



Ensuring Standards in Politics

SUMMARY

2020

**General Election Campaign
Review Summary**

SUMMARY

The Political Ombudsman hosted its first Campaign Review in its almost 19 year history. Fora were convened and elite expert interviews conducted with invited stakeholders between October 26th and November 26th, 2020, after the General Election on September 3, 2020 closed the Campaign. Observations, lessons learnt and recommendations for action emerged from the robust discussions.

On August 11th, 2020, Prime Minister Andrew Holness announced that Election Day would be held on September 3rd, formalizing the start of the campaign period. The 2020 General Election Campaign was a baptism of fire for many Jamaicans. The COVID-19 pandemic created additional challenges for the participation of citizens in customary campaign activities in Jamaica. During the campaign period, the activities of the political parties and the candidates were closely observed and monitored by the Jamaican public. The dramatic increase in the number of COVID-19 infections in August 2020, which many felt would only worsen due to the General Election, exacerbated concerns. Conversely, there was also excitement and anticipation among citizens who were eager to see the democratic process at work.

FORUM

Following the General Election, and in accordance with the mandate bestowed by the Political Ombudsman (Interim) Act, the Political Ombudsman held a General Election Campaign Review Forum in October 2020. This forum, which was conducted online to ensure the safety of participants, gathered information from a wide spectrum of persons and created an opportunity to share knowledge, ideas, views and experiences from the campaign period of the General Elections. This report provides summary information on the holding of the forum and lists the key recommendations for future election campaign periods. For a full and complete assessment of the forum and General Election campaign

period, refer to the accompanying “2020 General Election Campaign Study”.

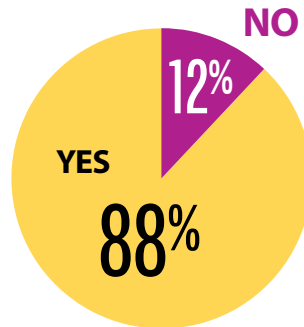
The Forums took place from October 27-29 and was conducted in three sessions. The first session involved the Jamaica Constabulary Force (JCF) and was moderated by the Legislative Counsel for the Office of the Political Ombudsman. The second session included youth organizations and the third session encompassed several other stakeholder groups, both moderated by the widely acclaimed journalist and attorney-at-law, Ms. Dionne Jackson Miller. The participants represented a broad cross-section of Jamaican Society including:

- Political parties;
- Civil society;
- Political Awareness and Respect Initiative (PARI);
- Government entities;
- Academia;
- The JCF;
- Faith-based groups;
- Various youth organization; and
- Media.

The Forum was an important new development in the fulfilment of the Office of the Political Ombudsman’s (OPO) mandate. It was organized with the goal of understanding and evaluating the activities and conduct of parties, candidates, supporters and the OPO during the election campaign period. The Forum and ensuing reports will assist the Political Ombudsman in carrying out the mandate to investigate actions of political parties, candidates and their supporters and to provide an opportunity for key stakeholders across the political, electoral, and social spectrums to contribute to the dialogue around productive campaigning, electoral oversight and strong democratic processes.

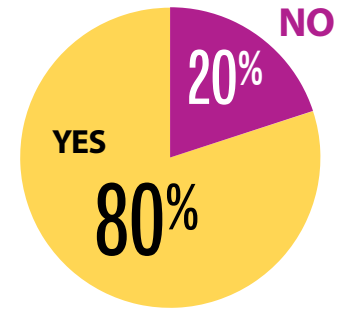
Should the Political Ombudsman's mandate to investigate be extended to include the power to report breaches of electoral laws to the Director of Public Prosecution?

50 respondents



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



The Forum gave participants an opportunity to make an input through three means – a questionnaire, open-ended moderated discussions and through a qualitative poll disseminated during each session of the Forum. These means all provided useful information and data.

POSITIVE REFLECTIONS

One positive finding, borne out of the poll data, is that there were very positive reflections on the Political Ombudsman's contributions during the campaign period. A large majority (90%) of the respondents were aware of COVID-19 protocols shared by the Political Ombudsman or other government bodies and a majority (75%) of respondents affirmed that the Political Ombudsman issued enough statements during the campaign period.

The participants, representing diverse segments of Jamaican society stated a clear desire for the Political Ombudsman to wield more authority. Eighty-eight percent (88%) of participants believe the Political Ombudsman's mandate to investigate should be extended to include the power to report breaches of electoral laws to the Director of Public Prosecution and 80% believe the Political Ombudsman should be able to impose pre-set fines for breaches of the Code of Conduct.

NEGATIVE PERCEPTIONS

On the other hand, there were some clear negative perceptions of certain elements of the campaign among the participants. Three clear negative findings that came out of the poll were:

- participants did not believe party campaigning was effective in affecting voter turnout;
- two-thirds (66%) of participants observed violations of the code of conduct; and
- seventy percent (70%) of respondents do not believe that Jamaicans in general are aware of the Political Ombudsman's mandate, role and responsibilities.

All three of these findings were clearly communicated in the poll results and during the open discussions. Though they each present unique and persistent challenges, potential remedies were discussed throughout the sessions and are included as recommendations on page 5.

KEY FINDINGS

Poll Questions:

Question A:

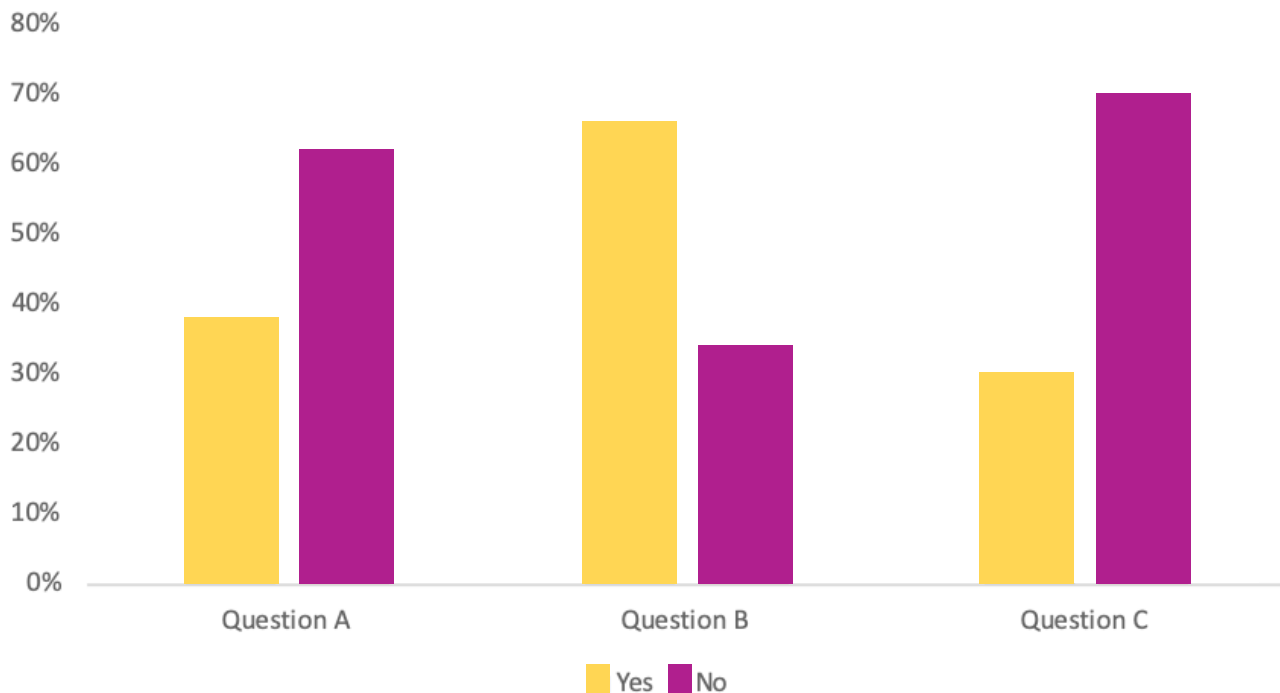
Do you think campaigning by the two major parties, the JLP and the PNP, was effective in how it affected overall voter turnout?

Question B:

Did you observe any breaches in the code of conduct?

Question C:

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



It was generally agreed that there are still significant issues that need to be addressed with regard to the accepted campaign practices, adherence to the Code of Conduct, and amendments to the legislation that governs the Office of the Political Ombudsman. While there were many positives that came out of the 2020 General Election, there are still issues, beyond COVID-19, that need to be addressed to maintain the free and fair nature of Jamaican democracy. This, many participants agreed, was reflected in the low voter turnout of this election season, which has been consistent with the downward trend of voter participation over the course of several decades of Jamaican elections.

Recommendations are categorized under three basic sub-headings. These target political parties, the OPO and legislation as listed below.

Political Parties - Conduct of Future Campaigns

1. Public education on the democratic process and civics should be an ongoing concern for politicians and state entities thus ensuring the electorate are aware of the power of their vote.
2. A campaign should be launched in schools, tertiary institutions and youth organizations to reach out to youth to educate them on the importance of participating in the democratic process.
3. If an election is again held in a pandemic, a greater number of frontline workers should be on the ground during the campaign season to ensure protocols and guidelines are followed. Larger polling stations to improve overall efficiency and maintain acceptable distance between poll workers and party agents.
4. Political parties and candidates should be required to include a statement endorsing the message in all television, radio and newspaper advertisements.
5. In order to increase voter participation generally, and more so in a pandemic, systems should be introduced to allow alternate means of voting other than in person voting on Election Day. Such mechanisms could include advance voting for the public, online and mail in voting.
6. Election dates should be fixed.
7. A system should be put in place to ensure and facilitate regular and ongoing dialogue between the political parties and the Political Ombudsman outside of election periods.

Office of the Political Ombudsman

1. The Political Ombudsman should be given the power to apply sanctions for breaches of the Code of Conduct by politicians.
2. 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 media, and the Political Ombudsman.

RECOMMENDATIONS

3. The Political Ombudsman should work in collaboration with 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 requirements;
 - b. Provide voter education; and
 - c. Ensure compliance, especially with the putting up and removal of campaign materials.
4. The Office of the Political Ombudsman should partner with the election management bodies and political organizations for training and other activities.
5. The Office of the Political Ombudsman should have an expanded social media presence.
6. Partnerships with police youth clubs, youth groups, youth organizations, NGOs and charities should be pursued to train members who are willing to be watchdogs for the Political Ombudsman, reporting directly to the Office on issues observed.
7. The Office should explore options for the diversification of funding, namely from international, corporate or individual donors to strengthen its independence.
8. The Political Ombudsman and policy makers should work together to make the Office an investigative body with the mandate to review, assess and examine policy positions put forward by political parties within the framework of the Code of Conduct.
9. There should be a focus on community-building and capacity-building so that the basic rights of ordinary citizens were respected.

Parliament - Legislative Changes

1. The Political Ombudsman Commission should be entrenched in the Jamaican Constitution with the Code of Conduct.
2. More power needs to be granted to the Political Ombudsman to hold politicians accountable for their actions on behalf of all Jamaicans.
3. Strengthening the office's capacity to investigate matters of breaches of the Code and complaints received by the office.
4. The Code of Conduct should be strictly enforced by statute and become law. Areas of the legislation which speaks to campaigning and general elections need to be fortified as well.
5. Existing legislation should be strengthened to give the Political Ombudsman more autonomy and greater authority for monitoring, investigating, and enforcing campaign breaches so compliance could be improved. The authority should include making recommendations to the Director of Public Prosecutions for prosecution.
6. 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.


The participants at the forum recognized the fact that there is usually a lot of talk in relation to the functioning of the Political Ombudsman and the Office during an election period. This usually includes verbal attacks questioning its independence and usefulness by political stakeholders. Participants also recognized a continued need for the work of the Office of the Political Ombudsman in this current political climate.


Steps must be taken to ensure the Political Ombudsman Commission remains relevant within the current political climate, that the Political Ombudsman is properly equipped, financed and empowered to serve the Jamaican people in the preservation of its democracy and as it is still needed.




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