

Ensuring Standards in Politics

REPORT



General Election Campaign Review Report

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Abbreviations

COVID-19 – Coronavirus Disease 2019

The Code/Code of Conduct - The Agreement and Declaration on Political Conduct

DRMA – Disaster Risk Management Act

JCF - Jamaica Constabulary Force

JLP - Jamaica Labour Party

JPP – Jamaica Progressive Party

MP - Member of Parliament

OPO – Office of the Political Ombudsman

PO(I)A - Political Ombudsman (Interim) Act

PNP – People's National Party

ROPA – Representation of the People Act

UIC – United Independents' Congress

Graphs

Graphics in this document represent the data gathered from the 50 participant's responses to the questionnaire and poll questions.

Definitions & Key Terms

Commission of Parliament: The Political Ombudsman established under section 4 of the Political Ombudsman (Interim) Act.

Participants: Persons who participated in the 2020 Campaign Review Forum.

Political Tribalism: Tribalism refers to a strong unquestioned loyalty towards something or someone. Political tribalism therefore indicates a strong unequivocal and indiscriminate loyalty towards some aspect of the political system namely extreme loyalty to political parties.

Segmentary Factionalism: Refers to a political system that is organized by groups whose predominant characteristic is factional including acceptance and use of unfair means in the pursuit of illegitimate partisan goals.

Victory Addiction: In a system of victory addiction, the winner has the power to do as he or she pleases. The loser will wait to get the chance to win, and, if he or she does, will proceed to pursue partisan goals challenging good governance norms.



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Executive Summary

he Political Ombudsman hosted the first Campaign Review in Jamaica's political history. Fora were convened and elite expert interviews conducted with invited stakeholders between October 26th and November 26th, 2020, after the General Election of September 3, 2020 closed the Campaign. Observations, lessons learnt and recommendations for action emerged from the robust discussions.

The 2020 General Election Campaign was a baptism of fire for many Jamaicans. The COVID-19 pandemic created challenges to citizen participation in campaign activities that are customary in Jamaica. During the campaign period the activities of the candidates were observed, scrutinized and recorded by the Jamaican public. Many were concerned about the pandemic and there was understandable disagreement from many citizens as to the feasibility of conducting a campaign during a pandemic. For some, the concern stemmed from the seemingly short time period for campaigning which would need special planning and adjustments to accommodate the new health and safety provisions of the Disaster Risk Management Act (Enforcement Measures) Order.

This feeling was exacerbated by the dramatic increase in

the number of COVID-19 infections in August 2020, which many felt would only worsen with the upcoming General Election. There were other citizens who felt excitement in anticipation of the General Election and all the common activities that occur during that period and some who felt that it would be good to get the democratic process done as soon as possible.

The conduct of the candidates during the campaign period did not help to assuage the concerns of many citizens, as it was observed that many candidates along with their supporters, were breaching the agreed COVID-19 protocols. It was accepted that the candidates were given a difficult task in balancing the health concerns of the Jamaican public with the need for proper engagement in the democratic process. The participants of the fora found that more effort should have been made by the authorities to enforce the COVID-19 protocols. In addition, more effort was needed to ensure that the Code was adhered to.

It was the activities of the candidates and the concerns of the citizens that led to the Political Ombudsman's decision to host fora to review the Campaign of the 2020 General Elections. Her decision to organize and host these fora represented a significant milestone in the history of the Office of the Political Ombudsman (OPO). The impetus was on the Political Ombudsman to evaluate the General Election campaign of 2020 with the help and input of persons representing a number of sectors of Jamaican society. These persons would be asked to articulate their observations, share their knowledge, ideas, views and experiences during the campaign period of the General Elections. The fora were held between October 26 – 29, 2020 and, in keeping with the COVID-19 laws and guidelines, were conducted virtually using the Zoom platform. The fora were moderated in part by Ms. Yaniek Douglas, the Legislative Counsel for the Office of the Political Ombudsman and Mrs. Dionne Jackson Miller, prominent journalist and Attorney-at-Law.

The participants of the fora represented a number of sectors of Jamaican society.

- 1. Political parties;
- 2. Civil society;
- 3. Political Awareness and Respect Initiative (PARI)
- 4. Government entities;
- 5. Academia;
- 6. The JCF:
- 7. Faith-based groups;
- 8. Various youth organizations; and
- 9. Media.

The fora were geared towards understanding and evaluating the activities and conduct of Parties, candidates, supporters and the OPO during the period. This Review is in line with the mandate of the Political Ombudsman in investigating actions of political parties and their supporters, in accordance with section 12 of the PO(I)A. It also provided an opportunity for stakeholders to discuss and share ideas,

thoughts and observations on the conduct of candidates and the events that occurred during the campaign period.

POSITIVE ASPECTS

The participants recognized a number of positive elements of the campaign. There was less vitriol and violence; the move to more virtual spaces to conduct campaigns and the distribution of masks to supporters.

AREAS FOR IMPROVEMENT

In spite of this, the adverse conduct during the campaign period was overwhelming, as there were clear violations of the Disaster Risk Management (Enforcement Measures). In general the COVID-19 guidelines were breached, that of the Ministry of Health and Wellness and the Office of the Political Ombudsman which was agreed to by the four (4) political parties. A number of candidates were observed conducting meetings with large numbers of supporters, not practicing social distancing and not wearing masks. There were also blatant breaches of the Code, with instances of funds being used to improperly influence electoral choices being noted as widespread and evident throughout the campaign period.

Participants found that in order for there to be a change in the actions of candidates and their supporters, the Jamaican public need to hold their political representatives accountable. Educating the Jamaican public on the importance of democracy will be key to changing a number of the issues that were seen in the 2020 General Election.

It is the hope of the Office of the Political Ombudsman that this review does justice to the rich discussions that were held in 2020 and that it will enlighten readers on good governance, the rule of law, citizen participation and challenges in the campaign 2020, in Jamaica.

Recommendations

These are the main recommendations made by the participants of the fora:

The Commission of the Political Ombudsman should be strengthened through improved funding and legislative adjustments, to increase the level of compliance by political actors for a stronger democracy.

The Political Parties should publicly work more closely with the Political Ombudsman to promote their members compliance with the Agreement and Declaration on Political Conduct.

Critical need for ongoing civic/political education provided by the Political Ombudsman, political parties and others as a permanent ongoing democratic practice.

Greater collaboration between the Political Ombudsman and other organizations concerned with politics, integrity and the Rule of Law.

National Signing of the Agreement and Declaration on Political Conduct 2020



Prime Minister, The Most Honourable Andrew Holness, MP

"Today is a symbolic day in the signing of the Code of Conduct, it is something that has become a feature of Jamaican Politics. I raise it because whilst I believe that symbols are important and that this is indeed a very good feature of our politics ..."

"...it is obvious that the potential is still in our culture for our politics to disintegrate."

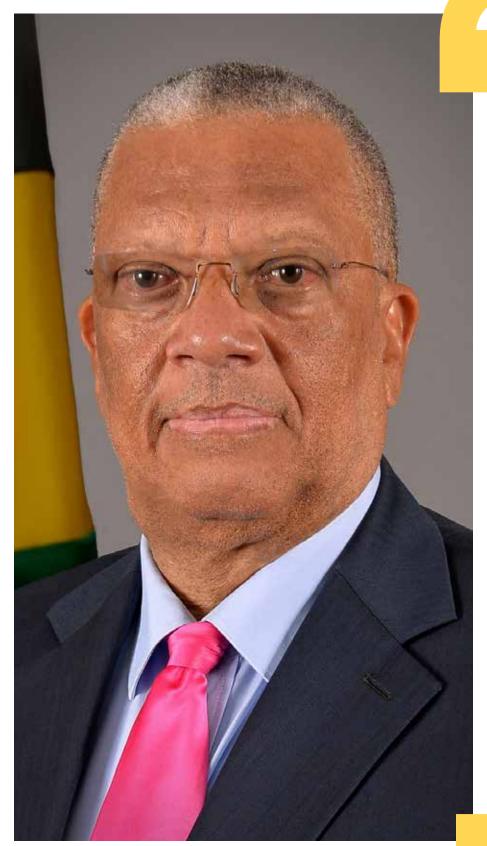
"Now I believe the time has come where we should classify political crimes as hate crimes..."

"... eliminating the politics of exclusion and garrison type politics from our culture..."

"...our supporters complaining that they are being targeted politically..."



Courtesy of The Jamaica Information Service



Courtesy of The Jamaica Information Service

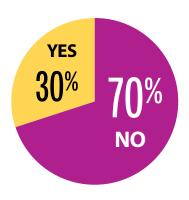
Leader of the Parliamentary Opposition, Dr. Peter Phillips

- "Ultimately there was an agreement as to what the conduct of candidates should be. They said the country has pulled back from the brink in many respects."
- "...if it is to succeed it requires the engagement of the entire community and certainly the Code of Political Conduct...it is going to require the engagement of all the key stakeholders."
- "Activists generally, who are involved in the campaigns, also need to see themselves as bearers of good will. Media also have a responsibility not to use confrontational language in headlines or other things that encourage a vision of conflict rather than one of harmony."
- ...have to play a part in bringing about this change in the culture which ultimately, is what we all seek from this ceremonial signing."
- "...We can't believe that we have reached a point where there is no possibility of revival (of political tribalism)."
- "...advance the legislative amendments that would cause sanctions to be applied to those who breach the Code of Political Conduct."

Background

The Political Ombudsman is a Commission of Parliament established, by the Political Ombudsman (Interim) Act, 2002, to deal with specific issues that involve the Political Parties. Section 3 provides that the Political Ombudsman should have Constitutional protection. Jamaica's politics in the 70s and 80s were fraught with conflict and the politicians are to a great extent responsible for our type of party politics and the resultant factional conflicts. Politicians, recognizing their responsibility, signed the Peace Agreements on 1989 and 1993 which created the post of an Ombudsman for Political Matters who was appointed to investigate complaints of breaches of the Agreement. This post evolved into the Political Ombudsman Commission that exists today.

Do you think
Jamaicans in
general are aware
of the Political
Ombudsman's
mandate, role and
responsibilities?



50 respondents

MANDATE

The mandate of the Political Ombudsman as stipulated by the Act is to:

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

The Political Ombudsman's mandate is to investigate and make recommendations to the party leaders. In carrying out this function the Political Ombudsman works with a team of JCF Liaison Officers, who support the Political Ombudsman's investigative functions.

CODE OF CONDUCT

The current version of the Agreement and Declaration on Political Conduct (the Code) a critical tool of the

OPO, was agreed to in 2005 that still applies to political conduct today. The Code provides that:

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

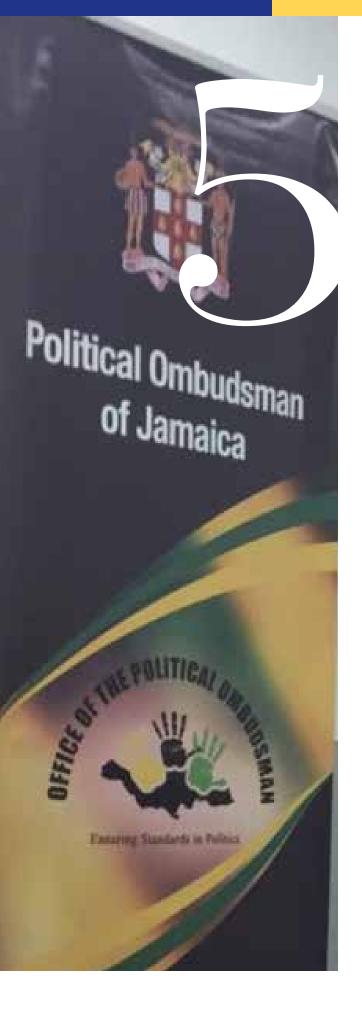
and

"All political parties undertake appropriate action on any recommendation made by the Political Ombudsman".

On August 11th, 2020, Jamaica's Prime Minister, The Most Honourable Andrew Holness, announced Nomination Day and Election Day for the National Parliamentary elections. This announcement formalized the start of the political campaign period for all four registered political parties.

This announcement also marked the beginning of the most intense and active period of the OPO. It is during these times that most complaints are lodged against political party members and their supporters.

^{1.} National Committee on Political Tribalism. (1997). Report of the National Committee on Political Tribalism https://rightstepsandpouitrees.files.wordpress.com/2016/06/kerr-report.pdf



Objectives of the Review

Discuss and exchange ideas and establish lessons learnt from the 2020 Election Campaign, with various groups.

2 Obtain the opinions, observations and conclusions of Political Ombudsman Liaison Officers on the 2020 Election campaign and how it was conducted by the candidates and supporters.

dentify positive elements of campaign activities by the political parties and candidates, with an emphasis on adherence to existing requirements in the ROPA, the Political Code of Conduct, and Campaign Finance Legislation.

4 Identify areas of weakness during the campaign which either resulted in conflicts or had the potential to do so.

Analyze compliance with COVID-19
Guidelines agreed between the Political
Ombudsman and representatives of the four (4)
registered political parties, JLP, JPP, PNP and UIC
and with the Disaster Risk Management Act.

6 Identify lessons learnt.

Provide recommendations for the Political Ombudsman and Jamaica's political parties.

The participant's breadth of knowledge, expertise and experience guided the proposals for legislative, procedural and other actions to facilitate democracy, citizen engagement and the Rule of Law.



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History of Campaign Practices in Jamaica

rior to the age of social media, campaigning in Jamaica was fine-tuned by Jamaica's politicians for in person mass events. On the campaign trail the politicians had to show good oratory skills and charisma.

Election campaigns in Jamaica over the years have been festive, as supporters of the respective parties revel in their party colours and are often clad in those colours from head to toe. Supporters sometimes would be provided with blandishments by the candidates for trips to mass meetings where the political candidates would address their supporters and appeal to new voters. House to house visits, parades and media advertisements are other methods used by candidates connect with electors.

Traditionally the DJ at political mass meetings employed popular music strategically to create a festive atmosphere and entertain the crowd of supporters. Popular music was also integrated in the campaign songs of the respective political parties. There was a noticeable change in the 2020 general election as the candidates used popular songs in their personal campaign messages.

Posters, flags, billboards and even memorabilia are traditionally used and distributed during the campaign period and are common tactics in campaigning. This is not unique to Jamaica and is a strategy used in elections the world over, for example in the United States of America.

2020 CAMPAIGN FEATURES: SOCIAL MEDIA AND DUB PLATES

The 2020 General Election saw a twist on how campaigning is 'normally' done, as the election was announced in unprecedented times, during a pandemic. Social media played a pivotal role in the dissemination of political candidates' messages. Some Candidates used 'dubs' which are songs remixed by popular dancehall acts to promote the Candidates image. This garnered the attention of some supporters, young and old, music and fun lovers who gravitated towards this type of campaigning. Many were engaged and participated in the campaigning process

by 'liking', 'sharing', 'tweeting', and 'commenting' on all that was taking place in the political arena.



Elements of the 2020 Election Campaign

i. Campaign Practices of the Political Parties

In the fora, the participants engaged in a spirited discussion on questions posed by the moderator, on the following issues:

- · The duration of the campaign;
- Some of the activities that took place;
- The messages sent out by the political parties for the campaign; and
- The democratic involvement of citizens



The Most Hon. Prime Minister announced the date for the election on August 11, 2020, by that time the country had already been in campaign mode and on election watch for almost a year. This 'mood' was carried forward from the lead up to the by-election of March, 2020. The participants found, however, that the official campaign period was very short, from the date of the announcement on August 11, 2020 to the date of the General Election September 3, 2020, which was less than four (4) weeks. The period for campaigning was the minimum permitted and seemed to affect the ability of some to effectively prepare for the elections.

Some participants found that this short time period for campaigning did not affect some candidates as there was campaign paraphernalia being posted even before the election was announced.

COVID-19

The COVID-19 pandemic created a number of limitations on the traditional campaign practices of the political parties.

The view of the participants was that there were not enough alternative strategies and insufficient preparation to manage the protocols to deal with COVID-19



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to ensure citizen safety. They felt also that this impacted the overall voter turnout. What was most notable to the participants, was that there was little to no evidence of adherence to the laws in relation to the COVID-19 pandemic, and the health guidelines of the Ministry of Health and Wellness, during the campaign.

MASS MEETINGS AND MOTORCADES

The traditional large-scale mass meetings of the political parties were not held. There were, however, many large informal gatherings, for example Nomination Day gatherings across the Parish Capitals, which breached publicly announced Guidelines for the Conduct of Campaign 2020, agreed between the political parties and the Office of the Political Ombudsman. Hundreds of supporters gathered to support the nomination of candidates with minimal evidence of physical distancing and only sporadic use of masks. There did not appear to be any plan or structure by political parties to assist in controlling the crowds of supporters.

Participant Opinions:

"COVID offered us an opportunity to show us how we can pivot from mass meetings that are void of policy deterrent and become ray ray. Politicians tend to say things that they later regret. COVID allowed a way that prevents that."

"Campaign was inconsistent with adherence (COVID-19), not only social distancing but also numbers."

Participant Opinions:

"...neither major party had mass meetings -the big Half Way Tree and Cross Roads meeting and such were totally ruled out, there were no big motorcades, motorcades were mainly confined within constituencies..."

"It was of concern that only 21% of the electorate elected the new government, and it was a trend of [sic] many years. The primary problem was integrity as people had lost respect for the system or thought it did not work. Many people had withdrawn from the process and had been continuously withdrawing in the last few years, and the country [is] reaping the harvest."



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Participants observed motorcades and drive-throughs by national leaders which led to large crowds of people following them, by way of foot and vehicular traffic. Some candidates were observed handing out disposable masks and campaign paraphernalia to persons in these crowds. It was also observed that passengers in cars, pickups and buses were in numbers and proximity that breached the Disaster Risk Management Act without any apparent Marshals or guidance to the contrary from political leaders.

MANIFESTOS AND CAMPAIGN MESSAGING

Participants found that more effort needed to be placed in the early production of the manifestos that were published by the political parties; for citizens to be given sufficient time to review these documents and discuss the plans that the relevant political parties have for the country. There should be a minimum standard of time for when Manifestos are published and made available to the public, so that citizens can engage in conversations and discussions on the plans expressed in these documents. Candidates should also

make greater effort in articulating policy positions for the constituency they wish to represent in Parliament as each constituency has unique needs that should be addressed. It was felt that the messages of the Political Party candidates were only national and there was little measurement or reporting of the achievements of past manifestos. Commitments were not adequately set out for any informed decision to be made by electors.

CAMPAIGN MATERIALS

Participants observed that campaign materials were erected even before election activities started, and remained weeks after the election was held. Though, it was noted and lauded that a select few candidates exercised their duty by removing campaign paraphernalia the day after the election was held.

Participants found that the erecting of posters, billboards, the paintings of walls and roads, the hanging up of fabric and flags on light posts, among other things, was outdated, often inappropriate and unsightly. At the time of the review, substantial amounts of campaign materials were still in public spaces. This was a matter of

concern to the participants as it was felt to show disrespect for the laws of Jamaica and for the public. There was concern that there seemed to be no adequate method to control and monitor campaign materials and ensure timely removal after the conclusion of the General Election.

It was noted that in other jurisdictions, the United States of America specifically, these campaign materials are paid for by supporters who keep them as memorabilia.

Participants noted that in a number of communities the campaign materials were posted by outside actors and supporters of the campaigning candidates. Participants found that these members of the communities should not be expected to restore their community after the end of the campaigning and election period. Participants found that it should be the task of the candidates who commissioned the materials to remove same.

Participants suggested that greater collaboration be had between the political parties and the Political Ombudsman to ensure that the campaign materials are taken down a day after the election.

THE DEMOCRATIC INVOLVEMENT OF CITIZENS

Participants agreed that there has been a trend towards complete disinterest in and apathy towards the democratic process in Jamaica. This disquieting downward trend has been attributed to:

- a. Citizens lack of respect for the system;
- Perceived lack of integrity in the proceedings;
- Withdrawal of many citizens disaffected with the process;
- d. COVID-19 risk;
- e. Failure to stimulate interest of youth and other electors; and
- f. Campaigning targeted towards the base supporters of the political parties.

In the analysis of the overall involvement of citizens in this general election, participants felt politicians did not do enough to encourage citizen participation or appeal to new voters. Participants felt that the citizens of Jamaica should require more of their elected officials. It was noted that this would not be easy as it was felt that the practices of 20 or 30 years past, where ordinary educated citizens would hold the position as secretary for the local party organization, which held the parties accountable in some way, no longer exist. Participants found that this created a vacuum in the structure of political parties as many of the persons who now form the majority support of political parties are dependent, and as such could be incentivised to vote or not to vote.

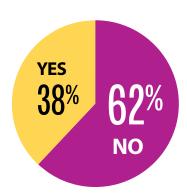
Participants found that for there to be greater citizen participation, necessary changes have to be made in political party operations, in good governance, in public accountability and in promoting integrity; indeed, a wholesale re-building of trust in the political system and society at large needs to happen. Political party members will have to be held accountable, for any long term positive effects in citizen participation to be made.

VOTER EDUCATION

Participants found that there is a general lack of knowledge showcased by Jamaicans, particularly those from a lower socio-economic background on the importance of the democratic process of voting. Too many Jamaicans do not make the effort to read or research the candidates who intend to represent them as their Member of Parliament. To combat this, there should be a consistent education programme for Jamaican citizens which can be done through social media, seminars and webinars. This would help to create an environment that requires greater accountability on the part of candidates at the next election cycle.

Do you think campaigning by the two major parties, the JLP and the PNP, was effective in how it affected overall voter turnout?

50 respondents



Participant Opinion:

"Voter education should be regular and ongoing outside of the election season, where the basics were continuously taught, and not just taught in civics or social studies class to students in high schools but rather something that was ingrained at the community level, in community centres, meetings and activities until it became a part of our DNA."



ii. Agreement and Declaration on Political Conduct (Code)

Participant Opinion:

"The Ombudsman had put out publications but the politicians continued to do as they wanted; they signed documents that they would not do X but then proceeded to do it because there were no sanctions taken aside from writing to them publicly or directly."

There was long and robust discourse which sought to unearth whether participants observed any breaches of the tenets of the Code during the election campaign period. These tenets are:

- a. Non-violence and non-intimidation;
 (i) Using funds to improperly influencing electoral choices (vote buying)
- Safety of the private and public property;
- c. Avoidance of confrontation;
- d. No defamatory or malicious public utterances;
- e. Freedom of access for campaigning;
- f. Avoidance of defacing buildings or installations; and
- g. Reducing political tribalism.

The efforts made by the Office of the Political Ombudsman to ensure that the public was aware of and complied with the Code was acknowledged by the participants. It was noted that the Political Ombudsman had published the relevant information through print media such as the Gleaner and Observer and posted the information on social media platforms for the citizenry of Jamaica to be aware of the rules of conduct agreed to by the Political Party Leaders and entrenched in the Code. Despite this, there were a number of breaches of the Code that had been observed, reported and dealt with by the Political Ombudsman during and after the campaign period. There were some public but most direct anonymous complaints and reports to the Political Ombudsman.

(a) Non-Violence and Non-Intimidation

Participants found that there was a significant change in the number of violent confrontations that occurred during this 2020 election campaign period than in prior General Elections up to February 2016. Many participants noted that physical confrontations were minimal, though they reported that there were still pockets of violent confrontations that occurred resulting in minor injuries in some cases. The participants also appreciated the guick investigation and public statements from the Political Ombudsman regarding allegations that two murders and one intentional fire were not political, as there was no evidence that same could be ascribed as politically motivated. There was concern that candidates, through false claims, may have inspired reprisals so the media could have been used to promote false information if not for Police and the robustness and speed of the Political Ombudsman's statements.

(I) VOTE BUYING

The transactional nature of voting has proven to be an issue that has plagued the free and fair nature of the democratic process in Jamaica for decades. Despite the denial by some that vote buying can significantly affect the outcome of an election due to the substantial amount of money that would be required to do so; the strong prevailing view was that this blatant breach was common place and is still an issue that needs to be addressed. This was noted as part of the "victory addiction" and "segmentary factionalism" that characterizes Jamaica's political landscape.

The buying and selling of votes are seen by many as the normal and culturally acceptable way of participating in the electoral process "no money no vote". The transactional nature of this democratic process in Jamaica was very evident in this election especially among the youth. Participants noted that there were many

young individuals who were posting and commenting on social media platforms about how much money they would demand for their vote. It further underscores the lack of service delivery by elected officials and state agencies at the citizen level.

During the campaign period and on Election Day it was noted anecdotally, that electors were demanding a higher price for their vote because of the risk of COVID-19; the price for a vote reportedly doubled from the last General Election that was held in 2016. In one constituency, persons were being offered five thousand dollars (\$5000.00) to vote but demanded more otherwise they would not leave their houses to vote. Beyond this example, there are numerous examples where it is alleged that money was given to citizens to influence their vote for a particular person or party, such as money being wrapped in t-shirts and handed out to voters.

Participants found that vote buying/selling was reported as appearing to be more prominent in constituencies with marginal seats. It was noted that as a strategy this is very effective as a smaller number of electors would enable vote buyers to expend less money and the margins to win the seat would not be as wide as that in less competitive constituencies. It was noted that the size and location of these constituencies usually correlate with the socio-economic standing of the communities that are located in the area. The financial limitations of these communities make these persons more susceptible to the influence of vote buying/selling. Consequently, investing money in areas where there are less voters and greater competition can make the difference to the outcome at the polls.

Participants noted that much time needs to be invested in educating citizens in understanding the impact of 'selling their vote'. It was highlighted that persons, in particular young persons, who chose to sell their vote, usually do not think about the impact of their decision. The rationale for their decision ranges from an economic need, to a belief that the political parties

Participant Opinions:

"Money played a role in the campaign. The better candidate was the candidate who had more money [and] would be pulling supporters. There was a candidate who lost and said if they had 2 million more, they would have won. A vote is a bargaining chip that they can sell on Election Day. There are a number of men and women who believe all they have to sell is their body [prostitution] and the same is with their vote. Election day equals pay day."

"Voting has become transactional to a scary extent. When it was known that an eastern Jamaica candidate was losing, they went to the constituency and after 2:00pm there were a flood of voters."



Participant Opinions:

"There was not much vitriol in the public space. In most constituencies the rivalry was more sporting than bitter. The social media spaces were where the vitriol was felt."

"Vile statements were said in the social media spaces. The social media platform allows for the posting of vile statements behind a screen." are indistinguishable so it does not matter who they vote for, to the idea that Jamaica is a 'big hustle' or that the election is the only time the politicians see them, so why not take advantage of the opportunity that selling their vote provides. These beliefs and thought processes have allowed persons to feel comfortable with the idea of vote buying without considering the ancestral struggle for the vote or the immorality or illegality of the act.

Participants recognized the danger that vote buying/selling poses to a democracy, especially when such activity becomes a part of the fabric of a country's cultural identity as it can affect the sovereignty of the country. It was noted that vote buying is a weakening of the democratic process that other countries can take advantage of and use to influence the outcome of an election. They can do this by funding the party they want to win to ensure that there is greater control of that country. There was a strong view that Jamaica

should, as a country, begin to implement new strategies to combat this issue and one of the best ways to do so is to keep in the consciousness of the people that to vote is a privilege and the act of vote buying/selling infringes upon that right and privilege. Continuing this culture and practice will devalue the democratic process and in the long term create a society that will no longer be a democracy in which all electors have a voice and a vote.

(b) Freedom of Access for Campaigning

Participants found that though there were instances of confrontations between party supporters; most did not lead to violence. The most volatile areas seemed to be in Clarendon and St. Catherine, where there were cases of confrontations, accusations of politically motivated killings and arson. The latter two serious allega-

tions were found not to be connected to any political motive across party lines. This was confirmed after thorough investigations done by the Political Ombudsman and the JCF. In another community there was an incident that involved community members obstructing a candidate by preventing him from travelling through the community. There were also small fights and confrontations that were scattered throughout the country. Generally, there were only minor incidents. Supporters in majority of instances remained civil and in some cases were found to be just enjoying the campaign atmosphere.

(c) Safety of Private and Public Property

Participants noted that there were a number of incidents where it was reported that the billboards and posters of candidates were damaged or destroyed. This had the potential to escalate to violent confrontations but did not appear to. Most interactions were reportedly civil.

(d) Avoidance of Confrontation

Several community signs and walls were painted and defaced with political party names, slogans and colours in the lead up to the election announcement and during the campaign. These triggered verbal clashes and anger in persons who felt threatened or disrespected by this political activity, in particular some constituencies in St. Andrew, St. Catherine and Portland.

(e) No Defamatory or Malicious Public Utterances

The absence of mass meetings and major rallies led to the transition to the digital space. A number of candidates engaged their constituents via social media platforms, like Facebook, Instagram and Twitter, and held meetings through communication platforms like Zoom. This was in stark contrast to the usual platform statements which would oftentimes in-









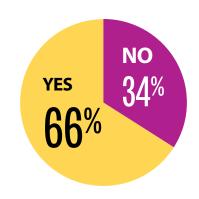
Participant Opinions:

"The marking of territory ..."

"There were some moments of confrontation like one in Trelawny, were a group of supporters of one party blocked supporters in the other party but outside of that it was relatively clean in that respect."

Did you observe any breaches of the Code during the campaign period?

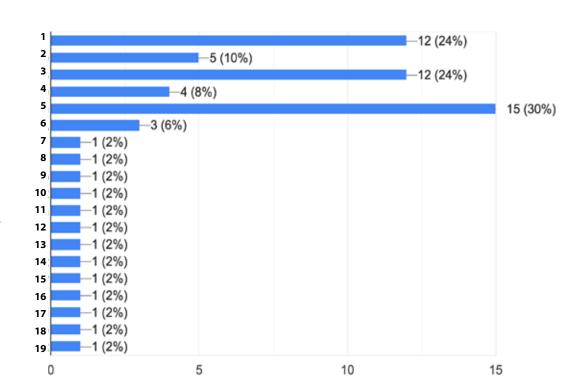
50 respondents



If yes, which of the following actions did you take:

Poll question responses:

- Report to the Political Ombudsman
- 2. Report to the Police
- 3. Share in social media spaces
- 4. Speak to the candidate
- 5. Took no action
- 6. N/A
- Speak with the persons concerned myself
- 8. I would say "not sure". There was an advertisement from the OPM that was really a JLP ad. Didn't seem right.
- 9. Answer above is no
- 10. Survey has a defect
- 11. N/A
- 12. I was not really paying serious attention to the campaign
- 13. Have not personally witnessed any breach
- 14. No I did not
- 15. Didn't observe any
- It was stated in a group with the political Ombudsman by my colleagues.
- 17. Internal
- 18. Not applicable
- 19. No further comment



clude libelous and malicious comments by platform speakers, candidates and other party officials.

The use of social media changed some of the negative aspects of campaigning. There was a reduction in vitriolic statements against candidates usually seen on public platforms and in mainstream media, and a noticeable increase in the digital space. Candidates and their supporters could be seen on Facebook, Twitter and other platforms, spouting vitriolic statements against opposing candidates and supporters. In one example, the Twitter war between the Portland candidates

had been notable and screenshots had been circulated online that provided clear digital evidence. The negative effects of this shift are yet to be determined, but it is accepted that overall, the number of physical confrontations and fights between supporters were greatly reduced during this General Election.

NATIONAL DEBATES

The Jamaica Debates Commission hosted three (3) debates on August 25th, 27th and 29th, 2020, which exposed key speakers and messages of the two parties contesting the election. These events were aired on Prime Time Television and in the digital spaces, where seasoned journalists questioned the speakers on a number of areas, including:

- 1. Social issues affecting the country;
- 2. Financial matters; and
- 3. The leadership of each contesting party, expressing their general plans for the country.

The public assessed the effectiveness of the speakers and this, though late in the campaign was seen as useful by many participants.

iii. Role of Traditional and Social Media in the 2020 Election Campaign

Media such as, print, television and radio has traditionally been an important tool used by the political parties to convey their message to the Jamaican public. With the advent of social media and the various platforms that provide the means through which to share information, the political parties took advantage of this 'new media' to broadcast their campaign messages. This General Election has seen a number of candidates increase their social media presence, in lieu of the usual mass meetings and rallies.

To get insight into the role of greater role of media now and then the following questions were posed to the participants.

- Candidates were trying to reach audiences and used traditional media and social media to send all kinds of campaign messages, do you believe the messages overwhelmingly positive or overwhelmingly negative?
- 2. Was it true to say that there were negative messages and some that went over the line? Perhaps the issue was that of not being able to identify where the [messages] were coming from?
- 3. What would be the role of the Political Ombudsman in monitoring social media in the current climate?
- 4. What influence do you think the media has on the public's views on issues that occurred during the campaign?

REACHING THE YOUTH

A great percentage of the messages, through creative media such as songs and commercials, were designed to reach the young electors.

Some appreciated the use of songs and other creative methods as a positive step in embracing the culture of dancehall.
Others found these methods to be un-



informative in communicating the plans that candidates had for Jamaica. Many found that the messaging was absent of any clear ideology or new ideas from both parties and was more about who to vote for on Election Day.

It was accepted that there was some mention of the Manifestos, but it was not seen as sufficient, as it was not the focus of the messages and the Manifestos were not available until days before the election.

A number of young people were dissatisfied with the act of voting itself which was limited to in-person voting with no opportunity for mail in or online voting. Many of the youth did not see the benefit in voting or any plans that addressed their concerns.

The use of social media in campaigning highlighted an often-overlooked issue in Jamaica, the digital divide. There was data that over 27% of the Jamaican population had no Internet, so all the information circulating on the various social media platforms, would therefore not have been available to the entire voting public.

MEDIA AND MESSAGING

Participants found that the campaign messages were confusing as there were no mechanisms to use to identify if campaign messages contained in a post, commercial, statement or song were approved by the Participant Opinions:

"Young people were targeted by persons hence putting out the dubs, talking about issues relevant to young people, but there was not enough interaction with them; so, although the young had a lot of talk, in the end they did not go out to vote due to the risk of COVID and watching the media showing the off-putting behaviour of political candidates and the large crowds."

> "... due to the lack of Internet services, most of the social media messages targeting young people would have been missed by them and so the messaging would not have been effective."

"In terms of situations when a narrative was pushed particularly because of the media, as a candidate would first go to the media about an incident rather than the police."

Participant Opinions:

"There were not many new ideas coming from the candidates when they were asked about their plans for young people; the young people were turned off by that as they wanted to know what was in the message for them and what were the benefits to them."

"Where a narrative was continued even after the Office of the Political Ombudsman and the police had investigated and advised the public that checks had revealed that such was not the case, was there a way of holding a candidate to account? Was there any way to hold the media to account, and should the media be held to account, for continuing to carry a narrative that countered the police and the Office, knowing that it could be very inflammatory and could have seen a major fallout if it had gone very wrong?"



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politician. For example, as is done in the United States, during the campaign, videos and songs are broadcast and attached at the end of the commercial is a statement by the candidate approving the message. This is a practice that will hopefully help with the clarity of campaign messaging and allow the electorate to be sure of the information that is being broadcast to them. It would also ensure that there is accountability when negative messaging is disseminated.

Participants felt that that there seemed to be little effort by political parties to make more simple and clear messages based on fact. They did not appear to be able to speak to the electorate in ways that are respectful, clear and inclusive. When messages from the political parties were sent out, they did not connect with people's lived realities. There was a big messaging gap and this is why each candidate should produce a detailed Manifesto for their particular constituency to show that they know the challenges and have ideas on how to improve the quality of life of their constituents.

POLITICAL OMBUDSMAN AND SOCIAL MEDIA MONITORING

The participants found that the Political Ombudsman should increase her capacity to monitor and engage in digital platforms to address the concerns of the citizens. The participants recognized the work that the Political Ombudsman is doing on the various social media platforms, but they felt that there can be more done with sufficient support.

MEDIA REPORTING THAT MAY HAVE POLITICAL RAMIFICATIONS

Candidates should make a greater effort in working with the police when there are issues involving criminal activity that seem to be politically motivated. Candidates seeking media attention and spreading unverified information should be barred, particularly if the Political Ombudsman and the JCF have investigated and concluded that the criminal act is not politically motivated. If such a narrative is continued then it should be considered an offence as the narrative can be inflammatory. This can create a volatile and dangerous environment for the persons located in the constituency involved.



COVID-19 Laws and Guidelines

he COVID-19 pandemic was the most significant issue for the world for most of 2020 and accordingly was a considerable issue for the conduct of Jamaica's 18th General Election. It shaped and changed in many ways the campaign activities that have been practiced for decades. In response to the danger posed by COVID-19, the Interim Guidelines for the Conduct of Election Campaign during COVID-19 as outlined by the Ministry of Health and Wellness and the COVID-19 Protocol for the Conduct of a National Election as set by The Electoral Office of Jamaica (EOJ) were critical foundational rules. The Office of the Political Ombudsman Guidelines for the Conduct of Campaign 2020 were produced at the request of the four (4) registered Political Parties the JLP, JPP, PNP and UIC, after a review of the relevant laws and discussion of key campaign activities which COVID-19 could impact.

Provisions agreed by the parties in the Political Ombudsman Guidelines included:

- · No mass meetings;
- No motorcades;
- A limit of five (5) persons present for door-to-door campaigning;
- A limit of fifteen (15) supporters for nomination;
- · Special Election Day protocols.

Participant Opinion:

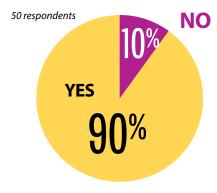
"It was not part of the culture. People wanted to see, feel and touch candidates."

Participant Opinions:

"A fully virtual campaign would not be feasible in the context of the culture that had evolved: neither major party had mass meetings -the big Half Way Tree and Cross Roads meeting and such were totally ruled out, there were no big motorcades, motorcades were mainly confined within constituencies; but even within the restrictions that existed there was still exposure, so to take a 360 degree turn from a culture where people like to see people, touch flesh, ask a question face-to-face, it was [not] practical in our culture to be on a Zoom call with everybody in your constituency and seeking their support. It was not part of the culture; people wanted to see, feel, and touch candidates."

"Legislation or sanctions would not have helped; moral suasion would have been the most critical thing; and penalizing people would not have made a significant difference."

Were you aware of the Political Ombudsman's or any Covid-19 protocols for the campaign period?



The participants of the fora were asked the following questions on COVID-19 protocol adherence:

- 1. Were COVID-19 laws and protocols observed during the campaign?
- 2. What did you see in terms of mask-wearing on the campaign?
- 3. Were laws and protocols being enforced on the campaign trail?
- 4. How did COVID-19 impact your participation?
- 5. How well did the parties and their supporters obey the protocols?
- 6. What if anything could have been done differently or better, whether additional sanctions or legislation is needed for campaigning?

Participants observed that if a cohesive plan existed it was not obeyed during the campaign period. Large meetings, late night campaigning, breaches of social distancing, motorcades, zero sanitization and large walkabout groups were observed. Very little effort seemed to have been made by the relevant authorities or the candidates to ensure that the supporters followed the law.

The absence of social distancing was a criticism levelled against all the candidates and their supporters. During the campaign period there were a number of occasions

where candidates and supporters could be seen mingling and interacting closely with each other despite the risk. Candidates could be seen kissing, hugging, dancing with and entering the dwelling home of many of their supporters despite the risks associated with such activities and the Rules. Persons were seen at gatherings without masks or in masks that were not being worn in the proper fashion.

Participants found that the attempts by candidates to promote the proper protocols were too few. A limited number of candidates were seen handing out masks and trying to maintain distance by remaining in their campaign vehicles, though this was not found to be sufficient. Participants felt that it would have been more effective if the candidates made more of an effort to assist the police. Candidates in many ways were only speaking the right message, i.e., to observe protocols but they were practicing something else. Without the support of the candidates the police had a difficult time controlling the crowds of people who gathered in support.

While many participants commended the Political parties for having less meetings, others felt that such activity should not have taken place as there were still great risks associated with such activities. Many participants indicated that they observed motorcades that did not follow the laws or protocols that were established. A number of the vehicles that were participating in these outings exceeded the limits for passengers. They were overcrowded creating a perfect environment for the spread of COVID-19.

Participants felt, after observing the conduct of the candidates and supporters and the blatant disregard that was displayed for the laws and protocols, that it was too great a risk to participate in campaign activities and the election. Many felt it was unsafe to vote. There was concern that lawmakers and potential lawmakers did not obey the relevant laws or clearly and regularly promote compliance with the laws and guidelines contributing to public disenchantment with the conduct of the campaign and with the parties.

Recommendations of Participants

he Political Ombudsman assembled over 50 participants as Subject matter Experts from different organisations and individuals for elite interviews. They presented varying political views and perspectives on the campaign including reporting on their experiences and observations during the 2020 General Election campaign. Participants were keen to share their views as they recognized the importance of such a study and lauded the Political Ombudsman on her initiative in organizing the event.

The Political Ombudsman noted that there were still significant issues that needed to be addressed with regard to the accepted campaign practices, adherence of the Code and amendments to the legislation that governs the Office of the Political Ombudsman. While

there were many positives that came out of this Election, there are still issues beyond COVID-19, which threaten the free and fair nature of our democracy. This, many participants agreed, was reflected in the low voter turnout of the election, which have been consistent with the downward trend of voter participation.

i. Political Parties - Conduct of Future Campaigns

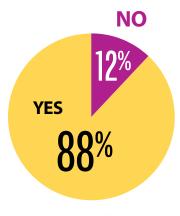
- Each candidate must produce a manifesto for the constituency that they represent, with reports of stewardship.
- If an election is again held in a pandemic, more frontline workers should be on the ground during the campaign season as to ensure protocols and guidelines were being followed.
- Candidates should communicate with the police first if there are incidents that seem to be politically motivated before contacting the media.
- Public education on the democratic process and civics should be an ongoing concern.
- The political parties should engage with the Political Ombudsman on a regular basis and not just on a seasonal basis.
- Campaign material should be bought from the political parties by supporters so that there is more ownership and accountability.
- Political parties should pay greater attention to the needs for youth engagement, to achieve this a campaign should be launched in schools across

- the island as a way of educating them on the importance of participating in the governance process.
- 8. Larger polling station locations to maintain acceptable social distance.
- Requirement should be implemented that advertisements must include a statement by candidates endorsing the message.
- 10. The Political Parties should include the Political Ombudsman in their campaign meetings prior to elections, to help educate Members of Parliament and Officials to improve compliance with political and democratic standards in Jamaica.
- 11. Election dates should be fixed.

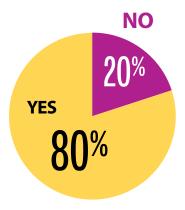
ii. The Office of the Political Ombudsman

- The power to observe and apply sanctions for breaches of the laws that touch and concern the conduct of politicians, should be granted to the Political Ombudsman.
- A protocol must be in place to deal with potentially inflammatory incidents during election periods and allow for ease of engagement between the police, the political parties, the

Should the Political
Ombudsman's
mandate to
investigate be
extended to include
the power to
report breaches of
electoral laws to the
Director of Public
Prosecution?



The Political
Ombudsman
currently makes
recommendations
to party leaders
on breaches of
the Code. Do you
think the Political
Ombudsman should
be able to impose
agreed-upon fines
for breaches?



50 respondents

- media, and the Political Ombudsman.
- The Political Ombudsman should work in collaboration with political parties, grassroots and civil organizations, the community, the police, and the Ministry of Local Government before, during and after elections to:
- a. Remind candidates of the applicable laws, rules and protocols;
- b. Provide voter education;
- c. Ensure compliance, especially with the putting up and removal of campaign paraphernalia (Ministry of Local Government);
- The Office of the Political Ombudsman should partner with other agencies or groups for training and other activities.
- The Office of the Political Ombudsman should have a greater and consistent social media presence and a dedicated social media campaign.
- 6. Partnerships with political youth organizations, police youth clubs, youth groups, youth organizations, NGOs and charities should be pursued to train them to be watchdogs for the Political Ombudsman, reporting directly to the Office on issues.
- 7. The Office should explore options for diversification of funding, namely from multilateral (the European Union or USAID, et cetera), corporate, and donor (individual and institutional) sources or by having a platform where members of the public could donate to the Office.
- 8. The Political Ombudsman and policy makers could work alongside in making the Office an investigatory body and act as a 'political fact-checker' that will assess and examine the policy positions put forward by political parties.
- There should be a focus on community-building and capacity-building so that the basic rights of ordinary citizens are respected.

iii. Legislative Changes

- The Political Ombudsman should be entrenched in the Jamaican Constitution including the Code (see section 3 of the PO(I)A).
- In terms of legislation more power needs to be granted to the Political Ombudsman (and possibly their youth arm) to hold politicians accountable for their actions on behalf of all Jamaicans.
- Strengthening the OPO's capacity to investigate matters of breaches of the Code and complaints issued to the Political Ombudsman.
- 4. The Code of Conduct should be strictly enforced by statute and become law. Areas of the legislation which speak to campaigning and general elections needs to be fortified as well.
- 5. Existing legislation should be strengthened to give the Political Ombudsman more autonomy and greater authority for reporting, investigation, enforcement, monitoring and prosecution so compliance could be improved, and the authority should include making recommendations to the Director of Public Prosecutions for prosecution.
- Legislation for campaign financing should be strengthened to more specifically address sources of funding and the use of funds by parties.
- 7. Bonds for campaign materials to enable clean up or fines for breaches regarding failure to remove.
- Introduction of a diversity of measures and mechanisms for voting, including online and mail in voting.

It is the intent of the Political Ombudsman to implement and to seek the implementation of the recommendations made by the participants, by engaging the relevant entities and stakeholders, in a planned programmed endeavour to make these changes .

Conclusion

his review is the first of its kind for the OPO and built on a number of consultations by the OPO over the last four years. The fora were extremely beneficial and consisted of very rich discussion with diverse participation. The participation of academia, the youth, the JCF, civil society, faith-based groups, gender specialists, other Government entities and the media was greatly appreciated. The participation of senior level representatives from the Jamaica Labour Party and the People's National Party was especially gratifying. It is hoped that the good information and thoughts that were exchanged would benefit their respective organizations.

CONDUCT

The conduct of the candidates during the campaign period was found to be both positive and negative. On the whole, candidates altered their campaign practices to fit within the new health and safety requirements by; handing out masks, cancelling large scale mass meetings and using social media platforms to interact with supporters and communicate their message. While their efforts were lauded and appreciated there were a number of issues including; blatant breaches of the DRMA (EM) O 12, the guidelines of the Ministry of Health and Wellness, the agreed Guidelines from the OPO. Breaches of the Code were committed by both the candidates and their supporters, despite the Party leaders symbolic signing the Code on August 19, 2020 at Emancipation Park.

STRENGTHENED AMENDMENTS

On the issue of legislative amendments there was a general feeling that the Office should be strengthened but not a universal belief that there should be additional legislation or constitutional protection for the Office. The issue of vote-buying that had



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brought out some interesting perspectives, especially on the difference between what was heard from the political representatives and what was heard from people in the field, needed further discussion and examination. With respect to the issue of democracy, the overall feeling was that Jamaica was doing quite well, but there was need for improvement.

The COVID-19 pandemic provided opportunities for the introduction of new practices of updating traditional campaign activities by the political parties. Though this was a difficult challenge as COVID-19 was seen as one of the major reasons why many Jamaicans did not participate in the 2020 General Election. Many participants also felt that there could have been more done by the parties and candidates to engage the voting public, promote safety and democracy by showing more respect for the Laws and acting in support of the mandate of the Political Ombudsman.

Participant Opinion:

On the whole, candidates altered their campaign practices to fit within the new health and safety requirements by; handing out masks, cancelling large scale mass meetings and using social media platforms to interact with supporters and communicate their message.



i. 2020 General Election Campaign Review Forum CONCEPT NOTE — October 9, 2020

OVERVIEW

There was great anticipation and speculation from early 2020 that General Elections would be held within the year, in advance of the conclusion of five years in February 2021 with attendant campaign.

On August 11, 2020, the Prime Minister announced Nomination Day for August 18, 2020 and Election day on September 3, 2020. This led to the official campaign in advance of the normal statutory campaign period scheduled to start in October 2020.

COVID-19 provided a new context for the campaign which traditionally involves public mass meetings, marches, motorcades and door to door activities, many of which, if permitted, would breach the Disaster Risk Management (Enforcement Measures) and protocols issued by the Ministry of Health and Wellness, the Electoral Commission of Jamaica and the Office of the Political Ombudsman.

BACKGROUND

The Political Ombudsman is a Commission of Parliament established by the Parliament in 2002 by the Political Ombudsman (Interim) Act. Section 3 provides that the Political Ombudsman should have Constitutional protection. Jamaica's politics in the 70s and 80s were fraught with conflict and the political parties, civil society and citizens saw the need to set up a neutral body supported by the national leaders. The mandate given to the Political Ombudsman is to:

"...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.

b) is likely to prejudice good relations between the supporters of various political parties…"

The Political Ombudsman is to investigate and make recommendations to the party leaders. JCF Liaison Officers support the investigative function.

The current version of the Agreement and Declaration on Political Conduct (the Code) was agreed in 2005 which provides that:

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

"All political parties undertake appropriate action on any recommendation made by the Political Ombudsman"

On August 19, 2020, the Most Hon. Andrew Holness, Leader of the governing Jamaica Labour Party (JLP) and Dr. Peter Phillips, Leader of the opposition People's National Party (PNP), signed certificates signifying their commitment to adhere to the Agreement and Declaration on Political Conduct (the Code), at a COVID-19 compliant public ceremony at the Emancipation Park in the presence of Custos Rotulorum of St. Andrew Hon. Dr. Patricia Dunwell. This was binding on the PNP and JLP and their candidates.

The Political Ombudsman co-chairs the Election Centre with the Director of Elections. The Electoral Commission of Jamaica is responsible for electoral matters while the Political Ombudsman is responsible for political matters. Members of the Election Centre are, representatives of the Jamaica Umbrella Group of Churches, Broadcasting Commission, National Integrity Action, Citizens Action for Free and Fair Elections, Political Parties, the Jamaica Defence Force and the Jamaica Constabulary Force

The Political Party Registration Act of 2014 which came into effect in 2017, has a number of requirements for registered political parties. The 2020 General Election was the first in Jamaica's history where all political parties contesting the polls were required to be registered with the Electoral Commission of Jamaica (ECJ) which is the body responsible for the conduct of the polls.

REVIEW OBJECTIVES

The objectives of this proposed review are to analyse the campaign during the just concluded general elections with a view to:

- Identifying positive elements during campaigning by the political parties and candidates, with an emphasis on adherence to existing requirements in the Representation of the People Act (ROPA), the Political Code of Conduct and Campaign Finance Legislation.
- Identifying areas of weaknesses during the campaign which either resulted in conflicts or had the potential to do so and to make recommendations as to how this can be mitigated in upcoming elections.
- Analysing compliance with COVID-19 Guidelines agreed at between the Political Ombudsman and representatives of the four registered political parties

 United Independent Congress (UIC), Jamaica Progressive Party (JPP), People's National Party (PNP) and Jamaica Labour Party (JLP).
- Identifying lessons learned and to provide recommendations for the Political Ombudsman and for campaigning by political parties. This could include identification of amendments to the Political Ombudsman (Interim) Act 2002.

METHODOLOGY

The format will be virtual. Participants will be asked to complete and return a questionnaire in advance. Poll questions will be asked during the Forum. Each of the three Forums will be moderated. Participants will be a diverse group of experienced persons and experts who have a stake or interest in Good Governance and the Rule of Law in Jamaica.

PUBLICATION

The campaign review findings of each group will be documented and summarized along with any recommendations. The Political Ombudsman will combine the findings and circulate to all participants. A report will be published without identifying persons making the comments or recommendations unless prior approval is obtained.

ii. Poll Questions and Results

We have merged the outcomes of the Polls administered in the three forums as seen below.

POLL QUESTION 1

Question: To what extent do you agree or disagree with the following statement: Political parties are sufficiently responsive to instructions from the Office of the Political Ombudsman. The response choices for the poll were Strongly Agree, Agree, Somewhat Agree, Somewhat Disagree, Disagree, and Strongly Disagree.

Results: There were significant findings of majority for Somewhat Agree with also support for Strongly Disagree.

POLL QUESTION 2

Question: On a scale of 1-10, where 1 is "did not fulfil its mandate at all" and 10 is "fully executed and fulfilled its mandate", rate the performance of the Office of the Political Ombudsman in the 2020 General Election.

Results: The majority of participants rated the OPO favourably.

POLL QUESTION 3:

Question: Are you familiar with the mandate of the Political Ombudsman?

Results: Almost all participants were familiar with the mandate





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