

OFFICE OF THE POLITICAL OMBUDSMAN



Ensuring Standards in Politics

20 ANNUAL
18 REPORT



Office of the Political Ombudsman

85A Duke Street

Kingston

Tel: 876 922 8653, 876 922 0317

Email: politicalombudsman@opo.gov.jm

August 2020

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

Dear President Tavares- Finson,

It is an honour to again fulfil this aspect of my mandate in compliance with Part v, Section 20(1) of the Political Ombudsman (Interim) Act, 2002. I hereby submit the twelfth Annual Report of the Office of the Political Ombudsman.

This issue records the activities of the office for the period, January to December, 2018.

Yours sincerely,

Hon. Mrs. Donna Parchment Brown CD, JP

Political Ombudsman.



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Honourable Marisa Dalrymple Philibert, MP
Speaker of the House of Representatives
The Houses of Parliament
George William Gordon House
81 Duke Street
Kingston

Dear Madam Speaker,

It is an honour to again fulfil this aspect of my mandate in compliance with Part v, Section 20(1) of the Political Ombudsman (Interim) Act, 2002. I hereby submit the twelfth Annual Report of the Office of the 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 public 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*.

Ombudsman's Message



It is with pleasure that I present this report of the office's activities and achievements for 2018.

The Report addresses our obligations under the Political Ombudsman (Interim) Act, 2002 and is available on our website at www.opo.gov.jm.

The information contained herein demonstrates the transparency of our work for the period January to December, 2018. It provides clear evidence of the impact of effective, judicious application of the Political Ombudsman (Interim) Act, 2002 and the Agreement and Declaration on Political Conduct (the Code).

As Political Ombudsman, I remain committed to ensuring that the standards to which all political actors have agreed are understood, complied with, monitored and upheld.

The highlights and resolutions sections of this report set out the efforts we made in 2018 to achieve this goal.

In addition, we remain committed to increasing awareness and understanding about the role and responsibilities of this Office, and how – as a neutral, independent Commission of Parliament

– we are committed to promoting transparency, accountability and high standards in politics.

The Office of the Political Ombudsman is committed to ensuring that the general public understands these standards, and what they can

To that end, this report also highlights a key function of the office's mandate: **public and stakeholder outreach**. Raising the level of awareness of the public at large is the best way to engage them in political life, something that is waning, according to recent data.

The office's core values of independence, neutrality and confidentiality, are aligned with the standards of the Representation of the People Act, the Political Ombudsman (Interim) Act and the Jamaican Constitution thereby enabling the Office to function at optimum.

I am grateful to my office team, and the Jamaica Constabulary Force's (JCF) assigned Liaison Officers. Their commitment and level of professionalism, to this office and by extension to public service is most worthy of mention.

The Hon. Donna Parchment Brown, CD, JP

Political Ombudsman of Jamaica

HIGHLIGHTS & ACHIEVEMENTS

The year was marked by extensive political activity. We continued our drive of building awareness of the importance of adherence to the Agreement and Declaration on Political Conduct (the Code), by political actors, while remaining cognizant of the new challenges posed by twenty first century social media use versus traditional forms of communication. We are aware that these newer methods at times facilitated contravening the Code.

The year (2018) saw the implementation of the amendment to the Representation of the People Act (ROPA), with registration of political parties.

The October 30, 2017, hard fought by-election in St. Mary, Southeast, following the death of Member of Parliament Dr. Winston Green, led to a campaign that tested the mettle of the OPO, requiring an intensified public education program, visits to the constituency and an opportunity to learn more about the valuable amendments to the ROPA in the context of the Agreement and Declaration on Political Conduct.

OPO ANNIVERSARY FORUM 2018



In September, the Office of the Political Ombudsman (OPO) marked the **13th Anniversary of the signing of the Agreement and Declaration on Political Conduct (the Code)**. The Code, since 2005 has provided guidance towards the conduct of Jamaicans who aspire to political office.

Under the theme, Jamaica's Democracy, Parties, Participation and Principles, the forum was held at the Faculty of Law, UWI Mona on Friday, September 21, 2018. Participants included members of the diplomatic community, representatives and subject matter experts from politics, the public sector, academia, youth, business and underserved communities. The forum was streamed by the Jamaica Information Service and can be viewed on the OPO's Facebook page at [*japoliticalombudsman*](https://www.facebook.com/japoliticalombudsman).

In his opening remarks, moderator, **Professor Hopeton Dunn**, of the Communications Policy & Digital Media, University of the West Indies, Mona, asserted that *"...today's forum is forward looking while recognizing that countries experience times of crisis, of doubt and of joy.*

We have developed capabilities to overcome challenges and remain an outstanding people... with a robust democracy built on good governance, participation and the Rule of Law..."

The inspiring Keynote speaker was **Mr. Howard Mitchell**, President of the Private Sector Organization of Jamaica (PSOJ). Of note were the following key points:

- ...there is a connection with good politics, participative democratic practices, efficient government and a prosperous and healthy society...
- ...there is a relationship between managing politics and how society evolves in response...
- ...politics and democracy are often times abused...

He shared with the audience where Jamaica stands in achieving its goals of proficiency, prosperity and social health in its legislative

and institutional infrastructure and that there are two vital ingredients missing that are critical in the nurturing of democracy and an efficient society. These vital ingredients, he said are Governance and Inclusiveness. He further opined that consideration should be given to bolstering the Office of the Political Ombudsman with the **capacity to convene an ethics commission** which would arbitrate on agreed principles of ethics and which would have a constitution and representatives from political parties and members of the public. He charged that all of us must **focus on the reduction of partisan tribal warfare** that are a precursor to the promotion of garrisons. Garrisons he said are an impediment to progress for a nation and must be dismantled if all of us are serious about development.

The OPO was honoured to have other powerful speakers including:

Mr. Bruce Golding, former Prime Minister and who in 2005, was **a signatory to the Code** in the capacity of Leader of the Jamaica Labour Party (JLP), the Parliamentary Opposition at the time. As a signatory, **he affirmed that the Code was “binding in and out of elections”**. Mr. Golding was also a signatory in 1988 to the original Code in the capacity as Chairman of the JLP. In addressing the audience he shared that:

...the establishment of the Office of the Political Ombudsman (OPO) is one of a number of institutional arrangements that were put in place to regulate the conduct of political activity...In 1997 when the first Code was put together, it was felt at the time that there were two issues that had to be addressed:

1. Political activity is not confined to periods of voter registration, election campaigns and the conduct of elections – political activity goes on throughout the year.
2. Not all issues related to political conduct could be legislated – to be put in law – for example, derogatory statements,

malicious statements, inflammatory statements, provocation, and harassment.

These may not be illegal in and of themselves, but they may lead to tensions that may create a hostile environment in which incidents that are completely unrelated can cause eruption – like using a candle instead of a flashlight when pumping gas into a car... In 1997 the Code of Political Conduct was signed by the leadership of the political parties at some urging from civil society and the PSOJ in particular...it was a voluntary agreement, it had no statutory authority.

Five years later the OPO was created...There was a Code but no custodian or administrator...so **in 2002, the OPO was established to be the arbitrator of these issues and dispute that arise from time to time...** In the legislation there is only tangential reference to the Code... the Code can be repudiated.

The Political Ombudsman's (PO) authority is protected by a kind of omnibus provision which empowers her to take up any matter whether by virtue of a complaint or on her own initiative... The PO should seek to build a network of civil society representatives across the island who can be mobilized to work at the local level what cannot be done at the national level by self, it would be good, as the political operatives would know that their behaviour is not just subjected to somebody filing a complaint at the office in Kingston, but that there are people in the communities with the authority and in direct contact with the PO, watching and monitoring and who are intervening with the PO's fiat when necessary to ensure that political relations are kept on a proper level.

Mr. Julian Robinson, Member of Parliament and General Secretary of the People's National Party (PNP). He represented the **Most Hon. P.J Patterson, ON, OCC, PC, QC. a former Prime Minister and signatory to the Code.**

Dr. Peter Phillips, MP, leader of the Parliamentary opposition and leader of the

People's National Party (PNP), **a signatory to the Code in 2005** as the PNP's General Secretary, noted that:

...the Agreement and Declaration on Political Conduct (the Code) and the Office of the Political Ombudsman represent a tangible bit of evidence of Jamaica's success at political electoral reform....as with the ECJ, as home grown institutions and initiatives devised by the leadership of the political parties, that effectively rescued Jamaica's political systems, beginning first with the Electoral Advisory Committee of 1979, which led to the Code of Conduct of 1988, signed at Kings House.

In reflecting on the events of 1979-80 – a virtual civil war among contending political organizations- he stated that it is to the credit of the collective leadership of that time, that looked over into the abyss and decided not to go there...He stated further that consideration must be given to the potential and requirement of leadership in matters such as those concerning the OPO against the background of the need for an Ombudsman. The Ombudsman as a system he posited, emerged from a dialogue between parties and has been to date, sustained by a dialogue between parties and if it is to be advanced it will still require a similar dialogue in the context of the Jamaican political arrangement. The ultimate goal of reforms – a transformation supported by rule changes, being the degree to which each participant in the system accepts that the basic principles of that system requires all to behave in a way that respects the rights of people to dissent, that respects the right of citizens to have a free and fair vote, that respects the principle that public resources ought not to be used unduly to influence the outcomes of votes, that accepts that violence and intimidation and all such negatives are not part of a healthy democratic process... He said that Jamaicans should not be unaware of new kinds of threats – to include especially cyber

threats. He suggested that there is a need to explore the degree to which breaches of the Code can be given force in law, some may be more difficult to police - ...

The reach of the Ombudsman needs to be extended beyond the Candidates to include actions to effect change to Jamaica's political culture.

He expressed as Leader of the PNP, that the OPO must be retained and that the membership of the PNP are committed to the retention of the office...

He pointed out that consideration must be given to what **additional power** should be given to the OPO in particular to its investigative role....the OPO has the power to investigate, **but very little capacity to investigate...** and should have the power also to investigate through one of the established investigate agencies, for example, MOCA, the JCF or even the Anti- Corruption Commission – to cause an investigation to be done. The OPO should be charged to be the agent of cultural change advocacy on behalf of the Jamaican people...

He **commended the holders of the office** and all involved in the work of a Jamaican success story.

Other presentations were made by:

Dr. Henley Morgan, OD, of the Agency for Innercity Renewal (AIR) who spoke on, *"Political Parties – key to Jamaica's Democracy"*

Dr. Morgan has served on numerous bodies that led to the creation of the Code, among other important contributions to Jamaica's political life – notably the bi-partisan **National Committee on Crime and Violence** and the **Special Task Force on Crime** and provided valuable insights into Jamaica's modern political life issues and aspirations.

Miss Kystal Tomlinson, President of the PNP Youth Organization, Communications

Consultant, Social Researcher & Policy Advocate and **Mr. Stephen Edwards**, President of Generation 2000 (G2K, JLP), Civil Engineer, spoke on the topic, *“Democracy Withering on the Vine”*.

In her response, Miss Tomlinson noted that: We are getting better at preserving the integrity of the vote and increasing the level of respect for the political process...and that her interpretation of the entire system of governance is that **we should be trying to put democracy to work, so not so much protecting democracy**, but finding ways to make sure it works...

Mr. Edwards, in his response noted that the **youth should be encouraged to participate in the democratic process** and should be taught from an early age, as part of the process. He spoke also on the issue of voter apathy, noting that it goes beyond party affiliation and is embedded in Jamaica’s culture.

Hon. Donna Parchment Brown, CD, JP

In her presentation on the Code, the Political Ombudsman spoke poignantly on

political tribalism (tenet #7 of the Code) and maladministration. She referenced an article by Diane Abbott, United Kingdom Member of Parliament, which states that *...Tribalism is corrosive in Jamaican politics, partly because of the past culture of political violence, but also because the benefits your political party can deliver are literally a matter of life and death. Civil society and some politicians in Jamaica have successfully fought back against reducing political violence...*

She stated that maladministration often times is a product of corruption, political tribalism, and political conflict.

She stressed that the OPO has embraced **SDG#16** “Peace, Justice and Strong Institutions”, as the SDG that underpins effective Governance and which promotes democracy, justice and political co-operation for the public good. She thanked all those who contributed to the successful event.



Dr. Hopeton Dunn as Moderator steered the proceedings.



Members of the St. Aloysius Primary School drama group supported by their teacher, Mr. Damian Walters, presented a dramatized musical highlighting the Code of Conduct which delighted and educated the attendees.



We recognize the valuable contribution and support of the team of CUSO volunteers who assisted with logistics at the event, under the guidance of Communication Specialist, Ms Stephanie Smith, a CUSO volunteer assigned to the OPO.

CONVERSATIONS WITH YOUNG JAMAICANS

Our signature youth contact program, Conversations with Young Jamaicans, continued in the year, with the Ombudsman visiting seven secondary schools across the island. This allowed for face-to-face engagement with over 1130 students and 15 members of staff.

The schools visited were:

- Ruseas High – Hanover
- Trench Town Polytechnic College – St. Andrew
- Tivoli Gardens High – Kingston
- St. Thomas Technical High – St. Thomas
- Dunoon Park Technical High School – Kingston
- Clarendon College – Clarendon
- St. Mary High – St. Mary

The Conversations with Young Jamaicans program, targeting seniors, sixth formers and students of tertiary institutions, began in 2016 and has as its main objectives:

- An explanation of the role/purpose and global applicability of the Office of the Political Ombudsman.
- Determining why and how young people can be involved in monitoring and engaging political processes to ultimately contribute to the creation of a culture of good governance founded on the Rule of Law.

The sessions have confirmed that Jamaica's youth are knowledgeable and interested in good governance and the Rule of Law, for example as embodied in the Political Ombudsman (Interim) Act and the Code, to hold politicians to standards.

It is clear that the young people want to be given opportunities to actively participate in empowering the country. They are aware of the importance of good policies and a positive political process to satisfying their local community, school and individual needs for education, water, housing, recreation, employment and security. They want to be ambassadors for democracy.

We express our appreciation to the Principals and staff of the schools for agreeing to host the OPO and for making the local level arrangements for these very successful engagements.

We are also grateful to the Canadian High Commission and the City of Kingston Co-operative Credit Union Limited for their assistance with items used in encouraging participation and as rewards.



Clarendon College - Clarendon



Ruseas High School – Hanover



St. Mary High School – St. Mary



St. Thomas Technical High School



Trench Town Polytechnic College - St. Andrew



Tivoli Gardens High School

ROUND TABLE CONSULTATIONS

The Office of the Political Ombudsman conducted four Round Tables during the reporting period, two in January, one in March and one in August. The Report of the Commission of Enquiry into the events of 2010 in West Kingston, noted a causative factor in ‘garrison politics’ and benefited from material provided by Honourable Bishop Herro Blair, former Political Ombudsman.



The Office of the Political Ombudsman conducted four Round Tables during the reporting period, two in January, one in March and one in August.

The Report of the Commission of Enquiry into the events of 2010 in West Kingston, noted a causative factor in ‘garrison politics’ and benefited from material provided by Honourable Bishop Herro Blair, former Political Ombudsman.

The subject of the respective sessions was:
Removing any structures and resisting the development of any behavioural, cultural, social or organizational practices which reinforce political tribalism (Garrison). Tenet #7 of the Agreement and Declaration on Political Conduct.

The discussions examined the questions and we provide the following (sample of the) answers (see appendix for completed questionnaires):

- What is garrisonization?
“...a constituency that views issues solely on the perspective of a particular political party, be it right or wrong...”
“...it is the forming of a way of life of a people based on deep political roots. It is the absence of the political freedom and the grooming of individuals within a skewed political construct...”
“...a situation in which the political rights and freedoms of people are restricted...”
- Where are geographic garrison located?
“...the entire parish of Kingston and parts of St. Andrew, Clarendon, St. Catherine and St. James...”
“...throughout the island. Too many to list...”
“...in several communities across a number of parishes...”

- What are the characteristics of garrisons?
“...underdevelopment, crime and violence...”
“...low income area, mass population, urbanization, political antagonist...”
“...ruled by an area leader/don who works with politicians in area, hierarchy or chain of command exists...”
- Who must be engaged in a conversation on building Jamaica’s democracy through degarrisonization?
“...those affected, they are the most critical stakeholder...”
“...Members of Parliament because they benefit the most from garrisons...”
“...all citizens, Members of central & local government, Caretakers, CAFFE, the Ombudsman...”
- What mechanisms are appropriate?
“...sensitization about the issue and then cleaning of the voter’s list, followed by penalties to those who engage and facilitate garrisonization...”
“...provision of information to communities about services provided by government agencies so that they can access these services instead of going to the political representative.
“...develop a job specification for political representatives stating clearly how they should function...”
“...training and public education are critical...”
- What is a realistic time frame for sensitization of critical players; inclusion of relevant persons and organizations; expecting key results?
“...the sensitization should begin immediately...”

“...10 to 15 years, as some solutions will have to be through comprehensive policy overhaul...”
“...two to three years...”
“... 5 to 10 years, to change culture mind set...”

We thank the attendees listed below for their commitment to Jamaica and for sharing their knowledge.

Attendees: January 2018

- Ms. Stephanie Smith – Communications Advisor, Broadcast Journalist
- Ms. Nakia McMorris – Social Worker, Housing Specialist
- Dr. Robert Kinlocke – Lecturer, UWI
- Mr. Michael Rogers – Professional Basketball Player/Coach/Trainer
- Ms. Sherone McKenzie – Civil Society Activist/Managing Director of Harmonious Solutions
- Ms. Antoinette Richards – Urban Planner, Community Development Specialist, Planning Institute of Jamaica
- Mr. Leslie James - Graphic Arts & Technical Educator
- Mr. Glenroy Murray – National Youth Advisory Council
- Mr. Donovan Hanson – Junior National Parliamentarian & Commonwealth Youth Ambassador
- Ms. Antoinette Dennis – National Secondary Students’ Council
- Mr. Keenan Falconer – Youth Advocate
- Ms. Alnastazia Watson
- Mr. Jerome Cowans
- Mr. Kemoy Lindsay
- Ms. Santana Morris – Youth Ambassador
- Ms. Sophia Bryan
- Mr. Christopher Harper

February 2018

- Ms. Antoinette Richards – Urban Planner, Community Development Specialist, Planning Institute of Jamaica
- Dr. Robert Kinlocke – Lecturer, UWI
- Ms. Sherone McKenzie – Civil Society Activist/Managing Director of Harmonious Solutions
- Ms. Nakia McMorris – Social Worker, Housing Specialist
- Mr. Michael Rogers – Professional Basketball Player/Coach/Trainer
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- Mr. Donovan Hanson – Junior National Parliamentarian & Commonwealth Youth Ambassador
- Mr. Leslie James - Graphic Arts & Technical Educator
- Mr. Keenan Falconer – Youth Advocate
- Ms. Antoinette Dennis – National Secondary Students' Council
- Mr. Glenroy Murray – National Youth Advisory Council

March 2018

- Babo Heru Menelik – Marcus Garvey People's Political Party

- Mr. Peter Townsend – President, National Democratic Movement
- Mr. Michael Williams – Chairman, National Democratic Movement

August 2018

Youth Parliamentarians

- Ms. Kimberly Thompson – UWI
- Ms. Ariel Brown – Norman Manley Law School
- Ms. Tia Ferguson – University of Technology
- Ms. Jamie Burrell – Executive Secretary, UTECH Students' Union
- Mr. Akeem Dobson - BA in Psychology
- Mr. Ishamel Douglas
- Mr. Charles Young – UWI
- Mr. Chevaughn Brown – Old Harbour High School Youth Council
- Ms. Shakira Douglas – UWI
- Mr. Malik Elliott
- Mr. Andre Witter – Jamaica Association for the Deaf
- Mr. Nicholas Kee - Commonwealth Youth Ambassador
- Ms. Kara Knight – Programme Development Specialist

Agreement and Declaration on Political Conduct (the Code)

...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...

Agreement and Declaration on Political Conduct (the Code)

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...

2018 BY-ELECTIONS

A total of five by-elections were conducted during 2018 (see table). The seat for the constituency of St. Andrew North West became vacant following the resignation of the Member of Parliament, Mr. Derrick Smith.

In the Yallahs Division the by-election became necessary following the ruling in the Supreme Court that the Jamaica Labour Party's representative, Mr. Dean Jones was not eligible to sit in the Municipal Corporation. According to the high court, his disqualification was on the grounds that, at the time of the November 2016 Local Government election, he was employed to the government. In the Homestead and May Pen North Divisions the seats became vacant following the deaths of sitting councillors, Mr. Owen Palmer of the JLP and Mr. Melvin Jones of the JLP respectively. The Norman

Gardens Division became vacant following the resignation of the PNP's councillor, Mrs. Angela Brown Burke.

Each of the by-elections was preceded by formal Code-Signing activities with the respective Candidates, presided over by the Custos of the Parish and observed by the Political Ombudsman.

In attendance also were:

- Campaign Manager for each Candidate
- Representative of PNP Leadership
- Representative of JLP Leadership
- Representative from the JCF
- Members of the Clergy
- Members of the public

CODE SIGNING EVENTS

Date	Nominated Candidates	Division/ Constituency	Event's Venue	Presiding Custos
February 13, 2018	Ms. Keisha Hayles (PNP) Dr. Nigel Clarke (JLP)	St. Andrew North West	Office of the Political Ombudsman, 85A Duke Street, Kingston	Dr. Hon. Patricia Dunwell, CD
February 13, 2018	Ms. Jacqueline Lewis (PNP) Mr. Headley Wilson (JLP)	Norman Gardens Division (Kingston East & Port Royal)	Office of the Political Ombudsman, 85A Duke Street, Kingston	Hon. Steadman Fuller, CD
April 17, 2018	Mr. Constantine Bogle (PNP) Mr. John Lee (JLP)	Yallahs Division (St. Thomas Western)	Yallahs Baptist Church, Yallahs, St. Thomas	Hon. Marcia Bennett, CD, JP
April 18, 2018	Mr. Earl Blake (PNP) Ms. Tanya-Lee Williams (JLP)	May Pen North Division (Clarendon Central)	23 Paisley Avenue, May Pen, Clarendon	Hon. William Shagoury, CD, JP
May 9, 2018	Ms. Janet Grayson (PNP) Mr. Mark McLean (JLP)	Homestead Division (St. Catherine South Central)	Phillippo Baptist Church, Spanish Town, St. Catherine	Rev. Hon. Jeffrey McKenzie, CD, JP

The signing of the certificates signified the affirmation by each Candidate to abide by the Political Ombudsman (Interim) Act, 2002 and the tenets of the Agreement & Declaration on Political Conduct of 2005, in promoting good governance, fair campaigning and clean elections.

The by election in the constituency of **St. Andrew Northwest** required the Political Ombudsman to make several visits to the constituency, as there were numerous reported issues, including possible breaches , related to the following tenets of Code:

#6 Avoidance of defacing of Buildings or Installations

#4 Public Utterances

Where person's remarks about the candidates may have been malicious.

#1 Non-Violence and Non-Intimidation

f (1) Candidates or others acting on behalf of candidates – using public funds to influence electoral choices, for example through road works.



May Pen Division



North West St. Andrew



Homestead Division



Yallahs Division



Norman Gardens Division

Agreement and Declaration on Political Conduct (the Code)

Non-Violence and Non-Intimidation

...Candidates or others acting on behalf of candidates:

Must not use funds derived from and source, public or private, to improperly influence electoral choices...

STAKEHOLDER ENGAGEMENTS

It is essential that the Political Ombudsman engages with stakeholders in building and maintaining awareness of the work and value of the office as well as to inform of activities of the office. The stakeholder audiences comprise members of the Jamaican public and the Diaspora as well as like-interest groups and influencers. The main objectives of such interactions are:

- To bring awareness of the work of the Political Ombudsman;
- To benefit from stakeholders' expertise;
- To sensitize the audience of their rights to complain confidentially or openly;
- To increase the Political Ombudsman's knowledge of current/ trending issues;
- To create opportunities to collaborate with the Political Ombudsman for good politics in Jamaica.

The interactions, usually through question and answers sessions following presentations are carried out in a number of ways including:

- Regular liaison and consultation with other like-government and non-government agencies representatives; (JCF, Commissions of Parliament, Political Parties & Academia)
- Providing information about the Political Ombudsman's work through presentations at conferences and events;
- Hosting fora and roundtables;
- Reaching out to communities, particularly by invitation and through our Conversation with Young Jamaicans contact program.

The greatest number of local invitations received were from Service Clubs within the corporate area.

Jamaica

The CCJ (Caribbean Court of Justice) Academy for Law 5th Biennial Conference:

The Political Ombudsman attended the Conference presented in partnership with the General Legal Council, under the theme, ***The future of Legal Practice in the Caribbean – Catalyst for Regional Success?*** Held over a three day period, December 13-15 in Kingston, the Conference brought together approximately 300 decision makers, influencers and policy makers all keen on finding creative solutions, debating issues and making new connections. The event targeted members of the judiciary, the legal profession, government officials, law enforcement professionals, creative industry practitioners, regulators, banking and other private sector interests.

The main areas of focus were:

- The Law as a Facilitator of Business and Development
- Legal issues pertaining to Intellectual Property
- Facilitating Access to Justice

The Office of the Political Ombudsman benefited from a number of insights that were shared, in particular, on the subject of **Facilitating Access to Justice**.

With access to justice being a critical effort in the practice of law and justice delivery, the information and varying perspectives on recent developments and innovations were timely and well received as stakeholders were given an opportunity to consider how as individual entities we can continue to deliver high quality service and improve access to justice for all. Of value also were the presentations on:

- The Future of Justice is Digital;
- Technology as a Tool for Accessing Justice;

- Procedural Rules as a Facilitator and not a Hindrance to justice;
- Facilitating the Utilization of Expert Evidence;
- Disclosure as an Instrument of Fairness.

The Political Ombudsman facilitated a panel entitled, **Defamation in the Digital Age**. Presenters for the session were Amanda Montague and Stephanie Ewbank, Attorneys-at-Law, Myers, Fletcher & Gordon. A robust discussion ensued with valuable knowledge shared, which has greatly assisted the Political Ombudsman in handling complaints related to the digital space and to increase the digital presence of the Office. In their presentation they examined a number of critical areas related to the subject, of note were the following points:

Defamatory Content: Interpretation on Social Media

Monroe v Hopkins [2017] EWHC 433

- *“34. These well-established rules are perhaps easier to apply in the case of print publications of long standing such as books, newspapers, or magazines, or static online publications, than in the more dynamic and interactive world of Twitter, where short bursts of pithily expressed information are the norm, and a single tweet rarely exists in isolation from others. A tweet that is said to be libellous may include a hyperlink. It may well need to be read as part of a series of tweets which the ordinary reader will have seen at the same time as the tweet that is complained of, or beforehand, and which form part of what Mr. Price has called a “multi-dimensional conversation”.”*

McAlpine v Bercow [2013] EWHC 1342 (QB)

- *“58. It is important in this case to stress point (6). The Tweet was not a publication to the world at large, such as a daily newspaper or broadcast.*

It was a publication on Twitter. The hypothetical reader must be taken to be a reasonable representative of users of Twitter who follow the Defendant.”

Liability of Internet Intermediaries: What is a “publisher”?

- *Section 2 of the Jamaican Defamation Act, 2013 defines a “publisher” as: “a person who has published a matter that is, may be, or is alleged to be defamatory of another person and “publish” and “publication”, in relation to a statement, subject to the provisions of this Act, have the meaning they have for the purposes of the law relating to the tort of defamation.”*

Section 22 of the Jamaican Defamation Act, 2013 (the “Act”) provides for a statutory defence of “innocent dissemination”. In order to avail itself of such defence, the defendant is required to prove, for example that:

A person who knows or ought reasonably to have known that the matter was or could have been defamatory but proceeded to publish the matter anyway; or

A person who fails to remove the defamatory matter from his publication or from circulation promptly after it has been brought to his attention.

Multi-jurisdictional issues in online defamation

Social Media

In the case of Otomewo v Carphone Warehouse Ltd [2012] EqLR 724 (ET/2330554/11, 8 May 2012) two members of staff posted a status update on the claimant’s Facebook page, without his permission or knowledge. The status update read: “finally came out of the closet. I am gay and proud.” The employment tribunal held it was posted in the course of employment as the employees’ actions took place during working hours and it involved dealings between staff

and a manager. The tribunal commented that the employer could be found vicariously liable for the conduct of the employee which amounted to harassment on the grounds of sexual orientation.

Damages for Online Defamation

It seems that even when there is no evidence that something has spread beyond the group of people to whom it is published, the court can infer that it has spread more widely simply because it began on a social media site, where repetition and rumour-spreading can increase the inferred readership and also the amount of damages awarded.

When defamatory content is posted on the internet, a multiplicity of scenarios can arise. The content may be uploaded in one jurisdiction but downloaded in another, or it may also be shared to users in multiple jurisdictions.

This may result in a claimant facing a difficult question of who to sue and where. The key question in multi-jurisdiction defamation proceedings is whether the claimant can sue in each and every jurisdiction in which he has suffered damage. The issue of where the tort occurs also arises for consideration.

Courts in the European Union (EU), United States (US), Australia, United Kingdom (UK) and the Caribbean have examined the issues surrounding defamatory content posted on the World Wide Web.

This provides substantial support for the idea that public utterances breaches can occur on the various social media platforms.

Regionally

Guantanamo Bay Fire Department Association (Cuba)

The Political Ombudsman was invited by the Guantanamo Bay Fire Department Association (Cuba), most of whom are Jamaicans, as Keynote Speaker at their Annual Fire Fighter's Ball on the theme, *Gender Equality and the Shattering of the Proverbial Glass Ceiling*.



Political Ombudsman with Captain John Fischer, Commanding Officer, Naval Station, Guantanamo Bay, Cuba.

Read here a synopsis of the address:

***...As Jamaica's Political Ombudsman**, I have the unique privilege of existing as a Commission of Parliament tasked with speaking truth to power. This is to help our political actors fulfil the promises they have made to one another and to us. The Agreement & Declaration of Political Conduct documents Jamaica's best idea at 2005 of the things that needed to be corrected in our political life and the values to which a robust democracy should aspire.*

*Many of these are shared around the globe, but more fundamentally, **they reflect standards we see in homes, work places and everyday life, even as you serve here:***

- Non-violence and Non-Intimidation
- Safety of public and private property
- Avoidance of confrontation
- Public utterances not to incite or slander
- Freedom of Access
- Avoidance of defacing of buildings or installations
- Ending Political tribalism
- Code of Ethics

Some issues are not mentioned such as gender equality between men and women, care and protection of children, repudiation of domestic violence, personal integrity in relation to taxes and other fiscal obligations of citizens, yet it ends with a strong statement –

***“Officials shall repudiate any act of corruption in the discharge of their functions”...** The spouses on this base may be less visible heroes as they operate in an environment of necessity, not choice, distance and the Caribbean Sea separates them and you from easy interaction with parents, siblings, friends and others. Yet they can speak of the unique value of being part of a community built on service, sacrifice and respect...*



W.T. Sampson Elementary School

She was also asked to address the student body of the W.T. Sampson Elementary School, on the topic of Leadership. The school is the oldest continually operating Department of Defense School, operated by the United States Navy. In speaking on the topic she highlighted the importance of having standards to live by and the knowledge that standards worth having will pose challenges to attain and maintain and will often require great sacrifices.

She charged the students to find courage to decide what is right and what is wrong and to expect as much of others, striving always, to make the world good, according to their individual standards. She also shared Jamaica's Agreement and Declaration on Political Conduct with the school.

She shared with them that an ultimate goal of the Office of the Political Ombudsman, is to create a platform for political literacy that seeks to educate citizens on the benefits of politics and to inform citizens of their basic rights and responsibilities, within a robust democracy.

Commonwealth Secretariat's Regional Meeting on Transformational Leadership for Gender Equality in the Caribbean: Regional Strategies & Partnerships

In November, the Political Ombudsman was invited by the Commonwealth Secretariat to participate in its meeting. She highlighted the work of the Office as a Commission of Parliament, guided by the Political Ombudsman (Interim) Act, 2002 and the Agreement and Declaration on Political Conduct (the Code) of 2005. She spoke also on the importance of women in politics. The seminar was convened in Barbados and was jointly organised by the Barbados Parliament, ParlAmericas, UN Women – Multi-Country Office, Caribbean and the Caribbean Institute for Women in Leadership.

Prime Minister Mia Mottley of Barbados delivered the feature address stating, "There can be no sustainable development that is premised on discrimination. There can be no sustainable

development that precludes opportunity. So that if we can set ourselves some simple targets that allow the battle to be fought, not just by those in this room, but by women in our communities who see themselves in the vanguard of change, who recognise that, as has happened elsewhere and to which we hopefully will respond shortly, that there are some fundamental things in our society that we need to change."

Dr. Tres-Ann Kremer, Head of Good Offices for Peace and Political Adviser for the Caribbean at the Commonwealth highlighted the findings of the Commonwealth research 'Women and Political Parties in Five Small States of the Commonwealth Caribbean'. She said, "Political parties are perhaps one of the most important mechanisms to enable real progress in women's political representation and leadership in the Caribbean. They provide the framework through which women are selected as candidates. We must pay closer attention to the governance mechanisms of political parties and engage party structures on these matters, including the issue of campaign finance to shift the perception that politics is predominantly an elite space".

It was reported that the Commonwealth support has enabled numerous bi-partisan and regional exchanges on how political parties in the region can reflect on, and address, how they engage, seek and support women candidates.

Other Jamaican participants in attendance were Members of Parliament, Hon. Alando Terrelonge and Mr. Julian Robinson.

The Jamaica Constabulary Force Liaison Officers

Since its inception in 2002, the Office of the Political Ombudsman has been supported by an investigative team of officers of the Jamaica Constabulary Force (JCF), assigned by the Commissioner of Police. The contribution of the team of Liaison Officers drawn from across the island's nineteen police divisions is greatly appreciated.

The team of Detective Sergeants made access to information and investigation of matters a manageable task. They kept the office apprised of cases submitted to them for investigation and of incidents or events which required the Ombudsman's attention.

This was particularly critical during the campaign and election periods for the by elections held in February, April and May 2018.

The Agreement and Declaration on Political Conduct (the Code)

...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...*

THE ELECTION CENTRE



The Election Centre convened for all five by-elections of 2018. The Centre is an innovation of Jamaica's Electoral Commission and the Political Ombudsman and is co-chaired by the Director of Elections and the Political Ombudsman. The Election Centre is comprised of representatives from:

- The Jamaica Labour Party (JLP)
- The People's National Party (PNP),
- The Jamaica Constabulary Force
- The Jamaica Defence Force
- CAFFE
- Jamaica Umbrella Groups of Churches
- The Broadcasting Commission of Jamaica
- National Integrity Action.

The network of representatives from key entities provides for the full airing of reported breaches or conflicts with a view to quickly investigate, authenticate and resolve the issues that arise, as well as to enable the centre to issue factual reports through the media as necessary.

The Centre is activated when an election is called and remains in force throughout nomination, the campaigning and election period. The members rely on their network of representatives on the ground in the relevant Constituency or Division to support their work. Jamaica's Election Centre has been described as a good practice by International Election Observers.

The centre serves as a source of authentic information concerning election matters, a point for registering complaints, a mechanism for conflict resolution and a focal point for the coordination of activities and the sharing and dissemination of information related to specific matters surrounding the conduct of the polls on election days.

Representation of the People (Amendment) Act, 2016
Election Campaign Financing

ROPA and the OPO

The Code has been strengthened by the amendments to the National Election Campaign Fund and Contributions to Political Parties and Candidates.

Of particular note are amendments at:

- S 52AS – contributions by persons who have received government contracts two years before or after a contribution to a candidate must file a return or face the possibility of \$1 million penalty...
- S 52AU (c) – Return of contribution where a donor is an impermissible contributor...
- S 52BN (b) – requires the certification of the Political Ombudsman for payments to be made from the fund.

COMPLAINTS/REPORTS

The response to a report or complaint is always dependent on the circumstances of each case and any relevant legislative requirements or language that may apply. The Ombudsman's complaint and investigation responsibilities are set out at S12-17 of the Political Ombudsman (Interim) Act 2002.

It should be noted that the Ombudsman's office receives information, complaints and phone calls, monitors print, electronic and social media platforms. These are then reviewed and evaluated to determine qualification for a written formal complaint process.

Of particular note are:

S12-(1) *Subject To this section, the Political Ombudsman shall investigate any action taken by a political party, its members or supporters, where he is of the opinion that such action...*

S12-(3) *The fact that an action is commenced in any court in connection with a matter under investigation by the Political Ombudsman shall not preclude such investigation unless the court otherwise directs.*

S14-(2) *The Political Ombudsman may, in his absolute discretion, determine whether to undertake or continue an investigation and in particular, but without prejudice to the generality of the foregoing, may refuse to undertake or continue any investigation if he is of the opinion that...*

S15-(2) *The Political Ombudsman may adopt whatever procedure he considers appropriate to the circumstances of a particular case and, subject to the provisions of this Act, may obtain information from such persons and in such manner, and make such enquires as he thinks fit...*

Public Utterances and Social Media

Tenet #4 of the Code provides that:

“...Part 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...”*

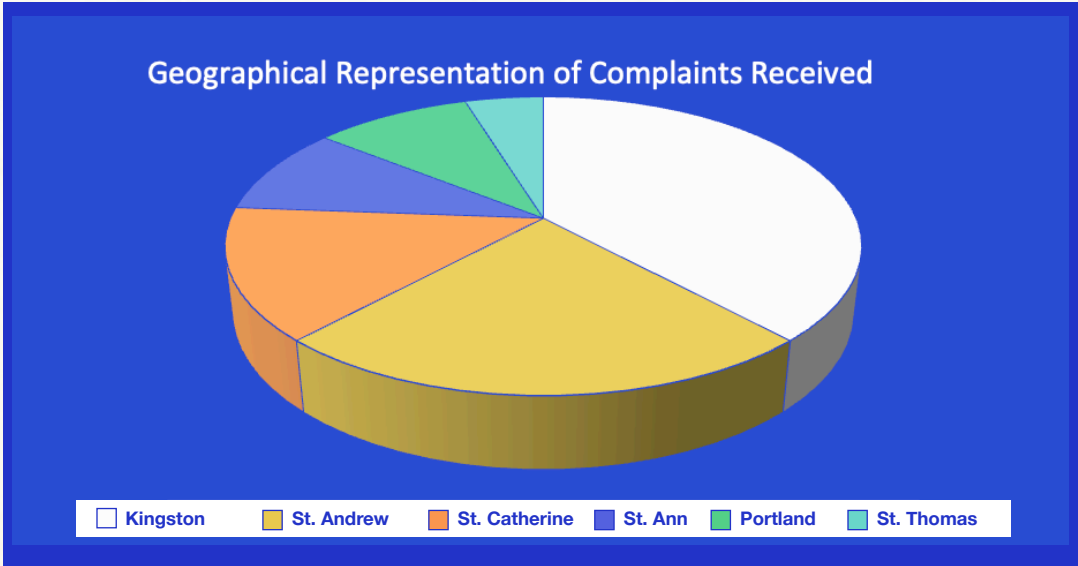
The issue of **social media** utterances became notable in 2018 and expressed by many users as a source of frustration. In particular the tone of political discourse was sometimes received as more disrespectful in comparison to other venues for discussing politics. We know that the sense of anonymity pinpoints precisely how this discourse is used to degrade and degrades political life, as there is a sense of lack of accountability for both harmful and fake news posts. We believe that this is harmful to Jamaica's democracy. The media platforms of Twitter and Facebook registered the greatest number of allegations of breaches of the Code, regrettably this is an issue that is not unique to Jamaica.

The Office of the Political Ombudsman continues to work with stakeholders, domestic and international, to identify policy options for managing cyber utterances that may breach the Code of Conduct, while holding politicians to account.

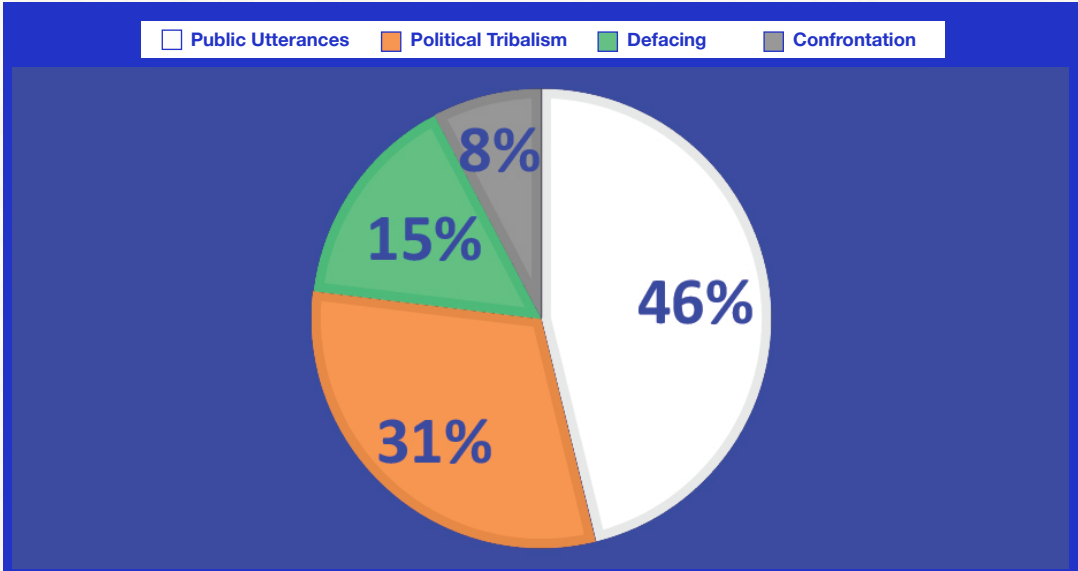
In 2018, the OPO responded to issues around the by - elections and 13 formal complaints of alleged breaches of the Agreement and Declaration on Political Conduct (the Code), with over 50 per cent coming from Kingston, St. Andrew and St. Catherine combined, and the remaining from St. Mary, Portland and St. Thomas. The most common complaints filed, were allegations related to **public utterances and political tribalism**.

The purpose of an investigation following a formal report or a complaint is to establish and document relevant facts, reach appropriate conclusions based on the available evidence, and to determine a suitable response.

Geographical Presentation of Areas of Reported Alleged Breaches



Breakdown by Tenet of Standards



INVESTIGATIONS

The Political Ombudsman conducted investigations into allegations related to a number of breaches of the Agreement and Declaration on Political Conduct. A number of these allegations were extensively covered by the media. On numerous occasions a number of media practitioners called on the Political Ombudsman for interviews on various matters. These are some examples that form part of this report:

- Allegation of abuse of power and public resources used for road works to influence electoral choices – **St. Andrew North West;**
- Public Utterances by State Minister and Member of Parliament, regarding ‘...position of members and supporters of the JLP to get help from Rural Agricultural Development Authority (RADA)...’ – **South East Clarendon;**
- Eligibility of Candidate to contest Local government election – **Yallahs Division, St. Thomas;**
- Statement made on Probe Episode, *Hayle vs. Clarke*, by Member of Parliament – **Central Manchester;**
- Public Utterances regarding actions of ‘...people in green...’ by Member of Parliament – **St. Catherine East;**
- Road works damaging citizen’s access to his home – **Big Hill, Above Rocks, St. Catherine;**
- ‘Community Project’ by JLP Caretaker- Laying of water pipe lines – **Mount Zion, Red Hills, West Rural St. Andrew;**
- Utterances made in the sitting of the Senate, ‘...prominent people in our political space...’; ‘...but they are hugging up gangsters, supporting dons and funding criminality...’ – **Government Senator, Chairman, JLP, Public Relations Committee;**
- Allegations of State position being used to further party and personal agenda of Candidate – **North Western St. Ann.**
- Social media caricatures of a political party’s branding material as supporting gun violence.

All but two of the majority of the cases were resolved and closed following review and investigation. Public utterances deemed in violation of the code were retracted by way of public apology in some instances, and removal/taking down of utterances posted on social media platforms.

Agreement and Declaration on Political Conduct (the Code)

...This Code shall apply to all officials of political parties...

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

FINDINGS/ RESOLUTIONS

The staff complement of the OPO is six officers. In addition, there is one Close Protection Officer of the JCF and twenty JCF liaison officers who provide support with investigation.

The Political Ombudsman (Interim) Act, 2002

...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 (Interim) Act, 2002

*...For the purposes of an investigation under this Act, the Political Ombudsman shall have the same powers as a Judge of the Supreme Court in respect of **the attendance and examination of witnesses and the production of documents...***

HUMAN RESOURCES

The important post of Legislative Counsel was not filled in 2018 and had been vacant, except for a brief period in 2002.

Emoluments

This matter has been brought to the attention of the Commission established under S 8(4) of the Political Ombudsman (Interim) Act, to address urgently and a decision on a 25% gratuity requested to be awarded.

The staff of the OPO are contract officers and have not been allocated fulltime status or paid the gratuities due to them every two years since the first officer joined in 2002.

Letter ref no. CP63/...
July 2017

...The positions approved for operation in the Office of the Political Ombudsman (a Commission of Parliament) are not part of the Civil Service Establishment consequently, employees appointed to them are not entitled to the provision of pension benefits from the Government of Jamaica...

...Current policy provides for the payment of gratuity up to a maximum of twenty-five percent (25%) of basic salary earned to persons employed on contract which are a minimum of two (2) years in duration.

...The policy also provides for the payment of gratuity on an annual basis if persons continue to be employed as detailed above and subject to the availability of funds.

...Based on the foregoing, discussions should be held with the Clerk to the Houses of Parliament, regarding the way forward in this matter...

Following correspondence between this office and the Ministry of Finance and Public Service, in July of 2017, the Ministry responded:

The Political Ombudsman's salary was last adjusted in 2007. Other Commissions of Parliament emoluments are benchmarked against a Puisne Judge's. A request has been made for this benchmark to apply to the Political Ombudsman to avoid burdening the Commission with the duty to determine such adjustments.

There has been a failure to regularly adjust the remuneration of this Commission of Parliament.

Staff development

Regular staff meetings were held to keep the team informed. Team building activities included frequent lunches at the office and end of year dinner and tour.

The Office of the Political Ombudsman will work more closely with the political parties and their leadership to promote compliance with the code and deterrence from breaching the standards therein.

RECOMMENDATIONS AND FUTURE ACTIONS

Recognising that public awareness of the roles and responsibilities of the office are insufficiently well understood, the Office will initiate a broader effort to reach out to core groups: youth, women and political parties.

The Political Ombudsman will seek:

- 1) Strengthen legislation to improve compliance with the Code, by seeking to add penalties for failure to comply, for example, attaching a cost for the removal of signs and campaign paraphernalia.
 - Benchmark emoluments of the OPO
 - Increase the Political Ombudsman's mandate to seek the assistance of the Director of Public Prosecution for prosecutions.
- 2) Create an active, credible youth network to add to the work of the Ombudsman in support of Jamaica's democratic footprint.
- 3) Hold an Annual Conference or major Public Education event.

FINANCIALS



The finances of the Office of the Political Ombudsman are managed by the Houses of Parliament on the instructions of the Ministry of Finance and the Public Service.

A Summary of the **Statement of Expenditure by Objects** for the period April 1, 2017 to March 31, 2018, is shown here. It is to be noted that the position of Legislative Counsel was not filled in 2018.

FS6 - STATEMENT OF EXPENDITURE BY OBJECTS (OBJECT SUMMARY)

-Selected Items ONLY (Allocation)

Object Code	Description	Approved Vote
21	Compensation of Employees	13,657,000.00
22	Travel Expenses & Salary	993,000.00
23	Rental of Property	4,779,000.00
24	Utilities & Communication	530,000.00
25	Use of Goods & Services	2,000,000.00
TOTAL		21,959,000.00

CONCLUSION

Over the years, this office has and still continues to have as its main challenge, the disinclination of citizens to report and register complaints of victimization, corruption and other forms of crime and violence. The reasons for this unwillingness are very authentic and not unique to this office or to this country for that matter. It remains a sore point and will take considerable effort, and resources to eliminate the root causes. This considerable effort must be embraced by all.

The Political Ombudsman relies on the strong vocal support of the political party Leaders to aid in the education of their members and supporters on Governance and the Rule of Law architecture in Jamaica.

The Commissions of Parliament, established by law, with support across party lines have specialized areas and the duty to investigate and make recommendations.

The Office of the Political Ombudsman is a Commission of Parliament, independent and neutral and holds politicians accountable on behalf of all Jamaicans. Our job is to make sure political actors follow the Code of Conduct they signed to enhance standards in politics and reduce political tribalism, violence, bribery and intimidation.



COMPLETED QUESTIONNAIRES ON DE-GARRISONIZATION

Questionnaire

Please complete the following questions and email to politicalombudsman@yahoo.co. Please note that you are not required to disclose your name.

1. What is garrisonization?

A constituency that views issues solely on the perspective of a particular political party be it right or wrong.

2. Where are geographic garrisons located?

In my opinion garrisons are located in all areas geographically.

3. Please identify some characteristics of garrisons,

skewed outlook on issues affecting constituencies and the country at large.

4. In your opinion, who must be engaged in conversations on building Jamaica's democracy through degarrisonization?

Firstly it must be those affected, they are the most critical stakeholder. Not just engage for the formality but get and implement solutions from them.

5. What steps do you think should be taken to address the concerns of garrisonization?

It must start with the decolonization of the education system. Embrace the philosophies and opinion of leaders Garvey at all levels of our education system starting at the primary level.

6. What is a realistic time frame for the sensitization of critical players in process?

Over a 12 month period to ensure all stakeholders have a valuable contribution and pros and cons analyzed.

7. What is a realistic time frame for the inclusion of relevant persons and organizations in the process?

Over 18 month period. The solution should not be a band aid on a sore but leading to the injury and get it healed once and for all.

8. What is a realistic time frame for key results?

A realistic time frame for key results is 10 to 15 years as some solutions will have to be through comprehensive policy overall.

Questionnaire

Please complete the following questions and email to politicalombudsman@yahoo.co. Please note that you are not required to disclose your name.

1. What is garrisonization?

It is the forming of a way of life of a people based on deep political roots. It is the absence of true political freedoms & the grooming of individuals within a scripted political construct.

2. Where are geographic garrisons located?

Mountain View... where there are major / long roads that have off-shooting communities

3. Please identify some characteristics of garrisons,

4. In your opinion, who must be engaged in conversations on building Jamaica's democracy through degarrisonization?

Members of Parliament because they benefit the most from garrisons.

5. What steps do you think should be taken to address the concerns of garrisonization?

Provide positive incentives for politicians to de-garrisonise their areas.

6. What is a realistic time frame for the sensitization of critical players in process?

One to Three years

7. What is a realistic time frame for the inclusion of relevant persons and organizations in the process?

8. What is a realistic time frame for key results?

Two to three years

Questionnaire

Please complete the following questions and email to politicalombudsman@yahoo.co. Please note that you are not required to disclose your name.

1. What is garrisonization?

Garrisonization is a situation in which the political rights and freedoms of people are restricted.

2. Where are geographic garrisons located?

Geographic garrisons exist wherever people are coerced into voting. Some by constituency and in other instances, even within specific communities in certain constituencies.

3. Please identify some characteristics of garrisons.

Domination, Controlled democracy, One party wins all the time, people are coerced into voting,

4. In your opinion, who must be engaged in conversations on building Jamaica's democracy through degarrisonization?

The political directorate, community leaders and civil society in conjunction with the police

5. What steps do you think should be taken to address the concerns of garrisonization?

First sensitization about the issue and then cleaning of the voters list, followed by penalties to those who engage and facilitate garrisonization

6. What is a realistic time frame for the sensitization of critical players in process?

Sensitization can take a two-year time-frame to effectively reach and cover the diverse groups within the population

7. What is a realistic time frame for the inclusion of relevant persons and organizations in the process?

A three-year time just so that everyone gets adequate time to become involved

8. What is a realistic time frame for key results?

10 years. It should be nice to see the result materialize in an election at the end of the 10 years.

Questionnaire

Please complete the following questions and email to politicalombudsman@yahoo.co. Please note that you are not required to disclose your name.

1. What is garrisonization?

An area that has a particular political alignment and uses violence to maintain that system.

2. Where are geographic garrisons located?

The entire parish of Kingston and parts of St. Andrew, Clarendon, St. Catherine and St. James

3. Please identify some characteristics of garrisons,

Majority of persons in the community consistently support only one political party and may perpetrate violence against those who have opposing views. Residents may be coerced/forced to vote a particular way in elections. Residents may term themselves as "die-hard". People vote based on party and not issues

4. In your opinion, who must be engaged in conversations on building Jamaica's democracy through degarrisonization?

Citizens, political parties, government entities, media, civil society. The entire country however, the nature of the engagement will be different based on circumstances. Some groups will be for information/sensitization while others will require more indepth engagement to change attitudes and behaviours.

5. What steps do you think should be taken to address the concerns of garrisonization?

Provision of information to communities about services provided by government agencies so that they can access these services instead of going to the political representatives. Develop a job specification for political representatives stating clearly how they should function.

6. What is a realistic time frame for the sensitization of critical players in process?

Sensitization has to start immediately and would require numerous interventions. First round of sensitization would require at least six months if there are dedicated persons (availability of staff) to undertake this task.

7. What is a realistic time frame for the inclusion of relevant persons and organizations in the process?

Within one year

8. What is a realistic time frame for key results?

Serious behaviour & mindset change will be required and so activities should be executed in the period leading up to the next general election. However, impact of activities may not be seen until a second general election has occurred. At that time changes in voting patterns/attitudes may be more clearly identified

Questionnaire – Garrisons

1. What is Garrisonization? – Institutionalization/socialization of persons (physically or mentally) based on political persuasion.

2. Where are geographic garrisons located? – Throughout the island. Too many to list.

3. Please identify some characteristics of garrison. - The affinity of a community to vote for a particular party consistently based on collective community decision (knowingly or unknowingly), not necessarily based on the delivery of service (this may not only apply to marginalized communities); underdeveloped; violent crime, and; poverty.

4. In your opinion who must be engaged in conversation on building Jamaica's democracy the democracy through degarrisonization? Residents of garrisons, the general electorate, children (also using civics), schools (primary and secondary) and politicians.

5. What steps do you think should be taken to address the concerns of garrisonization? Anecdotally, it appears "Garrisonization" starts from birth. Therefore, for me, the first step would be start with children. In addition, adults should be engaged in a targeted way. I believe that garrisonization comes out of need for assistance. An improved social safety net should be considered. This is more complex than what is being typed, but the core need of assistance should be considered in addressing the typical characteristic of dependency on politicians in these marginalized communities. And it would appear the politicians prey on this need. Though garrisonization does exist in affluent communities, based on the responses of items 1 and 2, I am not quite convinced that it is a concern; persons living in affluent communities tend to exhibit more of the possibility to choose for whom they vote.

6. What is a realistic time frame for the sensitization of critical players in process? 20-50yrs

7. What is a realistic time frame for the inclusion of relevant person and organizations in the process? 10-15yrs

8. What is a realistic time frame for key results? 25 yrs. depending on what the key performance indicators.

Questionnaire

Please complete the following questions and email to politicalombudsman@yahoo.co. Please note that you are not required to disclose your name.

1. What is garrisonization?

A space where violence and other forms of coercion is used to get residents to vote in a particular way

2. Where are geographic garrisons located?

Geographic garrisons are located in several communities across a number of parishes

3. Please identify some characteristics of garrisons,

Underdevelopment, crime and violence

4. In your opinion, who must be engaged in conversations on building Jamaica's democracy through degarrisonization?

All the stakeholders, voters and prospective voters, politicians, private sector

5. What steps do you think should be taken to address the concerns of garrisonization?

Training and public education are critical

6. What is a realistic time frame for the sensitization of critical players in process?

The sensitization should begin immediately

7. What is a realistic time frame for the inclusion of relevant persons and organizations in the process?

The relevant players should be part of the design, implementation, monitoring and evaluation of any activity

8. What is a realistic time frame for key results?

Five (5) years



Subject: RTC questionnaire answers

From: lesliejamesgvwdn@gmail.com

To: politicalombudsman@yahoo.com

Date: Tuesday, January 30, 2018, 9:52:11 AM EST

1. a political garrison is a political trade off between forces in a community and politicians to the detriment of many for political prominence by a party in a community, which normally includes or leads to the exploitation of individuals in that and surrounding communities and a perpetual cycle of crime, poverty and social ills. This trade-off has now become a culture embedded in these communities.

2. Geographically garrisons are formed around low income urbanized areas with mass population.

3. Characteristics:

- Low Income Area
- Mass Population
- Urbanization
- Political Antagonist

4. In my opinion the people (ordinary citizens) , private sector , SDC and other organizations working in these communities, Alternative Media , as well as Young Leaders and community groups are needed in the discussion to end political garrisons.

5. Seriously address the quality of life and education(thought process) of the community. If the quality of life and education for individuals improves they will be less prone to adopt this culture and choose to evaluate options and party based on the merit of the situation. A harsh environment entrenched in political tribalism will create harsh and tribal individuals to survive in that environment and a culture to sustain the survival of the species.

In some way or another a garrison through various antagonist provides:

- Protection
- Finances & Employment
- Culture
- Structure
- Mobility

This must be tackled in a systematic way starting with :

1. Culture
2. Structure
3. Mobility
4. Finances and Employment
5. Protection

Culture

Alternative media creators, content producers and Youth Leaders need Resources + Environmental changes to effect cultural change in individuals, change in the communities will come after.

Structure

In collaboration with Culture, Youth Leaders need Environment + Resources to create structure and meaningful leadership that the people can organize and work towards goals that are tangible and inspirational.

Mobility

environment, resources, education(through culture) are needed for the mobility of individuals so they can develop diverse views and a greater appreciation of life



Finances & Employment

Culture , Education, Structure and Mobility will create a work force which can be integrated by the private sector leading to more independent households, as well as more entrepreneurs and creative intellectual works that will create sustainable development and employment

Protection

Once culture, structure, mobility and finances are in place the people will be more determined to work with the law and relevant authority to end garrisons while protecting and improving their new way of life, disowning the protection of the antagonist and actively pursuing the demise of the archaic system

6.It could take 1-2 years to create working sub-scale models in communities that can be used to collect data and create the structure needed to expanded in other communities. This model and data would be used to show the feasibility and create a positive reaction.

7.While subsets of individuals would be engaged early, it would hopefully take no more than take 3-4 years to see full scale inclusion .

8. In my opinion to see real change takes 10- 20 years with milestones along the way, you cannot really remove the culture that is embedded in the people of a certain age within the limitations of the legal framework and as such have to attack the next generation.

In ten years a ten year old child moves form primary/prep , through high school and enters extended learning or joins the work force.This is the first wave, once the second wave completes it journey, then in the third wave we should see a consistent paradigm shift.

PART III & IV

POLITICAL OMBUDSMAN (INTERIM) ACT, 2002

PART III. *Functions of Political Ombudsman*

12.—(1) Subject to this section, the Political Ombudsman shall investigate any action taken by a political party, its members or supporters, where he is of the opinion that such action—

- (a) constitutes or is likely to constitute a breach of any agreement, code or arrangement for the time being in force between or among political parties in Jamaica; or
- (b) is likely to prejudice good relations between the supporters of various political parties.

(2) The Political Ombudsman shall not be precluded from conducting an investigation in respect of any matter by reason only that it is open to the complainant to apply to a court for redress under section 25 of the Constitution.

(3) The fact that an action is commenced in any court in connection with a matter under investigation by the Political Ombudsman shall not preclude such investigation unless the court otherwise directs.

(4) The Political Ombudsman, after consultation with the Prime Minister and the Leader of the Opposition, may—

- (a) appoint a tribunal comprised of representatives of political parties to assist the Political Ombudsman in the investigation of complaints arising out of an action referred to in subsection (1); and
- (b) make regulations, subject to negative resolution, in relation to the constitution and operation of the tribunal, and otherwise in relation thereto.

(5) The fact that a tribunal is not appointed under subsection (4) shall not affect the validity of anything done by the Political Ombudsman in the exercise of powers conferred on the Political Ombudsman by subsection (1).

13.—(1) 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), 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.

(2) Where the complainant—

- (a) is a minor, the complaint may be made by his parent, guardian, next friend or person in *loco parentis*;
- (b) is unable to act for himself by reason of infirmity, or for any other cause or has died, the complaint may be made by his personal representative, or a member of his family, or any other suitable person.

(3) Every complaint to the Political Ombudsman shall be made in writing.

(4) Notwithstanding anything provided by or under any law where a complaint addressed to the Political Ombudsman is made by a person who is an inmate of a Government institution or is detained therein—

- (a) it shall be forwarded to the Political Ombudsman by the person for the time being in charge of the institution; and
- (b) if such complaint is contained in a sealed envelope, the envelope shall be forwarded unopened.

(5) Regulations made under section 24 may make provisions for ensuring confidentiality of communication between any such person as is mentioned in subsection (4) and the Political Ombudsman.

Investigation.

14.—(1) An investigation pursuant to section 12 (1) may be undertaken by the Political Ombudsman on his own initiative or on a complaint made to him pursuant to section 13.

(2) The Political Ombudsman may, in his absolute discretion, determine whether to undertake or continue an investigation and in particular, but without prejudice to the generality of the foregoing, may refuse to undertake or continue any investigation if he is of the opinion that—

- (a) the subject-matter of the complaint is trivial;
- (b) the complaint is frivolous or vexatious or not made in good faith;
- (c) the complainant has deferred for too long the making of his complaint to the Political Ombudsman;
- (d) the complainant does not have sufficient interest in the subject-matter of the complaint; or
- (e) having regard to all the circumstances of the case, no investigation or further investigation is necessary.

(3) Where the Political Ombudsman decides not to undertake or continue the investigation of a complaint, the Political Ombudsman shall inform the complainant in writing of his decision and give reasons therefor.

PART IV. *Processing Investigation*

Procedure.

15.—(1) Where the Political Ombudsman proposes to conduct any investigation under this Act, he shall give to the specified officers an opportunity to comment in writing on any allegations relating to such action; and for the purposes of this subsection “specified officers” means, in relation to an allegation concerning an action mentioned in section 12 (1)—

- (a) the Prime Minister and the Leader of the Opposition, and any other person holding, within a political party in Jamaica, such office as may be prescribed; and

[The inclusion of this page is authorized by L.N. RR/2003]

(b) any officer of a political party who is alleged to have done or authorized the doing of any such action as aforesaid.

(2) The Political Ombudsman may adopt whatever procedure he considers appropriate to the circumstances of a particular case and, subject to the provisions of this Act, may obtain information from such persons and in such manner, and make such enquires as he thinks fit.

(3) Nothing in this Act shall be construed as requiring the Political Ombudsman to hold any hearing, and except as provided by subsections (1) and (5), no person shall be entitled as of right to comment on any allegations or to be heard by the Political Ombudsman.

(4) Regulations made under this Act may prescribe the procedure to be adopted at any hearing and such procedure may include provisions to ensure that any such communication as is mentioned in section 20 (5) is not disclosed at that hearing.

(5) If it appears to the Political Ombudsman during the course of an investigation that there are sufficient grounds for making a report or recommendation that may adversely affect any person, he shall give that person an opportunity to be heard and that person may, if he wishes, be represented at that hearing by an Attorney-at-law or any other person.

(6) Where, for the purposes of an investigation, the Political Ombudsman requires a person to attend before him, that person shall be entitled to be paid, according to the scale set out in the First Schedule of the Witnesses' Expenses Act, expenses incurred by him by reason of such attendance and by way of compensation for the trouble and loss of time suffered by him.

(7) After conducting an investigation under this Act, the Political Ombudsman shall inform the specified officers of the result of the investigation and if he is of the opinion that the action to which the complaint relates constitutes or is likely to constitute a breach as mentioned in section 12 (1) (a) or is likely to have the prejudicial effect mentioned in section 12 (1) (b), he shall inform the specified officers of the reason for that opinion and may, as he thinks fit, make recommendations for action to be taken by those officers within a specified time.

(8) Where the Political Ombudsman has made a recommendation under subsection (7) and within the time specified or a reasonable time thereafter, he is of the opinion that no adequate remedial action has been taken, he shall lay before Parliament, a special report on the case.

(9) The Political Ombudsman shall not, in any report under subsection (8), comment adversely on any person unless he has given that person an opportunity to be heard.

(10) Where the Political Ombudsman—

(a) takes action under subsection (7), he shall inform the complainant of the action taken and of the recommendations (if any) which have been made to remedy the breach or to avoid the likely prejudicial effect of the action to which the complaint relates; or

(b) is of the opinion that the action does not constitute or is not likely to constitute a breach as mentioned in section 12 (1) (a) nor is likely to have the prejudicial effect mentioned in section 12 (1) (b), he shall inform the complainant of that opinion and the reasons therefor,

and may make such comments in relation to the case as he thinks fit.

(11) On the conclusion of an investigation, the Political Ombudsman may make to the political party concerned such recommendations as he thinks fit and in particular, but without prejudice to the generality of the foregoing, may recommend any or all of the following—

- (a) that the action which was the subject-matter of the complaint be reviewed;
- (b) that compensation be made to the complainant.

16.—(1) Subject to subsection (5), the Political Ombudsman may at any time require any officer, member or supporter of a political party or any person who, in his opinion, is able to give any assistance in relation to the investigation of any matter, to furnish such information and produce any document or thing in connection with such matter, which may be in the possession or under the control of that officer, member, supporter or person. Evidence.

(2) Subject as aforesaid, the Political Ombudsman may summon before him and examine on oath—

- (a) any complainant; or
- (b) any officer, member or supporter of a political party or any other person who, in the opinion of the Political Ombudsman, is able to furnish information relating to the investigation,

and such examination shall be deemed to be a judicial proceeding within the meaning of section 4 of the Perjury Act.

(3) For the purposes of an investigation under this Act, the Political Ombudsman shall have the same powers as a Judge of the Supreme Court in respect of the attendance and examination of witnesses and the production of documents.

(4) Subject to the provisions of this Act, any obligation to maintain secrecy or any restriction on the disclosure of information or the production of any document or paper or thing imposed on any person by any other law (including a rule of law) shall not apply in relation to the disclosure of information or the production of any document or thing by that person to the Political Ombudsman for the purpose of an investigation; and accordingly, no person shall be liable to prosecution for an offence under any other law aforesaid, by reason only of his compliance with a requirement of the Political Ombudsman under this Act.

(5) No person shall for the purpose of an investigation, be compelled to give evidence or produce any document or thing which he could not be compelled to give or produce in proceedings in any court of law.

Privilege.

17.—(1) Except in the case of proceedings for an offence under section 22 (c), no proceedings whatsoever shall lie against the Political Ombudsman or any person concerned with the administration of this Act for anything he may do or report or say in the performance of his functions under this Act.

(2) Anything said or any information supplied or any document or thing produced by any person for the purpose or in the course of, any enquiry by or proceedings before the Political Ombudsman under this Act, shall be absolutely privileged in the same manner as if the enquiry or proceedings were proceedings in a court of law.

(3) For the purposes of the Defamation Act, any report made by the Political Ombudsman under this Act and any fair and accurate report thereon shall be deemed to be privileged.

MEDIA ENGAGEMENT GALLERY

The Ombudsman was called on to join in conversations on a number of political topical issues by a number of media groups, including:

- JIS Studio 58A
- RJR'S Independent Talk
- Television Jamaica - Smile Jamaica...its morning time
- CVM at Sunrise
- Power Talk Live
- Balancing Justice
- Insight
- NCU FM
- Digital Media

The Political Ombudsman figured prominently in multiple media outlets and stories in 2018. The articles below reflect a sampling of key coverage.

May 17, 2018 - Studio 58A, JIS







Spencer Makes Apology Through Ombudsman

Published: Friday | April 6, 2018 | 12:00 AM – Brian Walker/
Staff Reporter

State Minister for National Security Rudyard Spencer has issued a formal apology through a letter written by the political ombudsman, Donna Parchment Brown, for partisan comments he made at a Jamaica Labour Party (JLP) meeting in Bellefield, Manchester, on March 18. Parchment Brown summoned Spencer to a meeting on Tuesday to discuss the breach of standard as outlined in the Agreement and Declaration on Political Conduct.

The letter states that Spencer, among other things, voluntarily extends a complete and unreserved apology to the people of Jamaica, the Opposition, and the Jamaica Labour Party and that he condemns political tribalism in all its forms.

The breach occurred when Spencer told Labourites that they would have increased access to resources from the Rural Agricultural Development Authority because a JLP member was the chairman. He said: “We have a system where we will now have our own chairman of RADA, and things have been happening, and things can happen at RADA.... Where you never have a parish manager for RADA, you now have a Labourite being the chairman of RADA You can’t say that you are getting no attention. You can’t say nothing is happening because in fairness, you have your own manager to report whatever problems you have and expect him to solve those problems.”

No Apology Protocol

Parchment Brown explained that there was no protocol that dictated how an apology for a breach of the political code should be made. She told **The Gleaner**: “In the past, I have had a situation where there has been an agreed statement on a number of things.

That statement has been released to the press. On this occasion, we agreed that the letter would be released officially by the Office (of the Political Ombudsman) rather than by the recipients of the letter.”

Spencer retracted the remarks on a Nationwide News Network talk show last week, five days after Prime Minister Andrew Holness made a call for the withdrawal of the remarks in an interview with **The Gleaner**.

Political ombudsman calls for legal code of conduct, fines for breaches

Friday, May 18, 2018

POLITICAL Ombudsman Donna Parchment Brown is calling on the nation’s Parliament to make the Political Code a legal one, noting that this is the best year to address concerns in Jamaica’s politics.



In a statement issued to the media yesterday, Parchment Brown said that the political ombudsman’s office has, since 2007, been requesting that the agreement and declaration on political conduct be legal also, instead of only an honour requirement for politicians.

The statement also proposed that where standards are breached, a set fine be imposed by the political ombudsman after an investigation.

The statement outlined, for example, that a breach of public utterances attracts a fine of \$100,000 for the first offence; political tribalism by words or actions attracts a \$100,000 fine for first offence; and failure to remove campaign materials over 30 days after close of polls, \$10,000 per item.

“Evidence found by the political ombudsman of breach of criminal law such as improper contact with weapons and ammunition in breach of the code should be reported to the director of public prosecutions for action.

“The dismantling of garrisons is of urgent importance and will need the cooperation of our politicians as this work proceeds, building on four face-to-face and four social consultations conducted by this office.

“A continuing grey area for the political ombudsman is conduct, which appears to breach the Standing Orders in Parliament which relies on self-policing by Parliamentarians in both Houses. Conduct in this sacred space — Gordon House — often televised but sometimes sotto voce and below radar, like the abundance of hurtful negative social media posts, harms the relationship between the parties and reduces the quality and effectiveness of parliamentary debate and possibly decisions,” the statement from the political ombudsman said.

She urged relatives, supporters and friends of elected officials to help them live up to the standards to which they have committed under the laws and principles of Jamaica, good governance and the rule of law.

Yesterday, Chairman of the People’s National Party Fitz Jackson told the **Jamaica Observer** that the party has, in the past, publicly stated that it wants provisions of the code of conduct to be in law.

“Exactly what those provisions will be, in terms of levels of fines and the particular breaches and so forth, we are in support of. We will have

to give consideration to those levels of fines that she would want to propose and to arrive at some reasonable balance.

“As a party, we would want to have certain levels of consultation internally and externally in putting forth specific recommendations like those. But the point is yes, it is one of the things we have put on the table, formally, with the Government,” Jackson said.

Calls to Jamaica Labour Party Chairman Robert Montague and General Secretary Horace Chang went unanswered yesterday.

— Kimone Francis

Lead By Example - PSOJ President: Politicians Must Obey Higher Moral Standard

Published: Wednesday | July 25, 2018 | 12:00 AM
Christopher Serju/Gleaner Writer

Howard Mitchell, president of the Private Sector Organisation of Jamaica (PSOJ), has called on political leaders to obey a higher moral and legal code of governance as an example for citizens to follow. Without this paradigm shift, he argued, no amount of economic progress would be able to stop the nation from failing. “We must forge a new national culture of mindfulness of others, of self-respect and integrity,” Mitchell declared during yesterday’s PSOJ President’s Forum at The Jamaica Pegasus hotel, New Kingston. “Our survival in a changing world demands that we shift our cultural norms and behaviours towards being mindful of others and to respect ourselves and the rights of others,” he said. “Self-respect and a common belief in our country and a caring commitment to our fellow citizens are a part of the underpinning of good governance that is an essential part of whatever progress that we may hope to make as a nation,” the PSOJ president added. Mitchell said that power and influence must be shared in a transparent and accountable way, empowering marginalised communities and giving them the confidence that they were part of Jamaica’s progress. “The stink of corruption throughout the society, in both the public and private service, must be

blown away by opening the doors that divide us," Mitchell remarked. "If we can achieve that cultural social-political change, then excellent customer service and good governance will be natural elements of a functional, prosperous society," the businessman pointed out during the PSOJ 2018 Service Excellence Awards. In showing the connection between excellent customer service and good governance, the businessman called for a paradigm shift in our political system of patronage and clientelism, of dependency and handouts, back-scratching and favouritism based on tribal connections. "We must develop ourselves to be people of our word, to keep our commitments, not to make throwaway promises every election time that we all know will never be kept and we all know we won't ask to be fulfilled," Mitchell advised. "We must build institutions that are credible, that give value for money every time, that are honest stewards of our stakeholders' interests, that value transparency and accountability over individual or partisan interests," said the PSOJ president.

Political Ombudsman Tired of People Disrespecting Cops

Published: Monday | February 19, 2018 | 12:00 AM
Romario Scott/Gleaner Writer

Political Ombudsman Donna Parchment Brown says she is "tired of hearing people disrespecting the Jamaica Constabulary Force (JCF)". Brown, speaking last week at a meeting of the Rotary Club of Trafalgar New Heights in St Andrew, said that while it was unwise to ignore the issues gripping the police force, "you can't just disrespect a band of people and not expect that there will be some impact on morale and, potentially, service delivery". "The easiest thing to do is to hit a man when he is down. We all know that there are inefficiencies and weaknesses," the political ombudsman said during her address. Her pronouncement came just a week after a police incident that triggered calls from various quarters for action to be taken against police personnel caught on tape allegedly manhandling a woman, a minor and assaulting a media worker in St Andrew

last week. Parchment Brown went on to argue that it was impractical for the lawmen and the judiciary to act efficiently if they were not equipped with the resources to carry out their duties. The political ombudsman contended that the year-on-year decreases in police fatalities have caused the lawmen to earn greater public respect.

Letter Of The Day | Vote-Buying a Political Scandal

Published: Friday | February 9, 2018 | 12:00 AM

THE EDITOR, Sir:

The Office of the Political Ombudsman continues to receive verbal reports alleging partisan allocation of public resources in breach of the Agreement and Declaration on Political Conduct (the Code) from politicians and members of the public in and out of election time. (The Agreement and Declaration on Political Conduct is found at <http://psoj.org/information-center/library-books/2005-09-george-william-...>

Complaints received since February 2016 include public utterances, the politicised distribution of resources, fertiliser, road repairs, bushing, the installation of street lights and the buying of votes. Sometimes these reports have substance, other times not.

The Office of the Political Ombudsman investigates these claims in light of the Seventh Standard of the Code, which is a commitment to eschew the cultural practice of political tribalism, including the use of political power and influence to gain a political edge.

Strong, effective campaigning and good governance are encouraged in our democracy. The political ombudsman must support the health of our political system as the watchdog, facilitator, enforcer and advocate for the Standards 24/7 /365.

Section 12 of The Political Ombudsman (Interim) Act, 2002 (A PDF version of the Political Ombudsman (Interim) Act, 2002 can

be downloaded at <http://moj.gov.jm/laws/political-ombudsman-interim-act>) outlines the function of political ombudsman as follows: "The political ombudsman shall investigate any action taken by a political party, its members or supporters, where (s)he is of the opinion that such action -

(a) Constitutes or is likely to constitute a breach of any agreement, code or arrangement for the time being in force between or among political parties in Jamaica; or

(b) Is likely to prejudice good relations between the supporters of various political parties."

Furthermore, Section 15(2) states:

"The political ombudsman may adopt whatever procedure (s)he considers appropriate to the circumstances of a particular case and, subject to the provisions of this act, may obtain information from such persons and in such manner, and make such enquiries as (s)he thinks fit."

The political ombudsman does not have oversight of the agencies of the State, but there are questions seeking clarity from public bodies that will help reduce political conflict, promote good governance, and respect for our leaders.

The real question is, what kind of Jamaica do we want to live in? We must continue to support and implement systems that encourage positive politics and good governance practices.

DONNA PARCHMENT BROWN

Political Ombudsman Probing Case Against Ousted St. Thomas Councillor

Published: Wednesday | March 28, 2018 | 11:10 AM –
Jerome Reynolds

Political Ombudsman, Donna Parchment Brown, has called ousted councillor for the Yallahs Division in St. Thomas, Dean Jones, to a meeting next week Thursday morning to discuss the outcome of the court case against him and whether he breached the Political Code of Conduct.

Last Tuesday, the Supreme Court nullified Jones' November 2016 election on the grounds that he was ineligible to contest the local government polls due to the fact that at the time he was employed to the government.

The Representation of the People Act prohibits civil servants from contesting elections.

In a March 26 letter to Jones, Parchment Brown highlighted that as a signatory to the Code, he agreed to uphold the law, among other things.

"It has been reported that you will be the candidate for the upcoming by-election. In light of the Court's decision, it is important to determine if the Code was breached and if so, what action should be taken to address the breach," the Ombudsman said in the letter to Jones.

The political ombudsman continued: "electors of the Yallahs Division, the St. Thomas Municipal Corporation, the Electoral Commission of Jamaica, the Ministry of Local Government and Jamaican taxpayers may have been affected by your decision to accept nomination in 2016 and to contest the elections even though disqualified by virtue of your employment and may require action".

"Exactly what those provisions will be, in terms of levels of fines and the particular breaches and so forth, we are in support of. We will have to give consideration to those levels of fines that she would want to propose and to arrive at some reasonable balance.

"As a party, we would want to have certain levels of consultation internally and externally in putting forth specific recommendations like those. But the point is yes, it is one of the things we have put on the table, formally, with the Government," Jackson said.

Calls to Jamaica Labour Party Chairman Robert Montague and General Secretary Horace Chang went unanswered yesterday.

— Kimone Francis

MoBay Chamber Of Commerce: - Petrojam Breaches Must Be Punished

Published: Saturday | December 8, 2018 | 12:00 AM

Albert Ferguson/Gleaner Writer

WESTERN BUREAU:

Winston Lawson, president of the Montego Bay Chamber of Commerce, says that the auditor general's damning report, which alleges nepotism and breaches of operating standards at Petrojam, is hostile to the objectives of Vision 2030.

*"Based on the issues highlighted by the auditor general (Pamela Monroe Ellis) in her report concerning the operations of the PCJ (Petroleum Corporation of Jamaica) and its affiliate (Petrojam), I think it's nothing short of a disgrace," Lawson said in an interview with **The Gleaner** yesterday.*

"We believe it is inimical to what the Chamber of Commerce sees for Jamaica today and Jamaica in the future. We think it's inimical to Vision 2030."

On Tuesday, the auditor general tabled her report in Parliament, which revealed that the general manager of Petrojam approved payments for invoices totalling US\$21,767, or approximately J\$2.6 million, for two surprise birthday parties, which were held in Montego Bay, St. James, on September 19, 2017, and January 9, 2018.

"Where money has been determined to have been carelessly utilised or misused, wherever possible, those funds should be recovered in the interest of the entities and in the interest of Jamaica," said Lawson.

"We would also urge that further steps be taken to determine, where officers have been found wanting, that they are held accountable to the full extent of the law."



Political Ombudsman of Jamaica

85A Duke Street, Kgn.

Tel: 876-922-8653, 876-922-0317; Fax: 876-922-1040

Email: politicalombudsman@opo.gov.jm

Website: www.opo.gov.jm



<https://www.facebook.com/JAPoliticalOmbudsman>



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Office of the Political Ombudsman

85A Duke Street

Kingston

Tel: 876 922 8653, 876 922 0317

Email: politicalombudsman@opo.gov.jm

August 2020

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

Dear President Tavares- Finson,

It is an honour to again fulfil this aspect of my mandate in compliance with Part v, Section 20(1) of the Political Ombudsman (Interim) Act, 2002. I hereby submit the twelfth Annual Report of the Office of the Political Ombudsman.

This issue records the activities of the office for the period, January to December, 2018.

Yours sincerely,

Hon. Mrs. Donna Parchment Brown CD, JP

Political Ombudsman.



Office of the Political Ombudsman

85A Duke Street

Kingston

Tel: 876 922 8653, 876 922 0317

Email: politicalombudsman@opo.gov.jm

August 2020

Honourable Marisa Dalrymple Philibert, MP
Speaker of the House of Representatives
The Houses of Parliament
George William Gordon House
81 Duke Street
Kingston

Dear Madam Speaker,

It is an honour to again fulfil this aspect of my mandate in compliance with Part v, Section 20(1) of the Political Ombudsman (Interim) Act, 2002. I hereby submit the twelfth Annual Report of the Office of the Political Ombudsman.

This issue records the activities of the office for the period, January to December, 2018.

Yours sincerely,

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 public 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*.

Ombudsman's Message



It is with pleasure that I present this report of the office's activities and achievements for 2018.

The Report addresses our obligations under the Political Ombudsman (Interim) Act, 2002 and is available on our website at www.opo.gov.jm.

The information contained herein demonstrates the transparency of our work for the period January to December, 2018. It provides clear evidence of the impact of effective, judicious application of the Political Ombudsman (Interim) Act, 2002 and the Agreement and Declaration on Political Conduct (the Code).

As Political Ombudsman, I remain committed to ensuring that the standards to which all political actors have agreed are understood, complied with, monitored and upheld.

The highlights and resolutions sections of this report set out the efforts we made in 2018 to achieve this goal.

In addition, we remain committed to increasing awareness and understanding about the role and responsibilities of this Office, and how – as a neutral, independent Commission of Parliament

we are committed to promoting transparency, accountability and high standards in politics.

The Office of the Political Ombudsman is committed to ensuring that the general public understands these standards, and what they can reasonably expect from the politicians who seek to represent them.

To that end, this report also highlights a key function of the office's mandate: **public and stakeholder outreach**. Raising the level of awareness of the public at large is the best way to engage them in political life, something that is waning, according to recent data.

The office's core values of independence, neutrality and confidentiality, are aligned with the standards of the Representation of the People Act, the Political Ombudsman (Interim) Act and the Jamaican Constitution, thereby enabling the Office to function at optimum.

I am grateful to my office team, and the Jamaica Constabulary Force's (JCF) assigned Liaison Officers. Their commitment and level of professionalism, to this office and by extension to public service is most worthy of mention.

The Hon. Donna Parchment Brown, CD, JP
Political Ombudsman of Jamaica

HIGHLIGHTS & ACHIEVEMENTS

The year was marked by extensive political activity. We continued our drive of building awareness of the importance of adherence to the Agreement and Declaration on Political Conduct (the Code), by political actors, while remaining cognizant of the new challenges posed by twenty first century social media use versus traditional forms of communication. We are aware that these newer methods at times facilitated contravening the Code.

The year (2018) saw the implementation of the amendment to the Representation of the People Act (ROPA), with registration of political parties.

The October 30, 2017, hard fought by-election in St. Mary, Southeast, following the death of Member of Parliament Dr. Winston Green, led to a campaign that tested the mettle of the OPO, requiring an intensified public education program, visits to the constituency and an opportunity to learn more about the valuable amendments to the ROPA in the context of the Agreement and Declaration on Political Conduct.

OPO ANNIVERSARY FORUM 2018



In September, the Office of the Political Ombudsman (OPO) marked the **13th Anniversary of the signing of the Agreement and Declaration on Political Conduct (the Code)**. The Code, since 2005 has provided guidance towards the conduct of Jamaicans who aspire to political office.

Under the theme, Jamaica's Democracy, Parties, Participation and Principles, the forum was held at the Faculty of Law, UWI Mona on Friday, September 21, 2018. Participants included members of the diplomatic community, representatives and subject matter experts from politics, the public sector, academia, youth, business and underserved communities. The forum was streamed by the Jamaica Information Service and can be viewed on the OPO's Facebook page at [*japoliticalombudsman*](https://www.facebook.com/japoliticalombudsman).

In his opening remarks, moderator, **Professor Hopeton Dunn**, of the Communications Policy & Digital Media, University of the West Indies, Mona, asserted that *"...today's forum is forward looking while recognizing that countries experience times of crisis, of doubt and of joy.*

We have developed capabilities to overcome challenges and remain an outstanding people... with a robust democracy built on good governance, participation and the Rule of Law..."

The inspiring Keynote speaker was **Mr. Howard Mitchell**, President of the Private Sector Organization of Jamaica (PSOJ). Of note were the following key points:

- ...there is a connection with good politics, participative democratic practices, efficient government and a prosperous and healthy society...
- ...there is a relationship between managing politics and how society evolves in response...
- ...politics and democracy are often times abused...

He shared with the audience where Jamaica stands in achieving its goals of proficiency, prosperity and social health in its legislative

and institutional infrastructure and that there are two vital ingredients missing that are critical in the nurturing of democracy and an efficient society. These vital ingredients, he said are Governance and Inclusiveness. He further opined that consideration should be given to bolstering the Office of the Political Ombudsman with the **capacity to convene an ethics commission** which would arbitrate on agreed principles of ethics and which would have a constitution and representatives from political parties and members of the public. He charged that all of us must **focus on the reduction of partisan tribal warfare** that are a precursor to the promotion of garrisons. Garrisons he said are an impediment to progress for a nation and must be dismantled if all of us are serious about development.

The OPO was honoured to have other powerful speakers including:

Mr. Bruce Golding, former Prime Minister and who in 2005, was **a signatory to the Code** in the capacity of Leader of the Jamaica Labour Party (JLP), the Parliamentary Opposition at the time. As a signatory, **he affirmed that the Code was “binding in and out of elections”**. Mr. Golding was also a signatory in 1988 to the original Code in the capacity as Chairman of the JLP. In addressing the audience he shared that:

...the establishment of the Office of the Political Ombudsman (OPO) is one of a number of institutional arrangements that were put in place to regulate the conduct of political activity...In 1997 when the first Code was put together, it was felt at the time that there were two issues that had to be addressed:

1. Political activity is not confined to periods of voter registration, election campaigns and the conduct of elections – political activity goes on throughout the year.
2. Not all issues related to political conduct could be legislated – to be put in law – for example, derogatory statements,

malicious statements, inflammatory statements, provocation, and harassment.

These may not be illegal in and of themselves, but they may lead to tensions that may create a hostile environment in which incidents that are completely unrelated can cause eruption – like using a candle instead of a flashlight when pumping gas into a car... In 1997 the Code of Political Conduct was signed by the leadership of the political parties at some urging from civil society and the PSOJ in particular...it was a voluntary agreement, it had no statutory authority.

Five years later the OPO was created...There was a Code but no custodian or administrator...so **in 2002, the OPO was established to be the arbitrator of these issues and dispute that arise from time to time...** In the legislation there is only tangential reference to the Code... the Code can be repudiated.

The Political Ombudsman's (PO) authority is protected by a kind of omnibus provision which empowers her to take up any matter whether by virtue of a complaint or on her own initiative... The PO should seek to build a network of civil society representatives across the island who can be mobilized to work at the local level what cannot be done at the national level by self, it would be good, as the political operatives would know that their behaviour is not just subjected to somebody filing a complaint at the office in Kingston, but that there are people in the communities with the authority and in direct contact with the PO, watching and monitoring and who are intervening with the PO's fiat when necessary to ensure that political relations are kept on a proper level.

Mr. Julian Robinson, Member of Parliament and General Secretary of the People's National Party (PNP). He represented the **Most Hon. P.J Patterson, ON, OCC, PC, QC. a former Prime Minister and signatory to the Code.**

Dr. Peter Phillips, MP, leader of the Parliamentary Opposition and leader of the

People's National Party (PNP), **a signatory to the Code in 2005** as the PNP's General Secretary, noted that:

...the Agreement and Declaration on Political Conduct (the Code) and the Office of the Political Ombudsman represent a tangible bit of evidence of Jamaica's success at political electoral reform....as with the ECJ, as home grown institutions and initiatives devised by the leadership of the political parties, that effectively rescued Jamaica's political systems, beginning first with the Electoral Advisory Committee of 1979, which led to the Code of Conduct of 1988, signed at Kings House.

In reflecting on the events of 1979-80 – a virtual civil war among contending political organizations- he stated that it is to the credit of the collective leadership of that time, that looked over into the abyss and decided not to go there...He stated further that consideration must be given to the potential and requirement of leadership in matters such as those concerning the OPO against the background of the need for an Ombudsman. The Ombudsman as a system he posited, emerged from a dialogue between parties and has been to date, sustained by a dialogue between parties and if it is to be advanced it will still require a similar dialogue in the context of the Jamaican political arrangement. The ultimate goal of reforms – a transformation supported by rule changes, being the degree to which each participant in the system accepts that the basic principles of that system requires all to behave in a way that respects the rights of people to dissent, that respects the right of citizens to have a free and fair vote, that respects the principle that public resources ought not to be used unduly to influence the outcomes of votes, that accepts that violence and intimidation and all such negatives are not part of a healthy democratic process... He said that Jamaicans should not be unaware of new kinds of threats – to include especially cyber

threats. He suggested that there is a need to explore the degree to which breaches of the Code can be given force in law, some may be more difficult to police - ...

The reach of the Ombudsman needs to be extended beyond the Candidates to include actions to effect change to Jamaica's political culture.

He expressed as Leader of the PNP, that the OPO must be retained and that the membership of the PNP are committed to the retention of the office...

He pointed out that consideration must be given to what **additional power** should be given to the OPO in particular to its investigative role....the OPO has the power to investigate, **but very little capacity to investigate...** and should have the power also to investigate through one of the established investigate agencies, for example, MOCA, the JCF or even the Anti- Corruption Commission – to cause an investigation to be done. The OPO should be charged to be the agent of cultural change advocacy on behalf of the Jamaican people...

He **commended the holders of the office** and all involved in the work of a Jamaican success story.

Other presentations were made by:

Dr. Henley Morgan, OD, of the Agency for Innercity Renewal (AIR) who spoke on, *"Political Parties – key to Jamaica's Democracy"*

Dr. Morgan has served on numerous bodies that led to the creation of the Code, among other important contributions to Jamaica's political life – notably the bi-partisan **National Committee on Crime and Violence** and the **Special Task Force on Crime** and provided valuable insights into Jamaica's modern political life issues and aspirations.

Miss Kystal Tomlinson, President of the PNP Youth Organization, Communications

Consultant, Social Researcher & Policy Advocate and **Mr. Stephen Edwards**, President of Generation 2000 (G2K, JLP), Civil Engineer, spoke on the topic, *“Democracy Withering on the Vine”*.

In her response, Miss Tomlinson noted that: We are getting better at preserving the integrity of the vote and increasing the level of respect for the political process...and that her interpretation of the entire system of governance is that **we should be trying to put democracy to work, so not so much protecting democracy**, but finding ways to make sure it works...

Mr. Edwards, in his response noted that the **youth should be encouraged to participate in the democratic process** and should be taught from an early age, as part of the process. He spoke also on the issue of voter apathy, noting that it goes beyond party affiliation and is embedded in Jamaica’s culture.

Hon. Donna Parchment Brown, CD, JP

In her presentation on the Code, the Political Ombudsman spoke poignantly on

political tribalism (tenet #7 of the Code) and maladministration. She referenced an article by Diane Abbott, United Kingdom Member of Parliament, which states that *...Tribalism is corrosive in Jamaican politics, partly because of the past culture of political violence, but also because the benefits your political party can deliver are literally a matter of life and death. Civil society and some politicians in Jamaica have successfully fought back against reducing political violence...*

She stated that maladministration often times is a product of corruption, political tribalism, and political conflict.

She stressed that the OPO has embraced **SDG#16** “Peace, Justice and Strong Institutions”, as the SDG that underpins effective Governance and which promotes democracy, justice and political co-operation for the public good. She thanked all those who contributed to the successful event.



Dr. Hopeton Dunn as Moderator steered the proceedings.



Members of the St. Aloysius Primary School drama group supported by their teacher, Mr. Damian Walters, presented a dramatized musical highlighting the Code of Conduct which delighted and educated the attendees.



We recognize the valuable contribution and support of the team of CUSO volunteers who assisted with logistics at the event, under the guidance of Communication Specialist, Ms Stephanie Smith, a CUSO volunteer assigned to the OPO.

CONVERSATIONS WITH YOUNG JAMAICANS

Our signature youth contact program, Conversations with Young Jamaicans, continued in the year, with the Ombudsman visiting seven secondary schools across the island. This allowed for face-to-face engagement with over 1130 students and 15 members of staff.

The schools visited were:

- Ruseas High – Hanover
- Trench Town Polytechnic College – St. Andrew
- Tivoli Gardens High – Kingston
- St. Thomas Technical High – St. Thomas
- Dunoon Park Technical High School – Kingston
- Clarendon College – Clarendon
- St. Mary High – St. Mary

The Conversations with Young Jamaicans program, targeting seniors, sixth formers and students of tertiary institutions, began in 2016 and has as its main objectives:

- An explanation of the role/purpose and global applicability of the Office of the Political Ombudsman.
- Determining why and how young people can be involved in monitoring and engaging political processes to ultimately contribute to the creation of a culture of good governance founded on the Rule of Law.

The sessions have confirmed that Jamaica's youth are knowledgeable and interested in good governance and the Rule of Law, for example as embodied in the Political Ombudsman (Interim) Act and the Code, to hold politicians to standards.

It is clear that the young people want to be given opportunities to actively participate in empowering the country. They are aware of the importance of good policies and a positive political process to satisfying their local community, school and individual needs for education, water, housing, recreation, employment and security. They want to be ambassadors for democracy.

We express our appreciation to the Principals and staff of the schools for agreeing to host the OPO and for making the local level arrangements for these very successful engagements.

We are also grateful to the Canadian High Commission and the City of Kingston Co-operative Credit Union Limited for their assistance with items used in encouraging participation and as rewards.



Clarendon College - Clarendon



Ruseas High School – Hanover



St. Mary High School – St. Mary



St. Thomas Technical High School



Trench Town Polytechnic College - St. Andrew



Tivoli Gardens High School

ROUND TABLE CONSULTATIONS



The Office of the Political Ombudsman conducted four Round Tables during the reporting period, two in January, one in March and one in August.

The Report of the Commission of Enquiry into the events of 2010 in West Kingston, noted a causative factor in ‘garrison politics’ and benefited from material provided by Honourable Bishop Herro Blair, former Political Ombudsman.

The subject of the respective sessions was:
Removing any structures and resisting the development of any behavioural, cultural, social or organizational practices which reinforce political tribalism (Garrison). Tenet #7 of the Agreement and Declaration on Political Conduct.

The discussions examined the questions and we provide the following (sample of the) answers (see appendix for completed questionnaires):

- What is garrisonization?
“...a constituency that views issues solely on the perspective of a particular political party, be it right or wrong...”
“...it is the forming of a way of life of a people based on deep political roots. It is the absence of the political freedom and the grooming of individuals within a skewed political construct...”
“...a situation in which the political rights and freedoms of people are restricted...”
- Where are geographic garrison located?
“...the entire parish of Kingston and parts of St. Andrew, Clarendon, St. Catherine and St. James...”
“...throughout the island. Too many to list...”
“...in several communities across a number of parishes...”

- What are the characteristics of garrisons?
“...underdevelopment, crime and violence...”
“...low income area, mass population, urbanization, political antagonist...”
“...ruled by an area leader/don who works with politicians in area, hierarchy or chain of command exists...”
- Who must be engaged in a conversation on building Jamaica’s democracy through degarrisonization?
“...those affected, they are the most critical stakeholder...”
“...Members of Parliament because they benefit the most from garrisons...”
“...all citizens, Members of central & local government, Caretakers, CAFFE, the Ombudsman...”
- What mechanisms are appropriate?
“...sensitization about the issue and then cleaning of the voter’s list, followed by penalties to those who engage and facilitate garrisonization...”
“...provision of information to communities about services provided by government agencies so that they can access these services instead of going to the political representative.
“...develop a job specification for political representatives stating clearly how they should function...”
“...training and public education are critical...”
- What is a realistic time frame for sensitization of critical players; inclusion of relevant persons and organizations; expecting key results?
“...the sensitization should begin immediately...”

“...10 to 15 years, as some solutions will have to be through comprehensive policy overhaul...”
“...two to three years...”
“... 5 to 10 years, to change culture mind set...”

We thank the attendees listed below for their commitment to Jamaica and for sharing their knowledge.

Attendees: January 2018

- Ms. Stephanie Smith – Communications Advisor, Broadcast Journalist
- Ms. Nakia McMorris – Social Worker, Housing Specialist
- Dr. Robert Kinlocke – Lecturer, UWI
- Mr. Michael Rogers – Professional Basketball Player/Coach/Trainer
- Ms. Sherone McKenzie – Civil Society Activist/Managing Director of Harmonious Solutions
- Ms. Antoinette Richards – Urban Planner, Community Development Specialist, Planning Institute of Jamaica
- Mr. Leslie James - Graphic Arts & Technical Educator
- Mr. Glenroy Murray – National Youth Advisory Council
- Mr. Donovan Hanson – Junior National Parliamentarian & Commonwealth Youth Ambassador
- Ms. Antoinette Dennis – National Secondary Students’ Council
- Mr. Keenan Falconer – Youth Advocate
- Ms. Alnastazia Watson
- Mr. Jerome Cowans
- Mr. Kemoy Lindsay
- Ms. Santana Morris – Youth Ambassador
- Ms. Sophia Bryan
- Mr. Christopher Harper

February 2018

- Ms. Antoinette Richards – Urban Planner, Community Development Specialist, Planning Institute of Jamaica
- Dr. Robert Kinlocke – Lecturer, UWI
- Ms. Sherone McKenzie – Civil Society Activist/Managing Director of Harmonious Solutions
- Ms. Nakia McMorris – Social Worker, Housing Specialist
- Mr. Michael Rogers – Professional Basketball Player/Coach/Trainer
- Ms. Santana Morris – Youth Ambassador
- Mr. Donovan Hanson – Junior National Parliamentarian & Commonwealth Youth Ambassador
- Mr. Leslie James - Graphic Arts & Technical Educator
- Mr. Keenan Falconer – Youth Advocate
- Ms. Antoinette Dennis – National Secondary Students' Council
- Mr. Glenroy Murray – National Youth Advisory Council

March 2018

- Babo Heru Menelik – Marcus Garvey People's Political Party

- Mr. Peter Townsend – President, National Democratic Movement
- Mr. Michael Williams – Chairman, National Democratic Movement

August 2018

Youth Parliamentarians

- Ms. Kimberly Thompson – UWI
- Ms. Ariel Brown – Norman Manley Law School
- Ms. Tia Ferguson – University of Technology
- Ms. Jamieek Burrell – Executive Secretary, UTECH Students' Union
- Mr. Akeem Dobson - BA in Psychology
- Mr. Ishamel Douglas
- Mr. Charles Young – UWI
- Mr. Chevaughn Brown – Old Harbour High School Youth Council
- Ms. Shakira Douglas – UWI
- Mr. Malik Elliott
- Mr. Andre Witter – Jamaica Association for the Deaf
- Mr. Nicholas Kee - Commonwealth Youth Ambassador
- Ms. Kara Knight – Programme Development Specialist

Agreement and Declaration on Political Conduct (the Code)

...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...

Agreement and Declaration on Political Conduct (the Code)

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...

2018 BY-ELECTIONS

A total of five by-elections were conducted during 2018 (see table). The seat for the constituency of St. Andrew North West became vacant following the resignation of the Member of Parliament, Mr. Derrick Smith.

In the Yallahs Division the by-election became necessary following the ruling in the Supreme Court that the Jamaica Labour Party's representative, Mr. Dean Jones was not eligible to sit in the Municipal Corporation. According to the high court, his disqualification was on the grounds that, at the time of the November 2016 Local Government election, he was employed to the government. In the Homestead and May Pen North Divisions the seats became vacant following the deaths of sitting councillors, Mr. Owen Palmer of the JLP and Mr. Melvin Jones of the JLP respectively. The Norman

Gardens Division became vacant following the resignation of the PNP's councillor, Mrs. Angela Brown Burke.

Each of the by-elections was preceded by formal Code-Signing activities with the respective Candidates, presided over by the Custos of the Parish and observed by the Political Ombudsman.

In attendance also were:

- Campaign Manager for each Candidate
- Representative of PNP Leadership
- Representative of JLP Leadership
- Representative from the JCF
- Members of the Clergy
- Members of the public

CODE SIGNING EVENTS

Date	Nominated Candidates	Division/ Constituency	Event's Venue	Presiding Custos
February 13, 2018	Ms. Keisha Hayles (PNP) Dr. Nigel Clarke (JLP)	St. Andrew North West	Office of the Political Ombudsman, 85A Duke Street, Kingston	Dr. Hon. Patricia Dunwell, CD
February 13, 2018	Ms. Jacqueline Lewis (PNP) Mr. Headley Wilson (JLP)	Norman Gardens Division (Kingston East & Port Royal)	Office of the Political Ombudsman, 85A Duke Street, Kingston	Hon. Steadman Fuller, CD
April 17, 2018	Mr. Constantine Bogle (PNP) Mr. John Lee (JLP)	Yallahs Division (St. Thomas Western)	Yallahs Baptist Church, Yallahs, St. Thomas	Hon. Marcia Bennett, CD, JP
April 18, 2018	Mr. Earl Blake (PNP) Ms. Tanya-Lee Williams (JLP)	May Pen North Division (Clarendon Central)	23 Paisley Avenue, May Pen, Clarendon	Hon. William Shagoury, CD, JP
May 9, 2018	Ms. Janet Grayson (PNP) Mr. Mark McLean (JLP)	Homestead Division (St. Catherine South Central)	Phillippo Baptist Church, Spanish Town, St. Catherine	Rev. Hon. Jeffrey McKenzie, CD, JP

The signing of the certificates signified the affirmation by each Candidate to abide by the Political Ombudsman (Interim) Act, 2002 and the tenets of the Agreement & Declaration on Political Conduct of 2005, in promoting good governance, fair campaigning and clean elections.

The by election in the constituency of **St. Andrew Northwest** required the Political Ombudsman to make several visits to the constituency, as there were numerous reported issues, including possible breaches , related to the following tenets of Code:

#6 Avoidance of defacing of Buildings or Installations

#4 Public Utterances

Where person's remarks about the candidates may have been malicious.

#1 Non-Violence and Non-Intimidation

f (1) Candidates or others acting on behalf of candidates – using public funds to influence electoral choices, for example through road works.



May Pen Division



North West St. Andrew



Homestead Division



Yallahs Division



Norman Gardens Division

Agreement and Declaration on Political Conduct (the Code)

Non-Violence and Non-Intimidation

...Candidates or others acting on behalf of candidates:

Must not use funds derived from and source, public or private, to improperly influence electoral choices...

STAKEHOLDER ENGAGEMENTS

It is essential that the Political Ombudsman engages with stakeholders in building and maintaining awareness of the work and value of the office as well as to inform of activities of the office. The stakeholder audiences comprise members of the Jamaican public and the Diaspora as well as like-interest groups and influencers. The main objectives of such interactions are:

- To bring awareness of the work of the Political Ombudsman;
- To benefit from stakeholders' expertise;
- To sensitize the audience of their rights to complain confidentially or openly;
- To increase the Political Ombudsman's knowledge of current/ trending issues;
- To create opportunities to collaborate with the Political Ombudsman for good politics in Jamaica.

The interactions, usually through question and answers sessions following presentations are carried out in a number of ways including:

- Regular liaison and consultation with other like-government and non-government agencies representatives; (JCF, Commissions of Parliament, Political Parties & Academia)
- Providing information about the Political Ombudsman's work through presentations at conferences and events;
- Hosting fora and roundtables;
- Reaching out to communities, particularly by invitation and through our Conversation with Young Jamaicans contact program.

The greatest number of local invitations received were from Service Clubs within the corporate area.

Jamaica

The CCJ (Caribbean Court of Justice) Academy for Law 5th Biennial Conference:

The Political Ombudsman attended the Conference presented in partnership with the General Legal Council, under the theme, ***The future of Legal Practice in the Caribbean – Catalyst for Regional Success?*** Held over a three day period, December 13-15 in Kingston, the Conference brought together approximately 300 decision makers, influencers and policy makers all keen on finding creative solutions, debating issues and making new connections. The event targeted members of the judiciary, the legal profession, government officials, law enforcement professionals, creative industry practitioners, regulators, banking and other private sector interests.

The main areas of focus were:

- The Law as a Facilitator of Business and Development
- Legal issues pertaining to Intellectual Property
- Facilitating Access to Justice

The Office of the Political Ombudsman benefited from a number of insights that were shared, in particular, on the subject of **Facilitating Access to Justice**.

With access to justice being a critical effort in the practice of law and justice delivery, the information and varying perspectives on recent developments and innovations were timely and well received as stakeholders were given an opportunity to consider how as individual entities we can continue to deliver high quality service and improve access to justice for all. Of value also were the presentations on:

- The Future of Justice is Digital;
- Technology as a Tool for Accessing Justice;

- Procedural Rules as a Facilitator and not a Hindrance to justice;
- Facilitating the Utilization of Expert Evidence;
- Disclosure as an Instrument of Fairness.

The Political Ombudsman facilitated a panel entitled, **Defamation in the Digital Age**. Presenters for the session were Amanda Montague and Stephanie Ewbank, Attorneys-at-Law, Myers, Fletcher & Gordon. A robust discussion ensued with valuable knowledge shared, which has greatly assisted the Political Ombudsman in handling complaints related to the digital space and to increase the digital presence of the Office. In their presentation they examined a number of critical areas related to the subject, of note were the following points:

Defamatory Content: Interpretation on Social Media

Monroe v Hopkins [2017] EWHC 433

- *“34. These well-established rules are perhaps easier to apply in the case of print publications of long standing such as books, newspapers, or magazines, or static online publications, than in the more dynamic and interactive world of Twitter, where short bursts of pithily expressed information are the norm, and a single tweet rarely exists in isolation from others. A tweet that is said to be libellous may include a hyperlink. It may well need to be read as part of a series of tweets which the ordinary reader will have seen at the same time as the tweet that is complained of, or beforehand, and which form part of what Mr. Price has called a “multi-dimensional conversation”.”*

McAlpine v Berrow [2013] EWHC 1342 (QB)

- *“58. It is important in this case to stress point (6). The Tweet was not a publication to the world at large, such as a daily newspaper or broadcast.*

It was a publication on Twitter. The hypothetical reader must be taken to be a reasonable representative of users of Twitter who follow the Defendant.”

Liability of Internet Intermediaries: What is a “publisher”?

- *Section 2 of the Jamaican Defamation Act, 2013 defines a “publisher” as: “a person who has published a matter that is, may be, or is alleged to be defamatory of another person and “publish” and “publication”, in relation to a statement, subject to the provisions of this Act, have the meaning they have for the purposes of the law relating to the tort of defamation.”*

Section 22 of the Jamaican Defamation Act, 2013 (the “Act”) provides for a statutory defence of “innocent dissemination”. In order to avail itself of such defence, the defendant is required to prove, for example that:

A person who knows or ought reasonably to have known that the matter was or could have been defamatory but proceeded to publish the matter anyway; or

A person who fails to remove the defamatory matter from his publication or from circulation promptly after it has been brought to his attention.

Multi-jurisdictional issues in online defamation

Social Media

In the case of Otomewo v Carphone Warehouse Ltd [2012] EqLR 724 (ET/2330554/11, 8 May 2012) two members of staff posted a status update on the claimant’s Facebook page, without his permission or knowledge. The status update read: “finally came out of the closet. I am gay and proud.” The employment tribunal held it was posted in the course of employment as the employees’ actions took place during working hours and it involved dealings between staff

and a manager. The tribunal commented that the employer could be found vicariously liable for the conduct of the employee which amounted to harassment on the grounds of sexual orientation.

Damages for Online Defamation

It seems that even when there is no evidence that something has spread beyond the group of people to whom it is published, the court can infer that it has spread more widely simply because it began on a social media site, where repetition and rumour-spreading can increase the inferred readership and also the amount of damages awarded.

When defamatory content is posted on the internet, a multiplicity of scenarios can arise. The content may be uploaded in one jurisdiction but downloaded in another, or it may also be shared to users in multiple jurisdictions.

This may result in a claimant facing a difficult question of who to sue and where. The key question in multi-jurisdiction defamation

proceedings is whether the claimant can sue in each and every jurisdiction in which he has suffered damage. The issue of where the tort occurs also arises for consideration.

Courts in the European Union (EU), United States (US), Australia, United Kingdom (UK) and the Caribbean have examined the issues surrounding defamatory content posted on the World Wide Web.

This provides substantial support for the idea that public utterances breaches can occur on the various social media platforms.

Regionally

Guantanamo Bay Fire Department Association (Cuba)

The Political Ombudsman was invited by the Guantanamo Bay Fire Department Association (Cuba), most of whom are Jamaicans, as Keynote Speaker at their Annual Fire Fighter's Ball on the theme, *Gender Equality and the Shattering of the Proverbial Glass Ceiling*.



Political Ombudsman with Captain John Fischer, Commanding Officer, Naval Station, Guantanamo Bay, Cuba.



Read here a synopsis of the address:

...As Jamaica's Political Ombudsman, I have the unique privilege of existing as a Commission of Parliament tasked with speaking truth to power. This is to help our political actors fulfil the promises they have made to one another and to us. The Agreement & Declaration of Political Conduct documents Jamaica's best idea at 2005 of the things that needed to be corrected in our political life and the values to which a robust democracy should aspire.

Many of these are shared around the globe, but more fundamentally, **they reflect standards we see in homes, work places and everyday life, even as you serve here:**

- Non-violence and Non-Intimidation
- Safety of public and private property
- Avoidance of confrontation
- Public utterances not to incite or slander
- Freedom of Access
- Avoidance of defacing of buildings or installations

- Ending Political tribalism
- Code of Ethics

Some issues are not mentioned such as gender equality between men and women, care and protection of children, repudiation of domestic violence, personal integrity in relation to taxes and other fiscal obligations of citizens, yet it ends with a strong statement –

“Officials shall repudiate any act of corruption in the discharge of their functions”... The spouses on this base may be less visible heroes as they operate in an environment of necessity, not choice, distance and the Caribbean Sea separates them and you from easy interaction with parents, siblings, friends and others. Yet they can speak of the unique value of being part of a community built on service, sacrifice and respect...



W.T. Sampson Elementary School

She was also asked to address the student body of the W.T. Sampson Elementary School, on the topic of Leadership. The school is the oldest continually operating Department of Defense School, operated by the United States Navy. In speaking on the topic she highlighted the importance of having standards to live by and the knowledge that standards worth having will pose challenges to attain and maintain and will often require great sacrifices.

She charged the students to find courage to decide what is right and what is wrong and to expect as much of others, striving always, to make the world good, according to their individual standards. She also shared Jamaica's Agreement and Declaration on Political Conduct with the school.

She shared with them that an ultimate goal of the Office of the Political Ombudsman, is to create a platform for political literacy that seeks to educate citizens on the benefits of politics and to inform citizens of their basic rights and responsibilities, within a robust democracy.

Commonwealth Secretariat's Regional Meeting on Transformational Leadership for Gender Equality in the Caribbean: Regional Strategies & Partnerships

In November, the Political Ombudsman was invited by the Commonwealth Secretariat to participate in its meeting. She highlighted the work of the Office as a Commission of Parliament, guided by the Political Ombudsman (Interim) Act, 2002 and the Agreement and Declaration on Political Conduct (the Code) of 2005. She spoke also on the importance of women in politics. The seminar was convened in Barbados and was jointly organised by the Barbados Parliament, ParlAmericas, UN Women – Multi-Country Office, Caribbean and the Caribbean Institute for Women in Leadership.

Prime Minister Mia Mottley of Barbados delivered the feature address stating, "There can be no sustainable development that is premised on discrimination. There can be no sustainable

development that precludes opportunity. So that if we can set ourselves some simple targets that allow the battle to be fought, not just by those in this room, but by women in our communities who see themselves in the vanguard of change, who recognise that, as has happened elsewhere and to which we hopefully will respond shortly, that there are some fundamental things in our society that we need to change."

Dr. Tres-Ann Kremer, Head of Good Offices for Peace and Political Adviser for the Caribbean at the Commonwealth highlighted the findings of the Commonwealth research 'Women and Political Parties in Five Small States of the Commonwealth Caribbean'. She said, "Political parties are perhaps one of the most important mechanisms to enable real progress in women's political representation and leadership in the Caribbean. They provide the framework through which women are selected as candidates. We must pay closer attention to the governance mechanisms of political parties and engage party structures on these matters, including the issue of campaign finance to shift the perception that politics is predominantly an elite space".

It was reported that the Commonwealth support has enabled numerous bi-partisan and regional exchanges on how political parties in the region can reflect on, and address, how they engage, seek and support women candidates.

Other Jamaican participants in attendance were Members of Parliament, Hon. Alando Terrelonge and Mr. Julian Robinson.

The Jamaica Constabulary Force Liaison Officers

Since its inception in 2002, the Office of the Political Ombudsman has been supported by an investigative team of officers of the Jamaica Constabulary Force (JCF), assigned by the Commissioner of Police. The contribution of the team of Liaison Officers drawn from across the island's nineteen police divisions is greatly appreciated.

The team of Detective Sergeants made access to information and investigation of matters a manageable task. They kept the office apprised of cases submitted to them for investigation and of incidents or events which required the Ombudsman's attention.

This was particularly critical during the campaign and election periods for the by elections held in February, April and May 2018.

The Agreement and Declaration on Political Conduct (the Code)

...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...*

THE ELECTION CENTRE



The Election Centre convened for all five by-elections of 2018. The Centre is an innovation of Jamaica's Electoral Commission and the Political Ombudsman and is co-chaired by the Director of Elections and the Political Ombudsman. The Election Centre is comprised of representatives from:

- The Jamaica Labour Party (JLP)
- The People's National Party (PNP),
- The Jamaica Constabulary Force
- The Jamaica Defence Force
- CAFFE
- Jamaica Umbrella Groups of Churches
- The Broadcasting Commission of Jamaica
- National Integrity Action.

The network of representatives from key entities provides for the full airing of reported breaches or conflicts with a view to quickly investigate, authenticate and resolve the issues that arise, as well as to enable the centre to issue factual reports through the media as necessary.

The Centre is activated when an election is called and remains in force throughout nomination, the campaigning and election periods. The members rely on their network of representatives on the ground in the relevant Constituency or Division to support their work. Jamaica's Election Centre has been described as a good practice by International Election Observers.

The centre serves as a source of authentic information concerning election matters, a point for registering complaints, a mechanism for conflict resolution and a focal point for the coordination of activities and the sharing and dissemination of information related to specific matters surrounding the conduct of the polls on election days.

ROPA and the OPO

Representation of the People (Amendment) Act, 2016 Election Campaign Financing

The Code has been strengthened by the amendments to the National Election Campaign Fund and Contributions to Political Parties and Candidates.

Of particular note are amendments at:

- S 52AS – contributions by persons who have received government contracts two

years before or after a contribution to a candidate must file a return or face the possibility of \$1 million penalty...

- S 52AU (c) – Return of contribution where a donor is an impermissible contributor...
- S 52BN (b) – requires the certification of the Political Ombudsman for payments to be made from the fund.

COMPLAINTS/REPORTS

The response to a report or complaint is always dependent on the circumstances of each case and any relevant legislative requirements or language that may apply. The Ombudsman's complaint and investigation responsibilities are set out at S12-17 of the Political Ombudsman (Interim) Act 2002.

It should be noted that the Ombudsman's office receives information, complaints and phone calls, monitors print, electronic and social media platforms. These are then reviewed and evaluated to determine qualification for a written formal complaint process.

Of particular note are:

S12-(1) ***Subject To this section, the Political Ombudsman shall investigate any action taken by a political party, its members or supporters, where he is of the opinion that such action...***

S12-(3) ***The fact that an action is commenced in any court in connection with a matter under investigation by the Political Ombudsman shall not preclude such investigation unless the court otherwise directs.***

S14-(2) ***The Political Ombudsman may, in his absolute discretion, determine whether to undertake or continue an investigation and in particular, but without prejudice to the generality of the foregoing, may refuse to undertake or continue any investigation if he is of the opinion that...***

S15-(2) ***The Political Ombudsman may adopt whatever procedure he considers appropriate to the circumstances of a particular case and, subject to the provisions of this Act, may obtain information from such persons and in such manner, and make such enquires as he thinks fit...***

Public Utterances and Social Media

Tenet #4 of the Code provides that:

“...Part 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...”*

The issue of **social media** utterances became notable in 2018 and expressed by many users as a source of frustration. In particular the tone of political discourse was sometimes received as more disrespectful in comparison to other venues for discussing politics. We know that the sense of anonymity pinpoints precisely how this discourse is used to degrade and degrades political life, as there is a sense of lack of accountability for both harmful and fake news posts. We believe that this is harmful to Jamaica's democracy. The media platforms of Twitter and Facebook registered the greatest number of allegations of breaches of the Code,

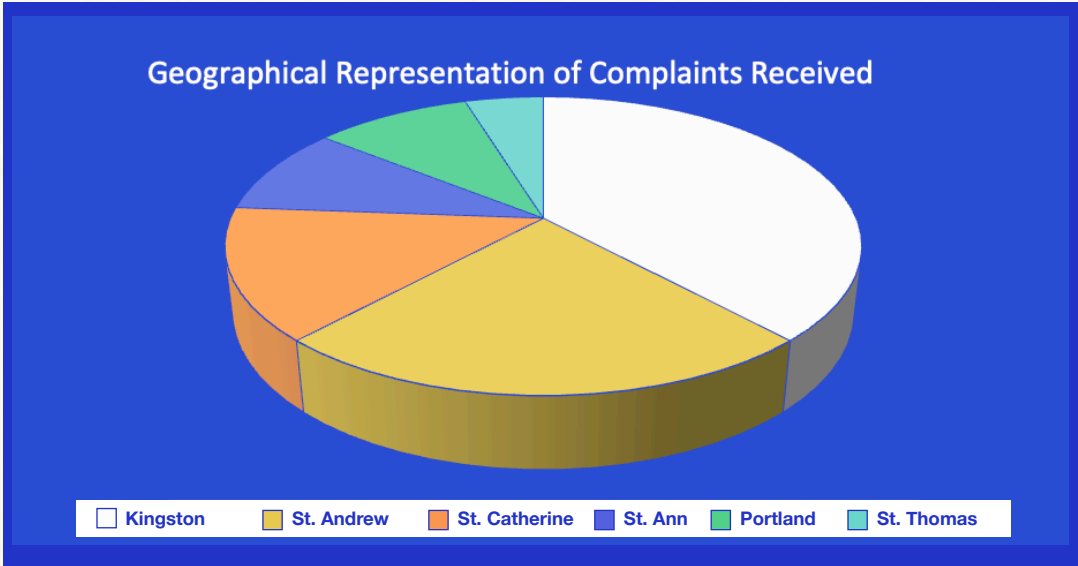
regrettably this is an issue that is not unique to Jamaica.

The Office of the Political Ombudsman continues to work with stakeholders, domestic and international, to identify policy options for managing cyber utterances that may breach the Code of Conduct, while holding politicians to account.

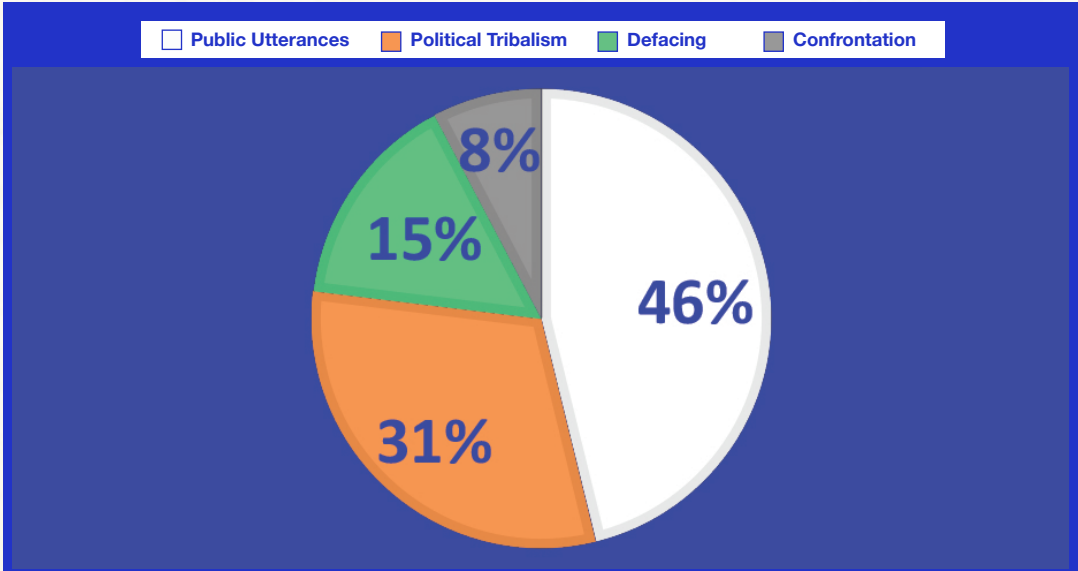
In 2018, the OPO responded to issues around the by - elections and 13 formal complaints of alleged breaches of the Agreement and Declaration on Political Conduct (the Code), with over 50 per cent coming from Kingston, St. Andrew and St. Catherine combined, and the remaining from St. Mary, Portland and St. Thomas. The most common complaints filed, were allegations related to **public utterances and political tribalism**.

The purpose of an investigation following a formal report or a complaint is to establish and document relevant facts, reach appropriate conclusions based on the available evidence, and to determine a suitable response.

Geographical Presentation of Areas of Reported Alleged Breaches



Breakdown by Tenet of Standards



INVESTIGATIONS

The Political Ombudsman conducted investigations into allegations related to a number of breaches of the Agreement and Declaration on Political Conduct. A number of these allegations were extensively covered by the media. On numerous occasions a number of media practitioners called on the Political Ombudsman for interviews on various matters. These are some examples that form part of this report:

- Allegation of abuse of power and public resources used for road works to influence electoral choices – **St. Andrew North West;**
- Public Utterances by State Minister and Member of Parliament, regarding ‘... position of members and supporters of the JLP to get help from Rural Agricultural Development Authority (RADA)...’ – **South East Clarendon;**
- Eligibility of Candidate to contest Local government election – **Yallahs Division, St. Thomas;**
- Statement made on Probe Episode, *Hayle vs. Clarke*, by Member of Parliament – **Central Manchester;**
- Public Utterances regarding actions of ‘... people in green...’ by Member of Parliament – **St. Catherine East;**
- Road works damaging citizen’s access to his home – **Big Hill, Above Rocks, St. Catherine;**
- ‘Community Project’ by JLP Caretaker- Laying of water pipe lines – **Mount Zion, Red Hills, West Rural St. Andrew;**
- Utterances made in the sitting of the Senate, ‘...prominent people in our political space...’; ‘...but they are hugging up gangsters, supporting dons and funding criminality...’ – **Government Senator, Chairman, JLP, Public Relations Committee;**
- Allegations of State position being used to further party and personal agenda of Candidate – **North Western St. Ann.**
- Social media caricatures of a political party’s branding material as supporting gun violence.

All but two of the majority of the cases were resolved and closed following review and investigation. Public utterances deemed in violation of the code were retracted by way of public apology in some instances, and removal/ taking down of utterances posted on social media platforms.

Agreement and Declaration on Political Conduct (the Code)

...This Code shall apply to all officials of political parties...

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

FINDINGS/ RESOLUTIONS

The staff complement of the OPO is six officers. In addition, there is one Close Protection Officer of the JCF and twenty JCF liaison officers who provide support with investigation.

The Political Ombudsman (Interim) Act, 2002

...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 (Interim) Act, 2002

*...For the purposes of an investigation under this Act, the Political Ombudsman shall have the same powers as a Judge of the Supreme Court in respect of **the attendance and examination of witnesses and the production of documents...***

HUMAN RESOURCES

The important post of Legislative Counsel was not filled in 2018 and had been vacant, except for a brief period in 2002.

Emoluments

This matter has been brought to the attention of the Commission established under S 8(4) of the Political Ombudsman (Interim) Act, to address urgently and a decision on a 25% gratuity requested to be awarded.

The staff of the OPO are contract officers and have not been allocated fulltime status or paid the gratuities due to them every two years since the first officer joined in 2002.

Letter ref no. CP63/...
July 2017

...The positions approved for operation in the Office of the Political Ombudsman (a Commission of Parliament) are not part of the Civil Service Establishment consequently, employees appointed to them are not entitled to the provision of pension benefits from the Government of Jamaica...

...Current policy provides for the payment of gratuity up to a maximum of twenty-five percent (25%) of basic salary earned to persons employed on contract which are a minimum of two (2) years in duration.

...The policy also provides for the payment of gratuity on an annual basis if persons continue to be employed as detailed above and subject to the availability of funds.

...Based on the foregoing, discussions should be held with the Clerk to the Houses of Parliament, regarding the way forward in this matter...

Following correspondence between this office and the Ministry of Finance and Public Service, in July of 2017, the Ministry responded:

The Political Ombudsman's salary was last adjusted in 2007. Other Commissions of Parliament emoluments are benchmarked against a Puisne Judge's. A request has been made for this benchmark to apply to the Political Ombudsman to avoid burdening the Commission with the duty to determine such adjustments.

There has been a failure to regularly adjust the remuneration of this Commission of Parliament.

Staff development

Regular staff meetings were held to keep the team informed. Team building activities included frequent lunches at the office and end of year dinner and tour.

RECOMMENDATIONS AND FUTURE ACTIONS

Recognising that public awareness of the roles and responsibilities of the office are insufficiently well understood, the Office will initiate a broader effort to reach out to core groups: youth, women and political parties.

The Political Ombudsman will seek to:

- 1) Strengthen legislation to improve compliance with the Code, by seeking to add penalties for failure to comply, for example, attaching a cost for the removal of signs and campaign paraphernalia.
 - Benchmark emoluments of the OPO
- 2) Create an active, credible youth network to add to the work of the Ombudsman in support of Jamaica's democratic footprint.
- 3) Hold an Annual Conference or major Public Education event.

- Increase the Political Ombudsman's mandate to seek the assistance of the Director of Public Prosecution for prosecutions.

FINANCIALS



The finances of the Office of the Political Ombudsman are managed by the Houses of Parliament on the instructions of the Ministry of Finance and the Public Service.

A Summary of the **Statement of Expenditure by Objects** for the period April 1, 2017 to March 31, 2018, is shown here.

FS6 - STATEMENT OF EXPENDITURE BY OBJECTS (OBJECT SUMMARY)
-Selected Items ONLY (Allocation)

Object Code	Description	Approved Vote
21	Compensation of Employees	13,657,000.00
22	Travel Expenses & Salary	993,000.00
23	Rental of Property	4,779,000.00
24	Utilities & Communication	530,000.00
25	Use of Goods & Services	2,000,000.00
TOTAL		21,959,000.00

CONCLUSION

Over the years, this office has and still continues to have as its main challenge, the disinclination of citizens to report and register complaints of victimization, corruption and other forms of crime and violence. The reasons for this unwillingness are very authentic and not unique to this office or to this country for that matter. It remains a sore point and will take considerable effort, and resources to eliminate the root causes. This considerable effort must be embraced by all.

The Political Ombudsman relies on the strong vocal support of the political party Leaders to aid in the education of their members and supporters on Governance and the Rule of Law architecture in Jamaica.

The Commissions of Parliament, established by law, with support across party lines have specialized areas and the duty to investigate and make recommendations.

The Office of the Political Ombudsman is a Commission of Parliament, independent and neutral and holds politicians accountable on behalf of all Jamaicans. Our job is to make sure political actors follow the Code of Conduct they signed to enhance standards in politics and reduce political tribalism, violence, bribery and intimidation.



COMPLETED QUESTIONNAIRES ON DE-GARRISONIZATION

Questionnaire

Please complete the following questions and email to politicalombudsman@yahoo.co. Please note that you are not required to disclose your name.

1. What is garrisonization?

A constituency that views issues solely on the perspective of a particular political party be it right or wrong.

2. Where are geographic garrisons located?

In my opinion garrisons are located in all areas geographically.

3. Please identify some characteristics of garrisons,

skewed outlook on issues affecting constituencies and the country at large.

4. In your opinion, who must be engaged in conversations on building Jamaica's democracy through degarrisonization?

Firstly it must be those affected, they are the most critical stakeholder. Not just engage for the formality but get and implement solutions from them.

5. What steps do you think should be taken to address the concerns of garrisonization?

It must start with the decolonization of the education system. Embrace the philosophies and opinion of leaders Garvey at all levels of our education system starting at the primary level.

6. What is a realistic time frame for the sensitization of critical players in process?

Over a 12 month period to ensure all stakeholders have a valuable contribution and pros and cons analyzed.

7. What is a realistic time frame for the inclusion of relevant persons and organizations in the process?

Over 18 month period. The solution should not be a band aid on a sore but tending to the injury and get it healed once and for all.

8. What is a realistic time frame for key results?

A realistic time frame for key results is 10 to 15 years as some solutions will have to be through comprehensive policy overall.

Questionnaire

Please complete the following questions and email to politicalombudsman@yahoo.co. Please note that you are not required to disclose your name.

1. What is garrisonization?

It is the forming of a way of life of a people based on deep political roots. It is the absence of true political freedoms & the grooming of individuals within a scripted political construct.

2. Where are geographic garrisons located?

Mountain View... where there are major / long roads that have off-shooting communities

3. Please identify some characteristics of garrisons,

4. In your opinion, who must be engaged in conversations on building Jamaica's democracy through degarrisonization?

Members of Parliament because they benefit the most from garrisons.

5. What steps do you think should be taken to address the concerns of garrisonization?

Provide positive incentives for politicians to de-garrisonise their areas.

6. What is a realistic time frame for the sensitization of critical players in process?

One to Three years

7. What is a realistic time frame for the inclusion of relevant persons and organizations in the process?

8. What is a realistic time frame for key results?

Two to three years

Questionnaire

Please complete the following questions and email to politicalombudsman@yahoo.co. Please note that you are not required to disclose your name.

1. What is garrisonization?

Garrisonization is a situation in which the political rights and freedoms of people are restricted.

2. Where are geographic garrisons located?

Geographic garrisons exist wherever people are coerced into voting. Some by constituency and in other instances, even within specific communities in certain constituencies.

3. Please identify some characteristics of garrisons.

Domination, Controlled democracy, One party wins all the time, people are coerced into voting,

4. In your opinion, who must be engaged in conversations on building Jamaica's democracy through degarrisonization?

The political directorate, community leaders and civil society in conjunction with the police

5. What steps do you think should be taken to address the concerns of garrisonization?

First sensitization about the issue and then cleaning of the voters list, followed by penalties to those who engage and facilitate garrisonization

6. What is a realistic time frame for the sensitization of critical players in process?

Sensitization can take a two-year time-frame to effectively reach and cover the diverse groups within the population

7. What is a realistic time frame for the inclusion of relevant persons and organizations in the process?

A three-year time just so that everyone gets adequate time to become involved

8. What is a realistic time frame for key results?

10 years. It should be nice to see the result materialize in an election at the end of the 10 years.

Questionnaire

Please complete the following questions and email to politicalombudsman@yahoo.co. Please note that you are not required to disclose your name.

1. What is garrisonization?

An area that has a particular political alignment and uses violence to maintain that system.

2. Where are geographic garrisons located?

The entire parish of Kingston and parts of St. Andrew, Clarendon, St. Catherine and St. James

3. Please identify some characteristics of garrisons,

Majority of persons in the community consistently support only one political party and may perpetrate violence against those who have opposing views. Residents may be coerced/forced to vote a particular way in elections. Residents may term themselves as "die-hard". People vote based on party and not issues

4. In your opinion, who must be engaged in conversations on building Jamaica's democracy through degarrisonization?

Citizens, political parties, government entities, media, civil society. The entire country however, the nature of the engagement will be different based on circumstances. Some groups will be for information/sensitization while others will require more indepth engagement to change attitudes and behaviours.

5. What steps do you think should be taken to address the concerns of garrisonization?

Provision of information to communities about services provided by government agencies so that they can access these services instead of going to the political representatives. Develop a job specification for political representatives stating clearly how they should function.

6. What is a realistic time frame for the sensitization of critical players in process?

Sensitization has to start immediately and would require numerous interventions. First round of sensitization would require at least six months if there are dedicated persons (availability of staff) to undertake this task.

7. What is a realistic time frame for the inclusion of relevant persons and organizations in the process?

Within one year

8. What is a realistic time frame for key results?

Serious behaviour & mindset change will be required and so activities should be executed in the period leading up to the next general election. However, impact of activities may not be seen until a second general election has occurred. At that time changes in voting patterns/attitudes may be more clearly identified

Questionnaire – Garrisons

1. What is Garrisonization? – Institutionalization/socialization of persons (physically or mentally) based on political persuasion.

2. Where are geographic garrisons located? – Throughout the island. Too many to list.

3. Please identify some characteristics of garrison. – The affinity of a community to vote for a particular party consistently based on collective community decision (knowingly or unknowingly), not necessarily based on the delivery of service (this may not only apply to marginalized communities); underdeveloped; violent crime, and; poverty.

4. In your opinion who must be engaged in conversation on building Jamaica’s democracy the democracy through degarrisonization? Residents of garrisons, the general electorate, children (also using civics), schools (primary and secondary) and politicians.

5. What steps do you think should be taken to address the concerns of garrisonization? Anecdotally, it appears “Garrisonization” starts from birth. Therefore, for me, the first step would be start with children. In addition, adults should be engaged in a targeted way. I believe that garrisonization comes out of need for assistance. An improved social safety net should be considered. This is more complex than what is being typed, but the core need of assistance should be considered in addressing the typical characteristic of dependency on politicians in these marginalized communities. And it would appear the politicians prey on this need. Though garrisonization does exist in affluent communities, based on the responses of items 1 and 2, I am not quite convinced that it is a concern; persons living in affluent communities tend to exhibit more of the possibility to choose for whom they vote.

6. What is a realistic time frame for the sensitization of critical players in process? 20-50yrs

7. What is a realistic time frame for the inclusion of relevant person and organizations in the process? 10-15yrs

8. What is a realistic time frame for key results? 25 yrs. depending on what the key performance indicators.

Questionnaire

Please complete the following questions and email to politicalombudsman@yahoo.co. Please note that you are not required to disclose your name.

1. What is garrisonization?

A space where violence and other forms of coercion is used to get residents to vote in a particular way

2. Where are geographic garrisons located?

Geographic garrisons are located in several communities across a number of parishes

3. Please identify some characteristics of garrisons,

Underdevelopment, crime and violence

4. In your opinion, who must be engaged in conversations on building Jamaica's democracy through degarrisonization?

All the stakeholders, voters and prospective voters, politicians, private sector

5. What steps do you think should be taken to address the concerns of garrisonization?

Training and public education are critical

6. What is a realistic time frame for the sensitization of critical players in process?

The sensitization should begin immediately

7. What is a realistic time frame for the inclusion of relevant persons and organizations in the process?

The relevant players should be part of the design, implementation, monitoring and evaluation of any activity

8. What is a realistic time frame for key results?

Five (5) years



Subject: RTC questionnaire answers

From: lesliejamesgvwdn@gmail.com

To: politicalombudsman@yahoo.com

Date: Tuesday, January 30, 2018, 9:52:11 AM EST

1. a political garrison is a political trade off between forces in a community and politicians to the detriment of many for political prominence by a party in a community, which normally includes or leads to the exploitation of individuals in that and surrounding communities and a perpetual cycle of crime, poverty and social ills. This trade-off has now become a culture embedded in these communities.

2. Geographically garrisons are formed around low income urbanized areas with mass population.

3. Characteristics:

- Low Income Area
- Mass Population
- Urbanization
- Political Antagonist

4. In my opinion the people (ordinary citizens) , private sector , SDC and other organizations working in these communities, Alternative Media , as well as Young Leaders and community groups are needed in the discussion to end political garrisons.

5. Seriously address the quality of life and education(thought process) of the community. If the quality of life and education for individuals improves they will be less prone to adopt this culture and choose to evaluate options and party based on the merit of the situation. A harsh environment entrenched in political tribalism will create harsh and tribal individuals to survive in that environment and a culture to sustain the survival of the species.

In some way or another a garrison through various antagonist provides:

- Protection
- Finances & Employment
- Culture
- Structure
- Mobility

This must be tackled in a systematic way starting with :

1. Culture
2. Structure
3. Mobility
4. Finances and Employment
5. Protection

Culture

Alternative media creators, content producers and Youth Leaders need Resources + Environmental changes to effect cultural change in individuals, change in the communities will come after.

Structure

In collaboration with Culture, Youth Leaders need Environment + Resources to create structure and meaningful leadership that the people can organize and work towards goals that are tangible and inspirational.

Mobility

environment, resources, education(through culture) are needed for the mobility of individuals so they can develop diverse views and a greater appreciation of life



Finances & Employment

Culture , Education, Structure and Mobility will create a work force which can be integrated by the private sector leading to more independent households, as well as more entrepreneurs and creative intellectual works that will create sustainable development and employment

Protection

Once culture, structure, mobility and finances are in place the people will be more determined to work with the law and relevant authority to end garrisons while protecting and improving their new way of life, disowning the protection of the antagonist and actively pursuing the demise of the archaic system

6.It could take 1-2 years to create working sub-scale models in communities that can be used to collect data and create the structure needed to expanded in other communities. This model and data would be used to show the feasibility and create a positive reaction.

7.While subsets of individuals would be engaged early, it would hopefully take no more than take 3-4 years to see full scale inclusion .

8. In my opinion to see real change takes 10- 20 years with milestones along the way, you cannot really remove the culture that is embedded in the people of a certain age within the limitations of the legal framework and as such have to attack the next generation.

In ten years a ten year old child moves form primary/prep , through high school and enters extended learning or joins the work force.This is the first wave, once the second wave completes it journey, then in the third wave we should see a consistent paradigm shift.

PART III & IV

POLITICAL OMBUDSMAN (INTERIM) ACT, 2002

PART III. *Functions of Political Ombudsman*

12.—(1) Subject to this section, the Political Ombudsman shall investigate any action taken by a political party, its members or supporters, where he is of the opinion that such action—

- (a) constitutes or is likely to constitute a breach of any agreement, code or arrangement for the time being in force between or among political parties in Jamaica; or
- (b) is likely to prejudice good relations between the supporters of various political parties.

(2) The Political Ombudsman shall not be precluded from conducting an investigation in respect of any matter by reason only that it is open to the complainant to apply to a court for redress under section 25 of the Constitution.

(3) The fact that an action is commenced in any court in connection with a matter under investigation by the Political Ombudsman shall not preclude such investigation unless the court otherwise directs.

(4) The Political Ombudsman, after consultation with the Prime Minister and the Leader of the Opposition, may—

- (a) appoint a tribunal comprised of representatives of political parties to assist the Political Ombudsman in the investigation of complaints arising out of an action referred to in subsection (1); and
- (b) make regulations, subject to negative resolution, in relation to the constitution and operation of the tribunal, and otherwise in relation thereto.

(5) The fact that a tribunal is not appointed under subsection (4) shall not affect the validity of anything done by the Political Ombudsman in the exercise of powers conferred on the Political Ombudsman by subsection (1).

13.—(1) 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), 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.

(2) Where the complainant—

- (a) is a minor, the complaint may be made by his parent, guardian, next friend or person in *loco parentis*;
- (b) is unable to act for himself by reason of infirmity, or for any other cause or has died, the complaint may be made by his personal representative, or a member of his family, or any other suitable person.

(3) Every complaint to the Political Ombudsman shall be made in writing.

(4) Notwithstanding anything provided by or under any law where a complaint addressed to the Political Ombudsman is made by a person who is an inmate of a Government institution or is detained therein—

- (a) it shall be forwarded to the Political Ombudsman by the person for the time being in charge of the institution; and
- (b) if such complaint is contained in a sealed envelope, the envelope shall be forwarded unopened.

(5) Regulations made under section 24 may make provisions for ensuring confidentiality of communication between any such person as is mentioned in subsection (4) and the Political Ombudsman.

Investigation.

14.—(1) An investigation pursuant to section 12 (1) may be undertaken by the Political Ombudsman on his own initiative or on a complaint made to him pursuant to section 13.

(2) The Political Ombudsman may, in his absolute discretion, determine whether to undertake or continue an investigation and in particular, but without prejudice to the generality of the foregoing, may refuse to undertake or continue any investigation if he is of the opinion that—

- (a) the subject-matter of the complaint is trivial;
- (b) the complaint is frivolous or vexatious or not made in good faith;
- (c) the complainant has deferred for too long the making of his complaint to the Political Ombudsman;
- (d) the complainant does not have sufficient interest in the subject-matter of the complaint; or
- (e) having regard to all the circumstances of the case, no investigation or further investigation is necessary.

(3) Where the Political Ombudsman decides not to undertake or continue the investigation of a complaint, the Political Ombudsman shall inform the complainant in writing of his decision and give reasons therefor.

PART IV. *Processing Investigation*

Procedure.

15.—(1) Where the Political Ombudsman proposes to conduct any investigation under this Act, he shall give to the specified officers an opportunity to comment in writing on any allegations relating to such action; and for the purposes of this subsection “specified officers” means, in relation to an allegation concerning an action mentioned in section 12 (1)—

- (a) the Prime Minister and the Leader of the Opposition, and any other person holding, within a political party in Jamaica, such office as may be prescribed; and

[The inclusion of this page is authorized by L.N. RR/2003]

(b) any officer of a political party who is alleged to have done or authorized the doing of any such action as aforesaid.

(2) The Political Ombudsman may adopt whatever procedure he considers appropriate to the circumstances of a particular case and, subject to the provisions of this Act, may obtain information from such persons and in such manner, and make such enquires as he thinks fit.

(3) Nothing in this Act shall be construed as requiring the Political Ombudsman to hold any hearing, and except as provided by subsections (1) and (5), no person shall be entitled as of right to comment on any allegations or to be heard by the Political Ombudsman.

(4) Regulations made under this Act may prescribe the procedure to be adopted at any hearing and such procedure may include provisions to ensure that any such communication as is mentioned in section 20 (5) is not disclosed at that hearing.

(5) If it appears to the Political Ombudsman during the course of an investigation that there are sufficient grounds for making a report or recommendation that may adversely affect any person, he shall give that person an opportunity to be heard and that person may, if he wishes, be represented at that hearing by an Attorney-at-law or any other person.

(6) Where, for the purposes of an investigation, the Political Ombudsman requires a person to attend before him, that person shall be entitled to be paid, according to the scale set out in the First Schedule of the Witnesses' Expenses Act, expenses incurred by him by reason of such attendance and by way of compensation for the trouble and loss of time suffered by him.

(7) After conducting an investigation under this Act, the Political Ombudsman shall inform the specified officers of the result of the investigation and if he is of the opinion that the action to which the complaint relates constitutes or is likely to constitute a breach as mentioned in section 12 (1) (a) or is likely to have the prejudicial effect mentioned in section 12 (1) (b), he shall inform the specified officers of the reason for that opinion and may, as he thinks fit, make recommendations for action to be taken by those officers within a specified time.

(8) Where the Political Ombudsman has made a recommendation under subsection (7) and within the time specified or a reasonable time thereafter, he is of the opinion that no adequate remedial action has been taken, he shall lay before Parliament, a special report on the case.

(9) The Political Ombudsman shall not, in any report under subsection (8), comment adversely on any person unless he has given that person an opportunity to be heard.

(10) Where the Political Ombudsman—

(a) takes action under subsection (7), he shall inform the complainant of the action taken and of the recommendations (if any) which have been made to remedy the breach or to avoid the likely prejudicial effect of the action to which the complaint relates; or

(b) is of the opinion that the action does not constitute or is not likely to constitute a breach as mentioned in section 12 (1) (a) nor is likely to have the prejudicial effect mentioned in section 12 (1) (b), he shall inform the complainant of that opinion and the reasons therefor,

and may make such comments in relation to the case as he thinks fit.

(11) On the conclusion of an investigation, the Political Ombudsman may make to the political party concerned such recommendations as he thinks fit and in particular, but without prejudice to the generality of the foregoing, may recommend any or all of the following—

- (a) that the action which was the subject-matter of the complaint be reviewed;
- (b) that compensation be made to the complainant.

16.—(1) Subject to subsection (5), the Political Ombudsman may at any time require any officer, member or supporter of a political party or any person who, in his opinion, is able to give any assistance in relation to the investigation of any matter, to furnish such information and produce any document or thing in connection with such matter, which may be in the possession or under the control of that officer, member, supporter or person. Evidence.

(2) Subject as aforesaid, the Political Ombudsman may summon before him and examine on oath—

- (a) any complainant; or
- (b) any officer, member or supporter of a political party or any other person who, in the opinion of the Political Ombudsman, is able to furnish information relating to the investigation,

and such examination shall be deemed to be a judicial proceeding within the meaning of section 4 of the Perjury Act.

(3) For the purposes of an investigation under this Act, the Political Ombudsman shall have the same powers as a Judge of the Supreme Court in respect of the attendance and examination of witnesses and the production of documents.

(4) Subject to the provisions of this Act, any obligation to maintain secrecy or any restriction on the disclosure of information or the production of any document or paper or thing imposed on any person by any other law (including a rule of law) shall not apply in relation to the disclosure of information or the production of any document or thing by that person to the Political Ombudsman for the purpose of an investigation; and accordingly, no person shall be liable to prosecution for an offence under any other law aforesaid, by reason only of his compliance with a requirement of the Political Ombudsman under this Act.

(5) No person shall for the purpose of an investigation, be compelled to give evidence or produce any document or thing which he could not be compelled to give or produce in proceedings in any court of law.

Privilege.

17.—(1) Except in the case of proceedings for an offence under section 22 (c), no proceedings whatsoever shall lie against the Political Ombudsman or any person concerned with the administration of this Act for anything he may do or report or say in the performance of his functions under this Act.

(2) Anything said or any information supplied or any document or thing produced by any person for the purpose or in the course of, any enquiry by or proceedings before the Political Ombudsman under this Act, shall be absolutely privileged in the same manner as if the enquiry or proceedings were proceedings in a court of law.

(3) For the purposes of the Defamation Act, any report made by the Political Ombudsman under this Act and any fair and accurate report thereon shall be deemed to be privileged.

MEDIA ENGAGEMENT GALLERY

The Ombudsman was called on to join in conversations on a number of political topical issues by a number of media groups, including:

- JIS Studio 58A
- RJR'S Independent Talk
- Television Jamaica - Smile Jamaica...its morning time
- CVM at Sunrise
- Power Talk Live
- Balancing Justice
- Insight
- NCU FM
- Digital Media

The Political Ombudsman figured prominently in multiple media outlets and stories in 2018. The articles below reflect a sampling of key coverage.

May 17, 2018 - Studio 58A, JIS







Spencer Makes Apology Through Ombudsman

Published: Friday | April 6, 2018 | 12:00 AM – Brian Walker/
Staff Reporter

State Minister for National Security Rudyard Spencer has issued a formal apology through a letter written by the political ombudsman, Donna Parchment Brown, for partisan comments he made at a Jamaica Labour Party (JLP) meeting in Bellefield, Manchester, on March 18. Parchment Brown summoned Spencer to a meeting on Tuesday to discuss the breach of standard as outlined in the Agreement and Declaration on Political Conduct.

The letter states that Spencer, among other things, voluntarily extends a complete and unreserved apology to the people of Jamaica, the Opposition, and the Jamaica Labour Party and that he condemns political tribalism in all its forms.

The breach occurred when Spencer told Labourites that they would have increased access to resources from the Rural Agricultural Development Authority because a JLP member was the chairman. He said: “We have a system where we will now have our own chairman of RADA, and things have been happening, and things can happen at RADA... Where you never have a parish manager for RADA, you now have a Labourite being the chairman of RADA You can’t say that you are getting no attention. You can’t say nothing is happening because in fairness, you have your own manager to report whatever problems you have and expect him to solve those problems.”

No Apology Protocol

Parchment Brown explained that there was no protocol that dictated how an apology for a breach of the political code should be made. She told **The Gleaner**: “In the past, I have had a situation where there has been an agreed statement on a number of things.

That statement has been released to the press. On this occasion, we agreed that the letter would be released officially by the Office (of the Political Ombudsman) rather than by the recipients of the letter.”

Spencer retracted the remarks on a Nationwide News Network talk show last week, five days after Prime Minister Andrew Holness made a call for the withdrawal of the remarks in an interview with **The Gleaner**.

Political ombudsman calls for legal code of conduct, fines for breaches

Friday, May 18, 2018

POLITICAL Ombudsman Donna Parchment Brown is calling on the nation’s Parliament to make the Political Code a legal one, noting that this is the best year to address concerns in Jamaica’s politics.



In a statement issued to the media yesterday, Parchment Brown said that the political ombudsman’s office has, since 2007, been requesting that the agreement and declaration on political conduct be legal also, instead of only an honour requirement for politicians.

The statement also proposed that where standards are breached, a set fine be imposed by the political ombudsman after an investigation.

The statement outlined, for example, that a breach of public utterances attracts a fine of \$100,000 for the first offence; political tribalism by words or actions attracts a \$100,000 fine for first offence; and failure to remove campaign materials over 30 days after close of polls, \$10,000 per item.

“Evidence found by the political ombudsman of breach of criminal law such as improper contact with weapons and ammunition in breach of the code should be reported to the director of public prosecutions for action.

“The dismantling of garrisons is of urgent importance and will need the cooperation of our politicians as this work proceeds, building on four face-to-face and four social consultations conducted by this office.

“A continuing grey area for the political ombudsman is conduct, which appears to breach the Standing Orders in Parliament which relies on self-policing by Parliamentarians in both Houses. Conduct in this sacred space — Gordon House — often televised but sometimes sotto voce and below radar, like the abundance of hurtful negative social media posts, harms the relationship between the parties and reduces the quality and effectiveness of parliamentary debate and possibly decisions,” the statement from the political ombudsman said.

She urged relatives, supporters and friends of elected officials to help them live up to the standards to which they have committed under the laws and principles of Jamaica, good governance and the rule of law.

Yesterday, Chairman of the People’s National Party Fitz Jackson told the **Jamaica Observer** that the party has, in the past, publicly stated that it wants provisions of the code of conduct to be in law.

“Exactly what those provisions will be, in terms of levels of fines and the particular breaches and so forth, we are in support of. We will have

to give consideration to those levels of fines that she would want to propose and to arrive at some reasonable balance.

“As a party, we would want to have certain levels of consultation internally and externally in putting forth specific recommendations like those. But the point is yes, it is one of the things we have put on the table, formally, with the Government,” Jackson said.

Calls to Jamaica Labour Party Chairman Robert Montague and General Secretary Horace Chang went unanswered yesterday.

— Kimone Francis

Lead By Example - PSOJ President: Politicians Must Obey Higher Moral Standard

Published: Wednesday | July 25, 2018 | 12:00 AM
Christopher Serju/Gleaner Writer

Howard Mitchell, president of the Private Sector Organisation of Jamaica (PSOJ), has called on political leaders to obey a higher moral and legal code of governance as an example for citizens to follow. Without this paradigm shift, he argued, no amount of economic progress would be able to stop the nation from failing. “We must forge a new national culture of mindfulness of others, of self-respect and integrity,” Mitchell declared during yesterday’s PSOJ President’s Forum at The Jamaica Pegasus hotel, New Kingston. “Our survival in a changing world demands that we shift our cultural norms and behaviours towards being mindful of others and to respect ourselves and the rights of others,” he said. “Self-respect and a common belief in our country and a caring commitment to our fellow citizens are a part of the underpinning of good governance that is an essential part of whatever progress that we may hope to make as a nation,” the PSOJ president added. Mitchell said that power and influence must be shared in a transparent and accountable way, empowering marginalised communities and giving them the confidence that they were part of Jamaica’s progress. “The stink of corruption throughout the society, in both the public and private service, must be

blown away by opening the doors that divide us," Mitchell remarked. "If we can achieve that cultural social-political change, then excellent customer service and good governance will be natural elements of a functional, prosperous society," the businessman pointed out during the PSOJ 2018 Service Excellence Awards. In showing the connection between excellent customer service and good governance, the businessman called for a paradigm shift in our political system of patronage and clientelism, of dependency and handouts, back-scratching and favouritism based on tribal connections. "We must develop ourselves to be people of our word, to keep our commitments, not to make throwaway promises every election time that we all know will never be kept and we all know we won't ask to be fulfilled," Mitchell advised. "We must build institutions that are credible, that give value for money every time, that are honest stewards of our stakeholders' interests, that value transparency and accountability over individual or partisan interests," said the PSOJ president.

Political Ombudsman Tired of People Disrespecting Cops

Published: Monday | February 19, 2018 | 12:00 AM
Romario Scott/Gleaner Writer

Political Ombudsman Donna Parchment Brown says she is "tired of hearing people disrespecting the Jamaica Constabulary Force (JCF)". Brown, speaking last week at a meeting of the Rotary Club of Trafalgar New Heights in St Andrew, said that while it was unwise to ignore the issues gripping the police force, "you can't just disrespect a band of people and not expect that there will be some impact on morale and, potentially, service delivery". "The easiest thing to do is to hit a man when he is down. We all know that there are inefficiencies and weaknesses," the political ombudsman said during her address. Her pronouncement came just a week after a police incident that triggered calls from various quarters for action to be taken against police personnel caught on tape allegedly manhandling a woman, a minor and assaulting a media worker in St Andrew

last week. Parchment Brown went on to argue that it was impractical for the lawmen and the judiciary to act efficiently if they were not equipped with the resources to carry out their duties. The political ombudsman contended that the year-on-year decreases in police fatalities have caused the lawmen to earn greater public respect.

Letter Of The Day | Vote-Buying a Political Scandal

Published: Friday | February 9, 2018 | 12:00 AM

THE EDITOR, Sir:

The Office of the Political Ombudsman continues to receive verbal reports alleging partisan allocation of public resources in breach of the Agreement and Declaration on Political Conduct (the Code) from politicians and members of the public in and out of election time. (The Agreement and Declaration on Political Conduct is found at <http://psoj.org/information-center/library-books/2005-09-george-william-...>)

Complaints received since February 2016 include public utterances, the politicised distribution of resources, fertiliser, road repairs, bushing, the installation of street lights and the buying of votes. Sometimes these reports have substance, other times not.

The Office of the Political Ombudsman investigates these claims in light of the Seventh Standard of the Code, which is a commitment to eschew the cultural practice of political tribalism, including the use of political power and influence to gain a political edge.

Strong, effective campaigning and good governance are encouraged in our democracy. The political ombudsman must support the health of our political system as the watchdog, facilitator, enforcer and advocate for the Standards 24/7/365.

Section 12 of The Political Ombudsman (Interim) Act, 2002 (A PDF version of the Political Ombudsman (Interim) Act, 2002 can

be downloaded at <http://moj.gov.jm/laws/political-ombudsman-interim-act>) outlines the function of political ombudsman as follows: "The political ombudsman shall investigate any action taken by a political party, its members or supporters, where (s)he is of the opinion that such action -

(a) Constitutes or is likely to constitute a breach of any agreement, code or arrangement for the time being in force between or among political parties in Jamaica; or

(b) Is likely to prejudice good relations between the supporters of various political parties."

Furthermore, Section 15(2) states:

"The political ombudsman may adopt whatever procedure (s)he considers appropriate to the circumstances of a particular case and, subject to the provisions of this act, may obtain information from such persons and in such manner, and make such enquiries as (s)he thinks fit."

The political ombudsman does not have oversight of the agencies of the State, but there are questions seeking clarity from public bodies that will help reduce political conflict, promote good governance, and respect for our leaders.

The real question is, what kind of Jamaica do we want to live in? We must continue to support and implement systems that encourage positive politics and good governance practices.

DONNA PARCHMENT BROWN

Political Ombudsman Probing Case Against Ousted St. Thomas Councillor

Published: Wednesday | March 28, 2018 | 11:10 AM –
Jerome Reynolds

Political Ombudsman, Donna Parchment Brown, has called ousted councillor for the Yallahs Division in St. Thomas, Dean Jones, to a meeting next week Thursday morning to discuss the outcome of the court case against him and whether he breached the Political Code of Conduct.

Last Tuesday, the Supreme Court nullified Jones' November 2016 election on the grounds that he was ineligible to contest the local government polls due to the fact that at the time he was employed to the government.

The Representation of the People Act prohibits civil servants from contesting elections.

In a March 26 letter to Jones, Parchment Brown highlighted that as a signatory to the Code, he agreed to uphold the law, among other things.

"It has been reported that you will be the candidate for the upcoming by-election. In light of the Court's decision, it is important to determine if the Code was breached and if so, what action should be taken to address the breach," the Ombudsman said in the letter to Jones.

The political ombudsman continued: "electors of the Yallahs Division, the St. Thomas Municipal Corporation, the Electoral Commission of Jamaica, the Ministry of Local Government and Jamaican taxpayers may have been affected by your decision to accept nomination in 2016 and to contest the elections even though disqualified by virtue of your employment and may require action".

"Exactly what those provisions will be, in terms of levels of fines and the particular breaches and so forth, we are in support of. We will have to give consideration to those levels of fines that she would want to propose and to arrive at some reasonable balance.

"As a party, we would want to have certain levels of consultation internally and externally in putting forth specific recommendations like those. But the point is yes, it is one of the things we have put on the table, formally, with the Government," Jackson said.

Calls to Jamaica Labour Party Chairman Robert Montague and General Secretary Horace Chang went unanswered yesterday.

— Kimone Francis

MoBay Chamber Of Commerce: - Petrojam Breaches Must Be Punished

Published: Saturday | December 8, 2018 | 12:00 AM

Albert Ferguson/Gleaner Writer

WESTERN BUREAU:

Winston Lawson, president of the Montego Bay Chamber of Commerce, says that the auditor general's damning report, which alleges nepotism and breaches of operating standards at Petrojam, is hostile to the objectives of Vision 2030.

*"Based on the issues highlighted by the auditor general (Pamela Monroe Ellis) in her report concerning the operations of the PCJ (Petroleum Corporation of Jamaica) and its affiliate (Petrojam), I think it's nothing short of a disgrace," Lawson said in an interview with **The Gleaner** yesterday.*

"We believe it is inimical to what the Chamber of Commerce sees for Jamaica today and Jamaica in the future. We think it's inimical to Vision 2030."

On Tuesday, the auditor general tabled her report in Parliament, which revealed that the general manager of Petrojam approved payments for invoices totalling US\$21,767, or approximately J\$2.6 million, for two surprise birthday parties, which were held in Montego Bay, St. James, on September 19, 2017, and January 9, 2018.

"Where money has been determined to have been carelessly utilised or misused, wherever possible, those funds should be recovered in the interest of the entities and in the interest of Jamaica," said Lawson.

"We would also urge that further steps be taken to determine, where officers have been found wanting, that they are held accountable to the full extent of the law."



Political Ombudsman of Jamaica

85A Duke Street, Kgn.

Tel: 876-922-8653, 876-922-0317, 876-922-1040

Email: politicalombudsman@opo.gov.jm

Website: www.opo.gov.jm



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