of the Act and the Code governing the operation of the office.	Data Source: Ministry of Justice, Office of the Political Ombudsman (OPO). Evaluation method: feedback received by email, telephone calls and Facebook blogs and surveys.	Political Ombudsman	
Use of Electronic Media	Ongoing	Through interviews (television and radio) the citizenry is given a further opportunity to learn more about the Office's mandate as well as having an avenue for question and answer on issues pertinent to the work of the office.	Media Reports & Surveys	Political Ombudsman	

Goal #2: Pre-election Preparedness															
Key Action Steps Signing Ceremonies/Events coordinated in partnership with Custodes for each Parish and held after date of nomination		Timeline On announcement of Election date to one week of election day.	Expected Outcome To have all duly nominated Candidates of the various political parties meet and re-commit their adherence to the established standards as stated in the Agreement and Declaration on Political Conduct.	Data Source & Evaluation Methodology OPO	Person Responsible OPO										
Goal #3: Engaging Political Parties															
Key Action Steps Convene and attend meetings with Political Party Representatives, to include General Secretaries		Timeline Ongoing	Expected Outcome Improved acceptance of the Role and Function of the Political Ombudsman as set out in the Political Ombudsman (Interim) Act, 2002 and the Representation of the People Act (ROPA).	Data Source & Evaluation Methodology Political Parties (PNP, JLP), OPO, other	Person Responsible Political Ombudsman										

<p>Submit recommendations to Party Leaders as necessary on national issues directly related to mandate of the OPO</p>	<p>Ongoing</p>	<p>Improved compliance with the Political Standards enshrined in the Agreement and Declaration on Political Conduct.</p>	<p>Political Ombudsman</p>	
<p>Goal #4: Public Education</p>				
<p>Key Action Steps Provide quarterly articles and features for print in magazines and newspapers</p>	<p>Timeline Ongoing</p>	<p>Expected Outcome To create deeper awareness of the Role and Function of the Office of the Political Ombudsman and how its relationship with political actors and stakeholders ultimately seeks to create an improved appreciation for and adherence to Good Governance, Rule of Law, Human Rights and Democracy standards.</p>	<p>Data Source & Evaluation Methodology Data source: Online Research carried out by OPO Evaluation method: feedback received by email, telephone calls and Facebook blogs</p>	<p>Person Responsible OPO</p>
			<p>Comments</p>	

Re-develop Social Media platform	Ongoing	As above with intent to target a specific group (young adults & tech savvy market)	Jamaica Information Service	OPO	
Speaking engagements	Ongoing	As above with intent to target specific groups (civil society).	Feedback from Partners		
Goal #5: Outreach to Young People					
Key Action Steps Meet with Tertiary level students in various Faculties (University of the West Indies, University of Technology, Sam Sharpe Teacher's College) to hear their views and to share information on the OPO, Rule of Law, Democracy, Human Rights and Good Governance.	Timeline Ongoing	Expected Outcome To encourage interest in politics	Data Source & Evaluation Methodology Feedback forms	Person Responsible Political Ombudsman	Comments

To meet with Secondary level students across the three Counties (Cornwall, Middlesex & Surrey)		To provide effective practice and responsive communication and social media presence for the OPO to share information with young people.	Feedback forms	Political Ombudsman	
Goal #5: Degarrisonization of Jamaica					
Key Action Steps Establish a Tribunal to carry out the Recommendations of the West Kingston Commission of Enquiry Report and the removal of political garrisons. (a) Develop a Work Plan with respective stakeholders (b) Conduct Investigations. (c) Prepare Recommendations. (d) Implement agreed recommendations or other similar recommendations	Timeline 2016-2019	Expected Outcome To ultimately end political tribalism, political crime and intimidation in pursuant to the "Code".	Data Source & Evaluation Methodology Data Source: Planning Institute of Jamaica, Electoral Commission, National Integrity Action, Political Parties, West Kingston Commission of Enquiry Report and the Jamiaca Constabulary Force	Person Responsible Political Ombudsman	Comments