



Office of the Political Ombudsman

**ANNUAL** REPORT



**Ensuring Standards in Politics** 

## Office of the Political Ombudsman 85A Duke Street Kingston Tel: 876 922 8653,876 922 0317 Email: politicalombuds@yahoo.com

July 2020

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

Dear Senator Tavares-Finson,

It is an honour to 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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June 2021

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,

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Yours sincerely,

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



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03



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



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.



# Political Ombudsman's **Message**

Jamaica was in turmoil for much of 2019, engaging this Commission of Parliament in observation, monitoring and action in a number of spheres.

The words corruption, opinion, polling, party leader, election and by-elections were on the lips of the public. Traditional and digital media, opinion writers, political actors and the Political Ombudsman, weighed in or waited for the right issue and time to take public action.

The year began with the tragic passing of Portland Eastern Member of Parliament, Dr. Lynvale Bloomfield on February 2nd. We extend our condolence to his family, political party, constituents, colleagues and friends and to all the families of other persons who passed away in 2019.

The investigation into Dr. Bloomfield's death was conducted by the Jamaica Constabulary Force (JCF) and attracted comments of political motivation, but these were not substantiated. A by-election in the constituency took on national proportions and saw a much greater voter turnout than in the 2016 General Elections.

Corruption loomed large, raising concerns about possible breaches of the final sentence of the Agreement and Declaration on Political Conduct. .. ' (t) Officials should repudiate any act of corruption in the discharge of their functions'.

The Political Ombudsman monitored the extensive media coverage, the JCF and Director of Public Prosecution's (DPP) actions and statements.



The Petrojam issues which involved then Minister Dr. Andrew Wheatley, the Caribbean Maritime University (CMU) and the Ministry of Education, Youth and Information (MoEYI) matters involving then Minister Mr. Ruel Reid, were dominant.

The Political Ombudsman had the opportunity to make several presentations and to participate in relevant fora and events, including Kingston and St. Andrew Development Foundation (KSADF) events, address to a Rotaract club and other service clubs and 'Conversations with Young Jamaicans', which are mentioned later in this report.

The use of Digital Media to influence political choices and some efforts to identify and address challenges, took the stage as the concern for political tribalism, hate speech and harm to the body politic, was an important concern. Complaints involving social media posts as well as platform speeches were addressed. The leadership contest in the People's National Party (PNP) was of both party and public interest. Some issues were brought to the attention of this office, as possible breaches of the tenets of the Agreement and Declaration on Political Conduct (the Code). The Political Ombudsman was privileged to provide interventions to address problems among the Trelawny Maroons of Accompong Town.

The Office of the Political Ombudsman (OPO) was proud to host the Commonwealth Secretariat and to learn from a number of consultations.

The year 2019 exposed the need for a reset to allow political actors and citizens to engage in politics respectfully and productively.

The staff of the OPO was assisted by the placement of a CUSO volunteer and a National Youth Service/ Graduate Work Experience (NYS/GWEP) Intern and with support from the JCF Liaison Officers.

Muhmelai

Hon. Donna Andrea Marie Parchment Brown CD, JP, Notary Public Political Ombudsman





# Highlights and **Achievements**

Since the inception of the Office in 2002, we continue to work at improving our service offerings. Since 2015, we have initiated our presence in the social media spaces through our presence on Facebook, Twitter and Instagram. On April 11, 2019, in another move at increasing our presence and visibility in the media space, the office launched its website.

We recognized that over 1 million Jamaicans are active social media users and that globally, over 4 billion people are using the internet, and over 5 billion internet searches are made daily. With this knowledge, we saw it as a fitting and professional move to have a website that allows everyone to be in the know about the OPO and to be able to register their complaints in real time. We believe the move to be critical to building greater trust, through the information provided on the site.

The website, created by the Jamaica Information Service, is mobile and responsive and works well regardless of the size of screen or type of device accessing it. Navigation is smooth and information is easily accessible.

The website's content includes:

- The Vision and Mission Statements of the office;
- Biography of the Political Ombudsman;
- Contact information;
- Documents including Annual Reports, the Political Ombudsman (Interim) Act and the Agreement and Declaration on Political Conduct (the Code);
- Information on Events and Activities;
- News and Updates.

The Register A Complaint feature is a critical element of the website. This feature allows visitors to the site to register their complaints, real time (with an option for anonymity) on breaches of the Code they observe. As the complaint is registered and submitted, the form is forwarded to a designated email address for action.

A visitor to the site, on activating the feature, would be welcomed with the following information:

A complaint to the Political Ombudsman may be made by any person or body of persons who claim to be affected by any action taken by a political party, its members or supporters that:-

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 (i.e. The Joint Agreement and Declaration on Political Conduct);

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

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. Where the complainant is a minor, the complaint may be made by his parent or guardian. If the complainant is unable to act for himself/herself 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.

Where the complainant is a person who is an inmate of a Government institution, the complaint shall be forwarded to the Political Ombudsman by the person in charge of the institution.

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

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Over time, we have found that a great percentage of citizens are hesitant to talk in person about breaches they observe or on the general conduct of political actors.

We have found that with the website and the option to remain anonymous, citizens are more comfortable to share what they know. There is a clear need to promote and advertise this digital service, by incorporating new and traditional media practices.

The event's guest speaker, Mrs. Karlene Salmon, Assistant Executive Director of the Broadcasting Commission of Jamaica, commended the Political Ombudsman on undertaking the initiative. She noted that the website will boost communication and engagement, which will help to further good governance. "Communication and information are the blood and oxygen of a vibrant democracy," she said.

A list of the attendees is presented in the appendix.



Ombudsman's website with Chief Executive Officer, Jamaica Information Service (JIS), Donna Marie Rowe (left); Assistant Executive Director of the Broadcasting Commission of Jamaica, Karlene Salmon (2nd left); Social Media Personality, Rushaine 'Dutty Berry' Berry (3rd left); staff of the office; and students of Dunoon Technical High School. The launch was held on Thursday (April 11), at the office downtown Kingston.





#### Joint lecture Cape Coast Castle Museum, Ghana

In May, the Political Ombudsman was invited to present jointly in a lecture at the Cape Coast Castle Museum in Ghana. The invitation was extended by,Michelle Faubert, Associate Professor, University of Manitoba (Canada), Visiting Fellow, Northumbria University (UK). The lecture, titled, 'Uncovered Letter, Recovered Homeland: The Zong Slave-ship Massacre and the year of the Return' contributed to the events marking The Year of Return (2019), as announced by Ghana's President, Nana Akufo-Addo.

It is worthy of note that in 2016, the Political Ombudsman was invited by the Institute of Jamaica, in her capacity as Political Ombudsman and native of St. Elizabeth, to deliver the 235th Memorial Lecture for the landing of the Zong in 1781, in Black River, St. Elizabeth. The lecture and subsequent events culminated in her collaboration with Michelle Faubert.

In her presentation, the Political Ombudsman spoke of the historical trade connections between Jamaica and West Africa and shared with the audience, the Jamaican perspective of the event that ... was a poison tipped dagger in the heart of slavery - resulting in abolition 50 years later... the Zang Massacre. She spoke about the famous trial of 1783 and subsequent landmark events that led to the ultimate abolition of slavery in Jamaica in 1838. A salient point of her presentation was her conclusion that "... Political practices at the time were for the benefit of the powerful. The practice of politics did not include standards to ensure Rule of Law, Good Governance, Human Rights and accountability by political actors ...".

She shared information on Jamaica's Political Ombudsman, as a Commission of Parliament.



Ghana National Museum on Slavery and Freedom.

Commonwealth Secretariat & the Office of the Political Ombudsman: Dialogue & Women's Political Participation Project.

In May, the Commonwealth Secretariat and the Office of the Political Ombudsman hosted a series of focus group discussions. The discussions formed part of a scoping study mission to Jamaica for the Commonwealth Secretariat's project that had as its main objective - strengthening political, electoral and governance dialogues through multi-stakeholder engagements with the view to enhance democratic stability, credibility of elections and inclusive political participation.

The line of inquiry examined the following:

- Democratic dialogue spaces and opportunities;
- Peacebuilding and conflict prevention within the electoral cycle;
- Inclusive political participation and women's representation.

The dialogue meetings were convened over three days, May 28 to 30, with invitees from communities, political parties, civil society, academia and the media.

In her opening remarks, the Political Ombudsman, a key provider of dialogue support, opined that there is an important role for dialogue in Jamaica. She noted that Jamaica had the lowest voter turnout in the Americas in 2016-2017, according to the Latin American Public Opinion Project (LAPOP) Survey 2016/17 Report.

The Commonwealth Secretariat's delegation comprised:

- Dr. Tres-Ann Kremer Adviser Caribbean & Head, Good Offices for Peace Governance & Peace Directorate
- Mr. Martin Kasire Adviser & Head, Electoral Support Section Governance & Peace Directorate
- Abubakar Abdullahi
   Programme Officer
   Governance & Peace Directorate

The delegation with the Political Ombudsman paid courtesy calls on the following institutions:

- The Ministry of Culture, Gender, Entertainment & Sport
- The Electoral Commission of Jamaica.

Anoteworthy recommendation of the Commonwealth Secretariat was that the OPO consider conducting a review after elections are held. The findings of the Scoping Mission can be viewed in the appendix.

Commonwealth Secretariat Experience sharing workshop on Building & Sustaining National Dialogue & Peace Structures - West African Sub-Region

In June, the Political Ombudsman attended the above mentioned workshop in Accra, Ghana. She was asked by the Commonwealth Secretariat, to nominate a senior representative from the Dispute Resolution Foundation (DRF) to participate in the workshop. Mr John Bassie, Mediator, Arbitrator, Attorney-at-Law and Chairman of the DRF was nominated to attend. The DRF is a strategic partner to the OPO.

The sub-regional experience-sharing workshop on building and sustaining national dialogue and peace structure is technically supported by the Commonwealth Secretariat and jointly implemented with the National Peace Council (NPC) of Ghana.

The main objective of the workshop was the strengthening of political dialogue in member countries through institutionalized dialogue mechanisms that enhance early warning mechanisms and responses, as well as mitigate election-related violence throughout the electoral cycle.

As a participant, the Ombudsman was asked to reflect on the role of the OPO in conflict prevention and peacebuilding and to share experiences, lessons learnt and best practices.



The outcomes of the workshop were expected to inform future responses to election-related conflicts and other conflict situations that pose a threat to inclusive and peaceful societies.

A number of themes were explored during the two-day sessions through presentations, plenary discussions, brainstorming (Syndicate Groups), case study presentations and group work. The themes included:

- Understanding election-related and intrastate conflicts;
- Peace architectures in Commonwealth West Africa;
- Early Warning and Responses;
- Strengthening the conflict prevention and management mechanisms in the region;
- The role of non-state actors in promoting peace and inclusive dialogue.

In her case study-based presentation under the theme, Early Warning and Responses, the Political Ombudsman spoke on the early warning systems used in Jamaica and shared her experiences in mitigating election-related and other conflicts.

In making her contribution, she was guided by three broad-framed questions:

- What works? referring achievements;
- What does not work? referring challenges and lessons learnt;
- What needs to be improved?

In her analysis of what needs to be improved, she stressed the need for:

• The strengthening of the OPO in securing

Constitutional protection as stated in Section 3 of the Political Ombudsman (Interim) Act;

"... 3. This Act shall continue in force until provision is made in the Constitution/or 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 the expire ...".

- Engaging stakeholders in minimizing political conflict;
- Legislation giving the Political Ombudsman powers to levy fines.
- A synopsis of the presentation is attached in the appendix.

In the joint post-conference reflection, a number of significant points were noted. Among these were:

- ... the invitation for Jamaica's participation, was a first and welcome initiative at engaging with the Commonwealth and Africa, together, on issues of sustaining politics experience and democracy ...;
- ... the conference was an introduction to peace architecture, reasons, evolution, benefits, principles, structures and deficiencies of existing peace structures ...;
- ... the experience of war, coups and recent political conflicts also emphasized the difficulties and the need to increase public education and trust in these structures ... ;
- ... Jamaica as a small democracy ... has opted to establish a (corporation) Commission of Parliament with a single Commissioner reporting to the Parliament. This has enabled speedy responses to political issues such as breaches of the Political Ombudsman

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(Interim) Act and the Agreement and Declaration on Political Conduct (the Code), which binds all political parties, officers and supporters ... ;

• ... the need for legislation to be amended or policy approved to strengthen the OPO and the DRF was apparent ...

### Forum of Young Leaders commemorating the 14th Anniversary of the signing of the Agreement and Declaration on Political Conduct (Code)

The event marking the 14th anniversary of the signing of the Code, was held at the Courtleigh Hotel and Suites in Kingston on September 20. The Forum of Young Leaders, had participants

from various national youth organizations, as well as academia, including the following:

- Youth Advisory Council of Jamaica
- Jamaica Prefects' Association
- National Youth Parliament
- National Integrity Action
- University of the Commonwealth Caribbean
- The Mico University
- University of Technology
- University of the West Indies, Mona
- Caribbean Maritime University
- Youth Crime Watch
- I Believe Initiative

In her remarks, the Political Ombudsman reiterated that the Code documents the agreed standards for the practice of politics in Jamaica and is a tool designed to strengthen the existing peace architecture established under the Political Ombudsman (Interim) Act. She applauded the young people for distinguishing themselves in national service in their respective organizations.

Agenda items included a detailed presentation on the Code, with facts on its development, the context of is creation and its relevance to politics and citizens. The Political Ombudsman offered comprehensive insight into the understanding and applicability of standards 1-7 of the Code. In small group discussions, the participants examined and offered suggestions on how to improve:

- The practice of politics;
- Standards in the Code;
- Communicating the message of the Code.

The participants expressed interest in working more closely with the OPO, as they recognized the value of initiatives such as Conversations with Young Jamaicans and the training of Youth Parliamentarians, which some had experienced. They articulated the need to engage more young people in the democratic endeavours of the country, beyond membership in political parties.

In response, the Political Ombudsman committed to creating an avenue through which this group and other young people can sustainably engage with and support the work of the OPO.

The Group Reports & Formal Individual Statements, the Youth Advisory Survey on Strategic Priorities to the OPO, and the forum's Feedback Survey are attached in the appendix.

### First International Ombud Expo- Nigeria

The spread and popularisation of the Ombud institution across the world, over the last five decades, has been well documented. It is estimated that there are over 50,000 Ombuds offices, grievancehandlers, and complaint-bodies in operation in over 150 countries, while the demand for more offices continues to increase.

The International Ombud Expo (IOE) 2019, brought together over 250 participants representing national and specialty Ombuds and grievance handling offices from 38 countries in an exhibition of the role and operations of these unique institutions in facilitating better governance and driving performance in governments and organisations across the world. The 3-day international event, and first of its kind, was held from 28 to 31 October, 2019, in Abuja, the Federal Capital of the Territory of Nigeria.

Convened under the theme: Extending the Ombud Frontiers: Better Governance, Enhanced Performance, the IOE 2019 was organized by an international collaboration of organizations and agencies, including: Federal Government of Nigeria; Public Complaints Commission and Ombudsman Office of Nigeria (PCC; International Ombudsman Institute (IOI); Caribbean Ombudsman Association (CAROA); Instituto Latino Americana Del Ombudsman -Defensorias Del Pueblo (ILO); Ombudsman of Bermuda; Commonwealth Secretariat; United Nations; and Governance and Management Services International (GMSI).

Ombudsman offices from the following countries participated in the expo, namely: Angola, Bermuda, Botswana, Burundi, Cote d'Ivoire, Cameroon, CuracaoNetherlands, Jamaica, Djibouti, Ethiopia, Ghana, Kenya, Lesotho, Libya, Malawi, Namibia, Uganda, Seychelles, Sierra Leone, South Africa, South African Military Ombud, Pakistan, Senegal ICRC, Swaziland, Tanzania, The Gambia, Zambia, Nigeria, USA as well as the representatives of the Commonwealth Secretariat, London. In all, 74 international and local organisations and agencies participated in IOE 2019.

Noteworthy features of the IOE 2019 were:

- Exhibition of the work of different Ombud offices and oversight institutions;
- Parallel experts' sessions and workshops on topical issues and the Ombudsman practice;
- Unparalleled insight into how Ombud institutions execute their roles and make a difference in governments and organizations across the globe;
- One-on-one interaction and sharing of experiences between and with Ombud leaders, diverse functionaries, and a wide range of stakeholders;
- Study tours of Ombuds, anti-corruption, human rights and related oversight organisations in Nigeria;
- Meeting with wide-ranging organisations which service and facilitate the role of Ombuds type offices in different parts of the world;
- Special celebration of the role and impact of women leaders in Ombuds and oversight institutions;
- Honour recognition of the contributions of eminent former ombudsmen.

In her contribution, the Political Ombudsman spoke on the topic: Promoting Integrity in Public Life-The Political Ombudsman of Jamaica and lessons of Experience. In her remarks, she reminded the delegates that:

"... Although varying in specificity of roles, the offices we hold are all legitimized by Parliament(s) - either through direct elections or through appointment by head of state or government by or after consultation with parliament. Our common cord is that of protecting our people against violation of rights, abuse of powers, unfair decisions and maladministration ... this rich gathering of speakers and activities will provide impetus for advancement in improving public administration as we strive to encourage governments to make their actions more open and their administration more accountable to the public."

#### She shared also that:

"...Citizens are entitled to expect that public officials, both elected and non-elected, to behave according to the highest standards of ethical behaviour ... Integrity is a crucial determinant of trust... Evidence suggests a link between trust in politicians, both from the business community and citizens, and the perception of corruption.

Promoting integrity necessitates developing and maintaining a culture or ... environment that supports ethical conduct. It involves making expectations about conduct clear and guaranteeing that strong systems, policies and processes are in place to support ethical behaviour. To mainstream integrity for political actors, there must be a common set of rules, values, beliefs, and principles agreed on by all. The Commissions of Parliament in Jamaica through their respective mandates have been very effective in protecting citizens against violation of rights, abuse of powers, unfair decisions and maladministration by public officials."



In attendance also from Jamaica were Public Defender, Mrs Arlene Harrison Henry and Deputy Public Defender, Mr Herbert McKenzie.





First International Ombuds Expo, Abuja, Nigeria



### 14th Inter-American Meetings of Electoral Management Bodies-Panama

The Inter-American Meetings of Electoral Management Bodies, seeks to promote the exchange of knowledge, experiences and successful practices in electoral administration within our geographical region. The meetings are geared at facilitating horizontal cooperation in order to continuously strengthen the institutional capacities of electoral and related bodies and to further improve the way elections are conducted in the Americas. It is the only forum that brings together all the authorities of this hemisphere and seeks to provide an established space to allow these authorities to identify and discuss the challenges they face.

The Political Ombudsman was invited to the fourteenth meeting, convened in Panama City, Panama, on November 13-14. As a participant, herself and Craig Jennes, Director, Electoral Assistance Division at the United Nations, as panellists, participated in the plenary session that examined the topic: Violence in the Context of Elections. In examining the topic, a number of concerns were addressed. These included:

- Targets of electoral violence;
- Organized electoral violence;
- Addressing violent electoral conflict.

The Political Ombudsman's presentation, entitled, 'Jamaica Moves Forward: Overcoming Political and Electoral Violence', was well received. See presentation in appendix. Other plenary session topics were:

- Good practices and lessons learned from the 2019 Presidential Elections;
- Good practices in Electoral Reform Processes;
- Political Communication for Electoral Authorities:
- Political Strategies on Digital Media.

Each panel session was preceded by presentations from subject matter experts, sharing their knowledge and challenges. This to encourage fulsome and substantive discussions among the delegates.







# Complaints and Investigations

For the reporting period, a total of 17 formal complaints were brought before the Political Ombudsman. These are represented in the chart:

Breached Tenet	#1	#3	#4	#6	Breaches outside of the Code
Number of reports	3	1	5	3	5
Percentage	17.6	5.8	17.6	#6	29.4

Breaches:

- #1 Non-Violence and Non-Intimidation;
- #3 Avoidance of Confrontation;
- #4 Public Utterances;
- #6 Avoidance of Defacing of Buildings or Installations.

Breaches of the Public Utterances tenet of the Agreement and Declaration on Political Conduct (the Code), recorded the highest percentage of formal complaints. This has seen a gradual increase over the last period, attributable mainly to the steady growth in the number of users accessing and interacting in the various virtual spaces. Many of these cases were related to utterances outside of campaign periods.

The findings in many of these cases, is that the speaker's intention does not always reflect the meaning or intention of the utterances. The hearers conclusion is often reasonable, however may be mediated in a structured engagement with those involved. The choice of 'insulting' or 'fighting' words, which by their very utterance, may inflict injury or tend to incite an immediate breach of the Code, continue to be both unnecessary and problematic, whether from political officials or their supporters.

In resolving these cases, the Political Ombudsman works with the aggrieved parties to firstly highlight the central truth of the impasse, that of the complainant's interpretation of the speaker's utterances and the speaker's intention. The next steps involve the speaker acknowledging that a breach has occurred and proposing or agreeing to follow through on remediating or compensatory actions as agreed with the Ombudsman.

The matters may be closed by a joint letter to the parties and or a report with recommendations sent by the Political Ombudsman to the leaders of the respective political parties.



# By-election - Portland Eastern

On March 1, 2019, Prime Minister Andrew Holness announced that the by-election for the Portland Eastern parliamentary seat would be contested on March 25 with nomination day scheduled for March 8. However, due to the Ash Wednesday public holiday falling that year on March 6, it did not allow for the five clear days between the announcement of the byelection and Nomination day as stipulated under the Representation of the People Act. On March 4, 2019, the Prime Minister announced that Nomination day would instead be on March 15, 2019 with the election date changed to April 4, 2019.

The seat was declared vacant following the death of Member of Parliament Dr. Lynvale Bloomfield on February 2, 2019. The election was contested by Mr. Damion Crawford of the People's National Party and Mrs. Ann-Marie Vaz of the Jamaica Labour Party. Mrs. Vaz won the election.

The Candidates and supporters engaged in a vigorous and very contentious campaign. Numerous reports and some complaints of improper political conduct, some in possible breach of the Code were in the public domain and some brought to the attention of the Political Ombudsman. The campaigning started in February 2019, triggered by the death of the incumbent Member of Parliament, although the April 4th by-election date announcement came later.

The by-election had the flavour, participation, conflicts and publicity of a national election. Voter turn-out was reported as 54.3%, higher than the 2016 turnout of 43.3%, for the constituency and above the national turnout.

Allegations of use of funds to improperly influence electoral choices', distribution of goods and examples of unauthorized road works, bushing, and use of the Constituency Development Fund (CDF) resources and breaches of the Campaign Finance Reform rules were plentiful. Some were addressed by the Political Ombudsman through various methods. The issue of the Political Ombudsman's ability to provide information or receive timely information on donors filing reports with the Electoral Office of Jamaica and the accuracy of candidates and parties election returns is still a concern.

Numerous complaints related to controversial social media posts were received and efforts by the Political Ombudsman to engage the Prime Minister, the Leader of Opposition, FLOW and Digicel, the JCF and the candidates, in addressing problems of posts on the various platforms, bore little fruit.

There were several allegations of breaches of the Code, in relation to the use of funds to improperly influence electoral choices, including failure of disclosure of resources wrongfully employed within the campaign to fund activities without submitting the works to the Portland Municipal Corporation for approval and monitoring. In response, the Prime Minister and Leader of the JLP, instructed that the road works cease during the remaining campaign period. This was of particular concern, as the Political Ombudsman verified where donations were given by persons who were holders of government contracts and where there was ignorance/non-compliance with the required filing of forms under ROPA Campaign Finance amendments.

The potential for confrontation was a significant issue requiring the intervention of the Political Ombudsman on the staging of meetings by the candidates in a way that would promote campaigning but minimize confrontations. This was compounded by a change in



dates of both Nomination day and the Poll. This meant that both parties had to adjust their initial campaign programme of meetings and created several risks of disaster for the Police to manage.

The campaign was dogged by unfounded allegations on various matters and promulgated by social media. In many instances, the Political Ombudsman was hampered from dealing with these issues as a result of resource restraints. The Political Ombudsman made several visits to the constituency in the lead up to and on Election Day.

Breaches outside of the Code: These reports were received and referred to the respective government agencies, bodies and ministries. They included complaints that were current matters before the Courts or government disciplinary bodies or those that were outside of the immediate mandate of the OPO.



#### Code Signing

The Political Ombudsman organized a ceremony for affirmation of the Agreement and Declaration on Political Conduct (the Code) by the Candidates. The ceremony was held on March 18th at the Portland Municipal Corporation office, in the presence of the Custos Rotulorum, Honourable Lincoln Thaxter, CD, JP, along with other stakeholders, including supporters of the JLP & PNP, members of the JCF and media representatives.

The PNP's Candidate Mr. Damion Crawford signed the affirmation at the Ceremony. The JLP's Candidate, Mrs Ann Marie Vaz, did not attend the Ceremony, but was represented by Mrs. Sharon Hay Webster, who requested and received an opportunity to make remarks on behalf of the Candidate. By letter of March 18, 2019, the JLP Candidate, outlined her reasons for not attending the scheduled ceremony. She later attended on the Custos and signed the Affirmation.

In her remarks, the Political Ombudsman congratulated the Candidates on their nomination to represent the citizens of the constituency. She reminded them that the Code, binds not just them, but their campaign managers, their supporters and their respective parties to the standards agreed in Gordon House in 2005 and to the laws of Jamaica.

She informed them that ultimately, they are responsible for actions done in the furtherance of their campaign activities. She urged them to demonstrate strong leadership and organizational skills in their vision towards empowering the citizens of the constituency.



Custos of Portland Major Lincoln Thaxter (right) affixes his signature to the Political Code of Conduct as Political Ombudsman Donna Parchment Brown (left), Mikael Phillips (seated left) and PNP candidate for Portland Eastern Damion Crawford look on. The JLP's Ann-Marie Vaz, who had expressed deep concern about the "inaction" of the Office of the Political Ombudsman on a number of issues, had boycotted the signing ceremony before later signing the code.

### **Election Centre**

This is a Jamaican electoral initiative aimed at engaging all stakeholders in the electoral process. The centre is chaired by the Director of Elections and co-chaired by the Political Ombudsman. The members are designated representatives from the:

- Jamaica Labour Party
- People's National Party
- Jamaica Constabulary Force
- Jamaica Defence Force
- Jamaica Umbrella Group of Churches
- Broadcasting Commission
- National Integrity Action
- Citizens Action For Free & Fair Elections

The Election Centre may make recommendations to the constituted authority, the political parties, the Political Ombudsman and the Jamaica Constabulary Force and others, for action during the course of a campaign or on the day of an election. Such actions may include, halting campaigning in a specific area, as was the case in the St. James community of Flanker in the 2016 National Election.

The centre is activated once an election or by-election is announced and meets as necessary until the election is concluded. The centre sat on Nomination day in St. Andrew and on the Election Day, in Portland for the April 4th, 2019 by-election. The Election Centre toured several polling stations and also relied on their local resources to assist in providing information and addressing some of the many concerns raised.





# Stakeholder Engagement

Stakeholder engagement is an approach employed by the Political Ombudsman to create avenues for greater participation of citizens, other governmental and non-governmental groups who may not be sufficiently aware of the mandate and work of the OPO.

Engaging with different perspectives provided opportunities for learning and sharing. From experts in their respective fields to users of services to the general public, these engagements provided opportunities to develop insight into people's lived experiences and, in so doing, allowed the shaping of approaches that took into account a full range of perspectives.

This chapter provide insights into a number of these engagements:

5th Annual Symposium on Law, Governance & Society The Triple 'R' Strategy: Rights, Remedies & Reputation

In June, the Political Ombudsman was invited to present on the topic, Public Sector Governance: A look at institutions that protect the public interest, good governance & the Rule of Law by State, Para-State and related actors.

The event, convened by The University of the West Indies (UWI), Mona, Faculty of Law, was held at the Melia Braco Village in Trelawny, June 28 - 30.

The programme included sessions that examined:

- Public Sector Governance
- Intellectual Property
- Diversity & Inclusion
- International Disaster Response Law
- Take Overs & Mergers
- Defamation
- Data Protection

In her presentation, the Political Ombudsman, speaking on institutions that protect the public interest (Commissions of Parliament) ... stated that, ' ... In Jamaica all of these Commissions are led by members of the legal profession. Most exercise the powers of a judge of the Supreme Court ... As lawyers, our training, practice, experience and canons of ethics are the key pillars of preparation for this relatively new, mainly since 2000, work in Jamaica. Integrating integrity into democracy is key to Good Governance within and by these Commissions.

" These institutions speak truth to power and stand as protectors, advocates and representatives of every man including the vulnerable, marginalized and fearful. These Commissions, like many NGOs, private and public sector organizations, work to protect and deliver the big picture, while preserving the rights and interests of individuals and institutions. e.g. Representation of the People Act (ROP A) campaign finance reform makes the state ineligible to fund a candidate or political party ... The Political Ombudsman (Interim) Act, SJ 2(b) involves handling actions 'likely to prejudice good relations between supporters of various political parties .. '

Jamaica, by these institutions, reflects Bishop Robert Thompson's recent homily, when he noted the need for virtue/integrity to accompany economics and culture to build a strong/good/worthwhile country .... She shared also that,' ... The idea of governance has gained momentum and a wider meaning over time. It is not just the task of running a government, it is a broader thought than government and its related concepts, such as the state, civil society, parastate citizens and related actors. It incorporates and goes beyond the collective meaning of these related concepts.

It involves the interaction between the formal institutions and those of civil society, and really is a process where elements in the society exercise power, authority and influence and sanction policies and decisions concerning public life and social development. Good Governance then, depends on the ability to take responsibility, by both administration as well as citizens ... "

Presenting also on the topic, was Professor Lloyd Waller, Head, Department of Government, The UWI Mona. The session was chaired by Judge Amina Maknoon, Parish Court Judge, Corporate Area Civil & Tax Divisions



Sagicor Investments/ Jamaica Prefects' Association Youth Awards Ceremony

Invited as the Keynote Speaker to this event held in June, the Political Ombudsman shared the following: '... Constitution or legislation in the case of my office, (the Political Ombudsman (Interim) Act, 2002, provides the framework for the organization, its members and stakeholders to understand and act within our mandate and powers. Rules help us operate with integrity. They form a common bond within which we can have our personal values, identity and our joint and separate brands.

' ... Jamaica is a blessed country ... She needs leaders who see the convergence of economics, culture and virtue ... '

'... Leadership speaks to abilities, gifts and talents that, singularly or combined, become a force that enable others to do more, be more and become more for self and community. I believe the Jamaica Prefects' Association epitomizes the desired leadership that must be encouraged and promoted among our youth population ... It is generally agreed, that not all members of a society will have the same values and goals or are all agreed on the crucial tasks that have to be done to effect positive changes.

The twenty-first century has ushered us into a time of rapid change and we are conscious of our young people's potential to change the widely held perception of disinterest in good governance, Rule of Law and political systems and structures ... '

'... Young people are at the forefront of technological and cultural changes associated with globalisation ... ' '... The 'Conversations with Young Jamaicans' an initiative of the Office of the Political Ombudsman since 2016, was birthed out of this ideal. The program targets upper level students of secondary and tertiary institutions across the island



The structure and delivery of the town-hall style meetings, allows for practicality and accessibility in information sharing and creates an atmosphere conducive to gaining insights and feedback on your views on duties of government and good governance, politics, communication, corruption and the positive and negative role of social media ...

' ... Like other Commissions of Parliament, such as INDECOM, Electoral Commission, Public Defender, Children' Advocate or the Jamaica Prefect's Association. *The Political Ombudsman's (Interim) Act, 2000* and the Agreement and Declaration on Political Conduct (the Code), are tools employed in the promotion of integrity, to enhance democratic governance and improve accountability ... ' In attendance also at the ceremony was Mr Alando Terrelonge, Minister of State in the Ministry of Education, Youth & Information.

### Annual Rose A. Leon, CD, JP, Memorial Lecture

Since 2002, the Rose Leon Memorial Trust (RLMT) and the Jamaica Women's Political Caucus (JWPC), have convened lecture series annually. For 2019, the lecture was held on March 4, under the theme, Women in Representational Politics: The Campaign and Conduct.

Madam Rose Agatha Leon (nee Huie), born October, 1911, was the first Jamaican woman to become a government minister and the only Jamaican to have served in both a JLP and PNP Cabinet. She was a founding member of the Jamaica Manufacturers' Association, serving as its president in 1967, she became one of their longest-serving board members and was made a Life Member in 1993. She was also a founding member of the Jamaica Federation of Women, along with Lady Huggins and Mrs Mary



Morris Knibb, who I am advised was the first woman candidate nominated in Jamaica to the KSAC.

In her presentation, the Political Ombudsman expressed the following, ' ... In 1975, the first United Nations World Conference on Women, was held in Mexico City. Following this inaugural meeting, the international community has since paid greater attention to women's representation in and their impact on political decision-making structures.

Despite this international focus, women's access to parliaments across the world has been frustratingly slow. Although there are noticeable advances in women's level of education and sharing in the paid economy, there is still little significant progress made with respect to their representation in national politics or at the level of corporate leadership.

Many share the view that a strong and vibrant democracy is possible if a parliament is fully inclusive of the population it represents; so parliaments cannot truly consider themselves inclusive until they can boast the full equal participation of women ... '

# Conversations with **Young** Jamaicans Programme

Our signature youth contact programme, Conversations with Young Jamaicans, continued in the year, with the Ombudsman visiting the May Pen High School. This allowed for faceto-face engagement with the entire student body of 180 students plus teachers and staff. The Conversations with Young Jamaicans programme, 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 and want to be given opportunities to actively participate in the democratic practices.

We express our appreciation to the Principal and staff of the school for agreeing to host the OPO and for making the local level arrangements. 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.





# Human **Resource**

As a Commission of Parliament, the Political Ombudsman's major Human Resource functions are facilitated through the Houses of Parliament in line with the Government of Jamaica (GOJ), Staff Orders for the Public Service, 2004. Remuneration for staff is guided by the GOJ, Salary Scales, administered through the Ministry of Finance and the Public Service. Section 9 of the Political Ombudsman (Interim) Act, empowers the Political Ombudsman, on the approval of the Commission of Section 8 of the said act, to hire and appoint staff for the office. The office operates with a total of six support personnel. They are:

- An Administrative Assistant
- An Executive Secretary
- An Office Attendant
- A Bearer/Receptionist
- A Driver for the Political Ombudsman

The remuneration of the post holder, Political Ombudsman, is to be determined by the S8 Commission and the last adjournment was in 201 .....

The S8 Commission is also tasked to determine gratuity entitlements for the staff of the Commission, as they are not eligible for pension. This matter has been outstanding for over seven (7) years.

The S8 Commission is chaired by the Speaker of the House of Representatives of the Parliament and the members as set out in the Political Ombudsman (Interim) Act are: • The President of the Senate;

• The person designated by the Prime Minister as Leader of Government business in the House of Representatives;

- The person designated by the Leader of the Opposition as Leader of Opposition business in the House of Representatives;
- The person designated by the Leader of the Opposition as Leader of Opposition business in the Senate; and
- The Minister responsible for the public service.

### Staff Development

Employee development remains a strategic tool for growth within the OPO, as it contributes to the growth, productivity and employee retention capacities.

In July, two key members of staff attended a workshop on Cybersecurity themed, 'Pathways to Managing Cyber Vulnerabilities'. The event was jointly organized by The University of the West Indies and the Jamaica Defence Force. The main objective of the workshop, was to expose participants to the changing cyber landscape with respect to threats, tools, regulations and responses.

# Financials

Budget submission, accounting and other finance-related services are provided through the Houses of Parliament.

For the financial year 2019/2020 allocations were received for the following:

Object Code	Name
21	Compensation of Employees
22	Travel Expenses & Subsistence
23	Rental of Property, Machinery & Equipment
24	Utilities & Communication Services
25	Use of Goods & Services
	A CONTRACT OF STREET, AND A CONTRACT OF STREET



# Media Engagements

The media; print, electronic and digital, played a valuable role in highlighting matters of importance to Jamaica's democracy and the work of the Political Ombudsman. Working with the media is a crucial strategy employed by the OPO as it enables the Political Ombudsman to:

The Political Ombudsman was guest on a number of programmes over the course of the year including via the internet as well as television and radio. She was featured on TVJ, JNN, CVM, Love FM, NCU radio, RJR and others. Presented in this chapter are a few print releases that we captured for the period.

- inform and educate different groups about complicated or contentious issues
- empower the audience to contribute to ongoing public discussion
- highlight and explain important or poorly understood issues
- encourage new conversations with new audiences
- gain public support for new initiatives and ideas

### Office of the Political Ombudsman launches website

#### Sunday Observer Sunday, April 14, 2019

KINGSTON, Jamaica (JIS) — The Office of the Political Ombudsman has officially launched its website, which offers various features to encourage greater public engagement with the office.

The website, created by the Jamaica Information Service (JIS), adds to the entity's already existing online presence on Facebook, Instagram and Twitter.

Visitors to www.opo.gov.jm will be able to get news, notices and alerts, information about political code of conduct signings, elections and pieces of legislation.

"Users will also be able to upload videos and participate in meaningful discussions on important topics," Political Ombudsman, Donna Parchment Brown told JIS News.

She said the website will serve to "provide visitors with an easier way to interact with the office and provide information, which is easily accessible." Persons will be able to register a complaint anonymously.

Parchment Brown noted that the website addresses issues such as "defamation, which is becoming more prevalent in the digital space... vilification of opponents, fake news and a general deterioration in public discourse."

"Our democracy will benefit from your interaction with this site," she noted.

### Social Media

### Politicians must use social media responsibly

Friday, January 04, 2019/Gleaner

Dear Editor,

Posts on social media are part of the public space.

Political parties, officials and surrogates are not immune to findings of defamation, incitement, malice, provocation, volatile confrontation, or increasing of tension by their posts. The language, product, actions and reactions on a social media platform must be responsible and just as accountable as in other media spaces, notwithstanding the fact that faces are hidden by a screen.

Jamaica's political parties are committed to the tenets of the Agreement and Declaration on Political Conduct, signed in Jamaica's George William Gordon House in September of 2005. Among these are the avoidance of confrontation and the control of negative public utterances. By signing, certifying their continuing adherence to these values, candidates and elected officials accept a duty to improve our politics for our people.

Political tribalism in the code of conduct states:

"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 organisational practices which reinforce political tribalism", and demands that political leaders and officials conduct their business having regard for the rights of members of other parties, of persons who are of no party and of the public.

We applaud the recent meeting of the prime minister and the leader of the Opposition at the start of 2019 in a very toxic conflictual time for Jamaica. The other meetings proposed require from the party leaders and teams wisdom, restraint, good listening and respect for those who are not at the table but are those for whom the decisions are being made.

I call on the officials of political parties and supporters to remove the posts on social media that demean and distort and to put forward material that will help the leaders to arrive at the best course of action for Jamaica to increase the welfare of all Jamaicans.

Donna Parchment Brown Political Ombudsman Kingston

Office of the Political Ombudsman

### Political ombudsman takes aim at bad conduct on social media

Published: Friday | January 4, 2019 | Edmond Campbell/ News Coordinator/Gleaner



Rudolph Brown Photo

Ombudsman Donna-Parchment Brown, who has reported that some of the comments are in breach of the Political Code of Conduct. Parchment-Brown told The Gleaner yesterday that she has received reports from politicians on both sides of the parliamentary political divide complaining about material on social media that is malicious and that could trigger political tensions. "Involved in the complaints are elected officials and contenders as well as persons who are close to the political process that are not at the table."

The political referee said that she received three complaints in December that were directly related to posts made on social media. She said the three complaints were the proverbial tip of the iceberg.

#### 'I did not make it'

The political ombudsman said she had already met with an individual who made an offensive post on social media.

"Yesterday (Thursday), I had a significant discussion with a person who had reposted an item. Initially, the reaction was, 'I did not make it', and so I have to explain that posting or reposting is publication."

She said that the code of conduct speaks to public utterances that may be defamatory and malicious and that may incite people to violence.

"I raise it as a concern because I don't have to establish that it is defamatory before asking you about it," she noted.

Parchment-Brown issued a news release on Thursday calling for the officials of political parties and supporters to remove the posts on social media that "demean and distort and to put forward material that will help the leaders to arrive at the best course of action for Jamaica to increase the welfare of all Jamaicans".

She said the language, products, actions, and reactions on a social media platform must be responsible and just as accountable as in other media spaces.

## Difficult to manage! - Political parties say mud-slinging on social media hard to curtail

Published: Friday January 4, 2019 Edmond Campbell/ News Coordinator



General secretaries of both the Jamaica Labour Party (JLP) and the People's National Party (PNP) have acknowledged that rancorous comments on social media about political opponents is problematic but argue that the issue is difficult to manage.

Political Ombudsman Donna Parchment-Brown has cautioned politicians and their supporters against posting material on social media that incites violence and is in breach of the Political Code of Conduct.

Last night, Dr Horace Chang, the JLP general secretary, told The Gleaner that he was aware of some of the caustic exchanges on social media but noted that the platform had "created fake news, and that is the nature of the world today". "In time, we will get some kind of control, but there is not much that we can do about it," said Chang, adding that it was difficult to exercise control over what pervades social media.

#### Viral posts

Chang said that if offensive material that was in breach of ethical principles was posted on a social media site connected to the JLP, the information would be deleted. However, he noted that if the comment went viral, it would pose a challenge.

"Certainly, if you get something very obscene and vitriolic that is in breach of decency, you delete it." The JLP general secretary said that the party would urge its members not to post indecent material on any social media sites. He argued, however, that the society would have to learn to live with social media until an appropriate way was found to filter the information without censoring free speech.

Julian Robinson, the PNP's general secretary, said that he was aware of at least one matter involving a member from the PNP that the political ombudsman was dealing with at this time. "It is a challenge. Generally, I would say that the comments tend to be more from surrogates rather than the individual politicians themselves." Conceding that some of the comments were unacceptable, Robinson noted that "people say a lot of very derogatory things about individuals, almost in an assumption that there is no recourse". He asserted that many believed that the same rules that applied for defamation in 'normal life' did not apply on social media. "We urge our own members to be careful and conscious about the things that they put out there. The laws of defamation still apply whether you are on social media or not."

edmond.campbell@gleanerjm.com



### Political ombudsman to investigate Tomlinson's tweet

Published: Thursday | May 23, 2019 | Jason Cross/Gleaner Writer

By the middle of next week, Political Ombudsman Donna Parchment Brown expects to lay to rest all issues surrounding a tweet made last Wednesday by People's National Party Youth Organisation President Krystal Tomlinson, likening Prime Minister Andrew Holness to former German Fuhrer Adolf Hitler.

The Jamaica Labour Party's (JLP) Central Executive threatened on Sunday to refer Tomlinson to Parchment Brown, despite her eventually apologising for stating that "Holness' track record suggests that he is a prime minister who has scant regard for the court, the Constitution and the separation of powers doctrine. Reminds me of Adolph Hitler and his approach to designing a 'New' Germany."

Tomlinson's comments attracted widespread condemnation in public spheres and from social media users.

Though no official complaint has reached her office from the Central Executive, Parchment Brown told The Gleaner on Tuesday that she will carry out a probe, as such comments breach "part four of the public utterances in the agreement and declaration on political conduct", which she said clearly outlines that statements that might incite violence should not be made, as well as anything defamatory that might bring persons, their political party or family into disrepute.

"Clearly, Adolf Hitler is a complicated and despicable character, so it is important to understand what precisely she was trying to convey. On the face of it, most people consider that to be very inappropriate. I very rarely draw conclusions without having the opportunity to speak with everybody concerned. Putting Hitler's name in the mix would at a minimum be inflammatory and so in terms of public utterances, this is something that would raise some concerns for me. I don't have to get a report from them to look into the matter," the political ombudsman said.

She cautioned about the use of social media, which she deemed one of the greatest inventions if properly used, and the most dangerous tool if people are not careful what they post.

"I have issued a press release around the use of social media. The difficulty is that when we are called upon to explain what we have said, you are already in a problem."

jason.cross@gleanerjm.com

### **Portland Eastern By-election**

### In honour of Dr Bloomfield...

Monday, February 11, 2019



Tribute by Daryl Vaz, MP for Portland Western, to the late Dr Lynvale Bloomfield, MP for Portland Eastern, in the House of Representatives on Tuesday, February 5, 2019.

NONE of us could believe the reports that greeted us over the past weekend of the brutal slaying of our late colleague, Dr Lynvale Bloomfield, Member of Parliament for East Portland. Dr Bloomfield and I were neighbouring MPs but most interestingly, he was also my MP as my Portland residence is in the constituency of East Portland.

Our political association dates back to 2011 when he was first elected as Member of Parliament. As administrations changed, we were both afforded the privilege of sitting on the Government side as well as knowing the "wilderness" of being in Opposition.

In those seven years of parliamentary and political hustings, we maintained a cordial relationship based on mutual respect. There was never a wry word between us. There are therefore no stories of political squabbles to tell, as we both understood that our primary concern is the well-being of the people and parish of Portland, and so we worked together, where and when necessary.

Our relationship as rival MPs could best be described as unique, given today's unfortunate tribal nature of our politics. It would be hard-pressed in today's politics to find a politician who could or would call on their political opponent to treat him, his immediate family members and friends, as a medical doctor, from time to time. This was the case with Dr Bloomfield and myself. He always responded to my calls by coming to my house in Portland rather than us having to visit at his office. That was the measure of the man...

My last working MP interaction with Doc was on December 18 last year when I invited him to tour the infrastructure of the parish with me. That he did, and we exchanged ideas of how we could improve that aspect of the parish's development. It was once again clear that although we were from opposing sides, our vision and love for the people and parish of Portland were paramount. Apart from Parliament, we also attended meetings as members of the Titchfield Trust. Each of us here has had our own political challenges in one form or the other. This two-term MP has had to defend his stewardship of East Portland publicly a few times. It did not mean that he was not serving the people of East Portland well. It did not mean that he was not loved or respected there. What we could, however, admire about him is that he defended himself with self-assured confidence and quiet dignity.

Everyone in this noble House will agree that Dr Bloomfield was a humble gentleman among us. You would not see nor hear Dr Bloomfield disrespectfully gesticulating, shouting or participating in any heated discussions in the House, and when provoked, he would always respond with a smile...

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### Vaz, Crawford cleared on by-election spending

Published: Wednesday | May 22, 2019 |Erica Virtue/Senior Gleaner Writer



Director of Elections Glasspole Brown has given the green light to the two candidates of the April 4 East Portland by-election, telling The Gleaner yesterday that Member of Parliament Ann-Marie Vaz and the defeated Damion Crawford met the May 16 deadline to declare campaign spending. Under the Representation of the People (Amendment) Act 2016, contributors, candidates and registered political parties are required to file declarations and reports with the Electoral Commission of Jamaica (ECJ) within a prescribed time frame.

The two candidates, as well as their agents, who contested the by-election had until May 16 to file a declaration of their election expenditures and a declaration that, to the best of their knowledge and belief, no contribution from any impermissible contributor has been accepted during the campaign reporting period. The Electoral Office of Jamaica boss said both Vaz and Crawford were in good standing, but a report would not be produced until the political parties have also filed their declarations.

"We will not send a report to the Electoral Commission of Jamaica (ECJ) [as yet]. The political parties have until October to make their declarations to the registrar of political parties, after which a report will be sent also to the ECJ. A link will be provided to the candidates' expenditure and also the party's expenditure," Brown explained.

### East Portland by-election moved to April 4

Gleaner Publication: Tuesday | March 5, 2019

The by-election for the East Portland constituency has been shifted to April 4. The poll was initially announced for Monday, March 25 by Prime Minister Andrew Holness at a mass rally in Port Antonio Square last Friday. Nomination day was slated to have been March 8.

But a press statement issued by the Office of the Prime Minister last night acknowledged that the initial calculation wrongly factored Ash Wednesday in accounting for nomination day.

"This announcement supersedes that made on Friday, March 1, 2019, to take into account the public holiday of Ash Wednesday, which falls on Wednesday, March 6, 2019, and which is an 'excluded day' for the purpose of Section 21 (1A) of the Representation of the People Act, which provides that the day appointed for nomination day shall be at least five clear days after the announcement of an election.

Nomination day will now be on Friday, March 15.

The seat will be contested by the Jamaica Labour Party's Ann-Marie Vaz and Damion Crawford of the People's National Party.



Office of the Political Ombudsman

### Tensions mount over polling station location

Published: Tuesday | April 2, 2019 | Gareth Davis Sr/Gleaner Writer



Tempers flared among People's National Party (PNP) supporters yesterday after it was revealed that a polling station, which is in proximity to its constituency office at Smatt Road in Port Antonio, Portland, was illegally placed. The irate PNP supporters, who hurled insults at the governing Jamaica Labour Party (JLP) for the push to have adjustments made ahead of Thursday's by-election, also voiced their anger at JLP General Secretary Dr Horace Chang, who visited the site. "It is really an electoral breach as by law, a polling station should not be within 100 metres of a political office or vice versa," said Chang. "The Electoral Office of Jamaica has realised the error, and we have some concerns also. However, we have agreed to some changes and adjustments, which should allow for a smooth operation on Election Day. Let me state categorically that this should not have happened, but we are willing to work with it this time around," he added.

#### Hostility and frustration

PNP General Secretary Julian Robinson said that the situation, which cannot be resolved in two days, was probably what triggered hostility and frustration from a PNP crowd, who was upset after learning that the constituency office or the polling station would have to be relocated.

"The JLP objected to the location because of the proximity of the constituency office," commented Robinson.

"The PNP constituency office has been there for the last two elections. Clearly, we can't move the constituency office. Now they wanted to move the polling station. What we have agreed is that the entrance will be moved from here to further down, so that you can observe the 100-metre distance between the entrance of the polling and where people will congregate. But we are totally opposed to moving this station. It has been here for years. People are used to it, "He further said.

Ann-Marie Vaz of the ruling JLP is facing off against Damion Crawford of the PNP for the right to become member of parliament (MP) for Eastern Portland in the by-election, following the murder of sitting MP Dr Lynvale Bloomfield on February 2.

Office of the Political Ombudsman

# Conclusion

The Political Ombudsman continues to perform her duties as mandated by the Political Ombudsman (Interim) Act.

From the inception of the office in 2002, the work of the Political Ombudsman has required the support, trust and sagacity of political parties, their members and supporters.

As an institution largely based on investigating actions taken by political parties, their members and supporters, she also requires the trust of citizens as stakeholders. Trust that is vital to the Ombudsman's work.

In fulfilling its role, the Ombudsman as an institution, relies on the Rule of Law for support. The Rule of law is not only dependent on the existence of legal and institutional structures; it requires institutional practices that must be exercised by everyone. The basis for the Rule of Law is that state actors share a respect for each other's' duties.

As we grow as a nation and continue to engage in conversations pertinent to Jamaica's democratic health, it is hoped that recommendations by the office to the Parliament, including proposals to amend or enact new legislation will be satisfactorily concluded.


# Appendix

- Commonwealth Secretariat & the Office of the Political Ombudsman: Dialogue & Women's Political Participation Project.
- Report of the Scoping Mission
- The Commonwealth & National Peace Council: Sub-Regional Experience-sharing workshop on Building & Sustaining National Dialogue & Peace Structures

   Ghana, West Africa
- A synopsis of the presentation
- 3. Forum of Young Leaders -14th Anniversary of Code
- Group Reports & Formal Individual Statements
- Youth Advisory Survey on Strategic Priorities to the OPO
- Feedback Survey
- 4. 14th Inter-American Meeting of Electoral Management Bodies:
- 5. Website Launch event attendees list







### Report of Scoping Mission to Jamaica for the Enhanced Dialogue and Women's Political Participation Project (Australian EBR Project)

### Background

Jamaica is the third-largest Island of the Greater Antilles and the largest Commonwealth territory in the Caribbean. The Island is a constitutional monarchy with Queen Elizabeth II as head of state and represented by a Governor-General. Jamaica has had a vibrant, uninterrupted multiparty representative democracy characterized by history of systematic alteration between the two major political parties since 1944. Notwithstanding intermittent tensions in the polity, Jamaica has enjoyed democratic stability and citizen's participation in democratic processes for over five decades. The seventeenth General Parliamentary Election was held on 25 February 2016 for all 63 seats in the *House of Representatives*. The electoral process was given high marks by international election observers and both the *Caribbean Community (CARICOM)* and *Organization of American States (OAS)* deemed election as "transparent, free, fair and reflecting the will of the Jamaican people".

Jamaica was selected as a pilot country for the Secretariat's *Inclusive Dialogue and Enhanced Women's Political Participation Project* (Australian EBR Project) based on criteria outlined in the project's cooperative agreement which stipulates that ODA eligibility, political will and national need should inform member country participation. In-Principle Agreement with the Government of Jamaica (GOJ) for project implementation was secured through the Office of the Political Ombudsman. The Jamaican scoping mission which held in May, 2019 was led by Dr Tres-Ann Kremer, Head of Secretary General's Good Offices and Adviser for the Caribbean and supported by Mr Martin Kasirye Adviser and Head of Electoral Support (ESS) and Abubakar Abdullahi, Program Officer for the project. In-country consultations were co-facilitated by Hon. Mrs Donna Parchment-Brown Chairperson, Office of the Political Ombudsman.

The objectives of the scoping mission were:

- I. To meet with, consult and secure buy-in and commitment of relevant national institutions and stakeholders.
- II. Further map dialogues spaces and opportunities and identify the most effective approach to pursuing inclusive political dialogue, peacebuilding and female political participation.
- III. Develop plan to inform a targeted capacity building support and to secure in country agreements on implementation strategies with relevant national institutions and stakeholders.

### Methodology

Methodology adopted for scoping includes desk reviews, focus group and roundtable discussions, stakeholder perception survey which were complimented with visit to relevant national institutions. In line with recommended project's delivery approach, preliminary desk review was conducted with the view to map out dialogues spaces and advance project team understanding of political and electoral dynamics in Jamaica. Focus group discussions deployed an open ended line of inquiry structured thematically to elicit diversity of thoughts on: a) democratic dialogue spaces and opportunities in the Jamaica; b) role of Political Ombudsman in defusing political tension; c) role of civil societies organization, youth councils and the media in dialogue and peacebuilding; d) the dynamics of female political representation and their participation in electoral processes as viable stakeholders. A stakeholder perception questionnaire was administered to further harvest individual thoughts and perspectives on democratic dialogue, peacebuilding processes and female political participation.

### Participation

In line with recommended project delivery approach and principle of inclusivity, in-country consultations were held with diversity of stakeholders who are politicians, public administrators, women and youth leaders, civil society activist, peace builders and media practitioners. In-country consultations began with a roundtable discussion with the Office of the Political Ombudsman. Five focus groups discussions, one key informant interview and two roundtables were further held with relevant key stakeholders. Participants for the focus groups and roundtable discussions were Honourable Minister of Gender, a former parliamentarian, principal officers and members of the following organizations:

- Ministry of Gender, Entertainment and Sports
- Office of the Political Ombudsman
- Electoral Commission of Jamaica
- Former Parliamentarian(Senator)
- Youth leaders from JLP and PNP
- Deputy Mayor of Spanish Town
- Youth Crime Watch
- Dispute Resolution Foundation of Jamaica(DRF)
- Peace Management Initiative (PMI)
- National Integrity Action(NIA)
- National Integrity Commission
- Jamaica Accountability Meter Portal(JAMP)
- Trench Town Inner City Municipal Corporation
- Jamaican Women Political Caucus(JWPC)
- Citizens Actions for Free and Fair Elections(CAFFE)
- Centre for Gender and Development, University of West Indies
- St. Catherine Municipal Corporation

#### Summary of Key thoughts and findings

- Jamaica's democratic dialogue space is evolving and maturing with democratic consolidation. The Jamaican Parliament is the highest space for political dialogue and opportunity for high profile dialogue is afforded first and foremost through political party membership and engagements. Dialogue occurring in Jamaica are categorized as high profile, communitybased, civil society driven and digitally-based conversation with diverse degrees of citizen participation.
- Democratic dialogue space is arguably not wide enough as to meeting the ordinary Jamaicans in their diverse domains and/or remote constituencies. There is the need to expand and bridge the disconnect between national and local dialogue spaces in Jamaica. Jamaicans in rural constituencies crave for more inclusive dialogue platforms that will bridge the gaps of information, trust and understanding between them and elected representatives, service delivery systems and/or duty bearers in health, basic education and portable water provision.
- Jamaica has come a long way in bridging the wide political divides that drove political hostilities and violence of the 1970s and 80s. There is a sustained political will towards lessening the influence of political tribalism and gang divisions in communities; a significant shift in the lens with which most Jamaicans are now viewing politics and electoral participation. Jamaicans are making more informed decisions politically; asking more critical questions on political integrity, quality of political representation, governance and service delivery.
- Political Ombudsman is a significant national institution that should not only be protected by the constitution but strengthened to increase its relevance, visibility and footprint across all Jamaican political constituencies and communities. The Office of the Political Ombudsman should evolve as a truly independent institution that does not only listen, mediate, conciliate but also hold violators of *Political Code of Conduct* accountable.
- Civil society organizations have made great strides in limiting tribal and gang divisions in communities and are engaging on the demand side and towards improving governance, accountability and service delivery.
- Media prowess and freedom as the fourth estate is guaranteed in Jamaica. Media can further advance its contribution to democratic dialogue and nation building through a more investigative, ethical and inclusive journalism. Both citizens, media and political actors have a joint responsibility for shaping media role in democratic dialogue, nation and peacebuilding.
- Women are playing significant roles that touches on the political, governance, electoral dynamics and peacebuilding. Yet there is a wide gap between their contributions and representation in politics. Despite the diverse barriers, the voices of women in Parliament and the Cabinet are being heard significantly within the political and legislative circles and at policy tables.
- Young and politically motivated Jamaicans are significantly affecting socio-political dynamics as strategist in political parties and drivers of change in communities. The political space for dialogue with youth is however, limited. *Youth Advisory Council of Jamaica* is the platform for interface and dialogue with political stakeholders.
- Issues requiring national dialogue and consensus includes: meaningful and acceptable public utterances; polling station delineation, integrity of voter register, political campaign financing, basic education and portable water provision, sustainable development (Agenda 2030) and crime management.

### Democratic dialogue spaces and opportunities

In-country consultations and focus group discussions began with overview of Good Offices mandate, project goals and objectives albeit significance of the Jamaican Political Ombudsman and its relevance to project implementation. The relevance of Political Ombudsman and its uniqueness (political model) as compared to administrative Ombudsman found elsewhere in the Commonwealth was brought to the fore of preliminary discussions. The Political Ombudsman was described as a good model of national political dialogue and peacebuilding architecture that should be encourage and replicated within the Commonwealth.

Diversity of thoughts were expressed in response to open-ended lines of inquiry on democratic dialogue space and opportunities for citizen engagements with elected representatives, governance and service delivery processes. Focus groups affirmed that as with all democracies, Jamaica's political dialogue space is evolving and maturing with democratic consolidation. Respondents were of the view that Jamaica has a long history and culture of dialogue in communities, within villages, on verandas and around vexed issues.

It was further emphasised that Jamaica has come a long way in bridging the wide political divides that drove violence of the 1970s and 80's. Respondents highlighted that there is a significant change in the lens with which most Jamaicans are now viewing political participation as compared to the past when "politics was viewed largely as business of the politicians". Jamaicans are arguably making more informed decisions now politically; asking more critical questions around political integrity, quality of political representation, governance and service delivery.

Some respondents were of the view that democratic dialogue space is not wide enough as to meeting the ordinary Jamaicans in their diverse domains and/or remote constituencies. Analysis of stakeholder perception questionnaire indicates that 73 percent of respondents view democratic dialogue space in Jamaica as moderate (See Annex 2). Respondents further highlighted that inclusive political dialogue is largely built on trust as a social capital. Yet, regional studies including those by the University of West Indies have indicated a declining levels of trust in Jamaica, albeit global trends in democratic recession. Some respondents were of the view that declining level of trust and increasing wave of cynicism and protests witnessed in recent times is not unconnected to inadequate space for citizen engagement with political dialogue, governance and service delivery processes.

Focus groups further described and typified dialogue occurring in Jamaica as high profile, community-based, civil society driven and digitally based conversations with diverse degrees of citizen participation. Some respondents further highlighted the general reluctance in expanding and/or bridging the disconnect between national and local dialogue spaces in Jamaica. It was further emphasised that Jamaicans in rural constituencies crave for more inclusive dialogue platforms that will bridge the gaps of information, trust and understanding between them and elected representatives, service delivery systems and/or duty bearers in health, basic education and portable water provision.

### High profile political dialogue

The Jamaican Parliament was described as the highest space for political dialogue and opportunity for high profile dialogue is afforded first and foremost through political party membership and engagements. Political parties were described as the gateway to accessing channels of political dialogue and of getting key issues of national interest to formal political conversation whether at party conventions, executive decision making levels and within the

hallow chamber of the Parliament. One respondent argued that "If you are a member of the political party, you become aware of the formal and informal channels of participating in political dialogue and in diverse decision making arenas". The Vale Royal Talks was described as a bi-partisan political dialogue space for finding common ground significant decisions and/or matters of urgent national interest such as state of emergency. It was further emphasised that very few mechanisms for high profile dialogue exist outside the formal and informal spaces afforded by political parties.

Focus groups informed that Parliamentarians typically spend one day a week in their constituency offices conducting outreach and responding to constituent's concerns and needs. It was further noted that outreach is not similar to what prevails in advanced democracies (i.e. American system) where Parliamentarians go on recess to hold town hall meetings in their districts and/or answer critical policy and development questions from their constituents. Rather, a more personalized forms of interactions with parliamentarians is the norm in most political constituencies. Some respondents argued that this tendency is connected to political socialization in communities which entrenched the culture of accessing public goods through individualized political patronage. It was further emphasised that these form of individualized interaction tends to mount severe pressure on elected representatives.

### Electoral dialogue

Respondents emphasised that the *Electoral Commission of Jamaica* has established communication and outreach mechanisms for disseminating public information, education and communication. It holds mock election sessions, community sensitisation outreach and breakfast meetings with key political stakeholders and business communities. The Commission is also responsible for monitoring political campaign finances and intermittently engage with key political stakeholders on compliance. Respondents were of the view that Commission operates within the ambit of the law albeit other constraints. They noted that the *Parliament of Jamaica* is only space for dialogue on electoral reforms and/or amendment to the electoral act.

It was further underscored that there is a good electoral consensus in Jamaica and the *Electoral Commission of Jamaica* is an effective institution "yet it is open to further adaptation of good electoral practices within the Commonwealth". Focus groups acknowledged the effectiveness of commission but highlighted that more work is needed with regards to integrity of the voter register and expanded civic voter education outreach and engagement with civil society organizations.

The *Election Centre* was described as a clearing-house for the dissemination of information on elections, a safe and functional space in which the competing parties and key political stakeholders can raise concerns. Respondents highlighted that centre hosts press conferences and issues daily press briefings to combat the spread of rumour and misinformation that could fuel violence during election periods. Regular and scheduled meetings are also held to discuss issues affecting either political or electoral matters; political matters are handled by the Political Ombudsman and electoral matters by the Director of Elections<sup>1</sup>. It was evident from the discussions that the electoral circle approach to political dialogue is yet to fully established.

<sup>&</sup>lt;sup>1</sup> Election Centre(EC) was established in 2002 to enhance the management, transparency and interaction of all stakeholders in the period between nomination day and Election Day. The centre includes representatives of the main political parties, civils society and Jamaican Constabulary Force.

#### Community-based dialogue

Focus groups described the hierarchy of dialogues occurring at lower levels and as facilitated by community-based structures such as: *Parish Development Committees (PDCs)*, *Districts Development Committee (DDCs)* and *Community Development Committees (CDCs)*. Respondents informed that in some political constituencies, PDCs and DDCs are "well organized and functions almost like a quasi-government". Jamaica Social Development Commission assists with the empowerment of these structure some of which are recognized and defined by law. Respondents highlighted that in *Trench Town*, dialogue processes through CDCs, encourages citizen's participation by bringing diverse voices to table where contending views are reconciled and progressive ones are collectivized. Some respondents were of the view that much of what happens through these structures could be described as consultations mediated by influential members of communities rather than inclusive dialogue in its true sense.

It was further highlighted that PDCs, DDCs and CDCs are not equally developed in all parishes and their significance also varies with political constituencies. Parliamentarians have also demonstrated varied commitments and engagement with dialogue occurring through these structures. Some parliamentarians find it very important to attend town hall meetings organized by PDCs and DDCs and leverage on their platforms to build consensus on *Constituency Development Fund (CDF)*. In other political constituencies, dialogues organized by CDCs are viewed as running parallel to outreach by elected representative and/or political appointees.

Focus groups further emphasised that citizen's participation varies with development of the structures; while is some constituencies, community members are incentivised to attend town hall meetings organized by CDCs, participation in other communities is based on spirit of voluntarism. The space for community-based dialogue is further afforded by activities of civil society organizations, sundry trade unions mobilizing and advocating for diversity of community and/or sectoral development issues.

#### Digital dialogue space

Focus groups emphasised that information and communication technology has expanded the space for citizen-based journalism and digitally based dialogue in Jamaica. Digital streaming, radio and television talk shows have become important avenues for dialogue on issues of public interest. Respondents were of the view that many young Jamaicans have become very savvy with the use of new media (Social media) in fostering conversations about politics, governance and service delivery. It was further highlighted that new media has become a very compelling tool for political communication and stratagems. Political actors have mastered the use of digital space in fostering political conversations and towards gaining political mileage, citizens support and digital connectivity with constituents. Some respondents were of the view that political communication through the social media space gives its users a false sense of personal connectedness with their elected representatives who intermittent and mostly by proxy respond to selected queries of their constituents

Focus groups emphasised that while the digital dialogue space is compelling, it is also messy and largely urban-biased. It was further highlighted that citizen-based journalism on new media space creates opportunity for falsehood, misinformation, rumours, inflammatory utterances, vilification and/or character assassination all of which contributes to the incitement of social and/or political tensions. Social media is making it possible for diverse

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voices to be heard, yet urban-rural divide in communication technology infrastructure creates dissimilar access to digital conversation on new media space.

It was further highlighted that the voices of Jamaicans outsides the metropolitan cities (population in the country-side) are not reflected in digital conversation that goes on within the new media space. Respondents drove their points home with urban biased nature of service delivery conversations which tend to amplify portable water deficit in *Kingston and St. Andrew* even though it is a vexed issue in almost every Parish and constituencies. Reflecting the voices of rural Jamaicans on portable water dialogue was emphasised as an important step towards making dialogue inclusive and participatory. It was further stated that while new media space facilitates digital conversation among Jamaicans, in-person dialogues hold the promise of giving more access and voice to Jamaicans in remote constituencies.

#### Female political participation dialogue

Focus groups informed that female political participation dialogues have been facilitated largely by the Jamaican Women Political Caucus (JWPC), the 51% Coalition, and have been further inspired by the #MeToo Movement. Other women's right advancement organisations also work to advance gender equity and towards the dismantling of barriers to political representation. Research by UN Women<sup>2</sup> have shown that barriers to female political representation in Jamaican politics are multifaceted but largely embedded in patriarchal altitudes.

The Centre for Gender and Development, University of West Indies facilitates dialogues through political education seminars, symposiums and panel discussions. The Ministry of Gender leverages Jamaica's strong culture, sports and entertainment to create an enabling environment. In some cases, former female athletes have converted their leadership skills and discipline into the field of representational politics.

Focus groups conveyed that women are playing significant roles that touches on the political, governance and electoral dynamics in Jamaica. Yet, there are wide gaps between their contributions and recognition they are getting from society. Women take on multifaceted roles in communities as mobilisers, protectors, advocates, peace-builders, bridge-builders and active participants in peaceful civic protests. They serve as the backbone of the political mobilisation process in communities, and constitutes a large segment of election day workers and critical mass of voters in elections. It was further stated that women pay a higher price for their participation in politics, including having to meet higher standards and facing more personalised and often sexualised forms of scrutiny, criticism and discrimination. Analysis of stakeholder perception questionnaire indicates that 53 percent of respondent's viewed key political stakeholders' commitment to female political participation and representation as moderate (See Annex 2).

Notwithstanding the barriers that women face, respondents highlighted that Jamaica is a pace setter in the Caribbean for breaking the political glass ceiling and have already elected a female Prime Minister. Some respondents were of the view that entry into representational politics in Jamaica is arguably easier for women who have been raised closed to the corridors of power or are famed for their personalities and participation in pageants. Conversely, cases of women who rose from humble beginnings by navigating through the cut and thrust of political barriers to pave their way to the highest ladder of political power were exemplified. Focus groups further highlighted that women in

<sup>&</sup>lt;sup>2</sup> UN Women Where are the Women?

Parliament and the Jamaican Cabinet are very vocal and their voices are being heard significantly within the Parliament and at policy tables.

Women outside representational politics are also playing great roles at policy tables and are adding significant value to Jamaican public administration and governance processes. Some versatile, resourceful and intelligent women in Jamaica tend shy away from partisan politics on the basis of their judgement of it being a toxic system that makes it difficult for equitable quality representation to be delivered and desired developmental impacts to be fostered. Other women are held by what they have to give up for politics as wives, mothers - self-imposed restrictions.

Politics was further highlighted as a very expensive endeavour. Some respondents were of the view that economic empowerment of women is the viable pathway towards their political empowerment and increased electoral representation. Female political candidates require funding, support of male champions, influencers and mentors. Thus, from political mobilization and communication to navigating through the vagaries of political waters and establishing election day machinery, funding is required just as much as political mentorship. While some female aspirants are lucky to find easy access to both funding and mentorship other are not.

Significant contributions are also being made by women in the academia and in most recent times as President and Deputy President of the University of the West Indies Guild. Focus groups further informed that women are also assuming leadership roles in the spiritual realm; for the first time as heads of the Jamaican Council of Churches, the Baptist and Methodist Churches. Women's contribution to restorative justice and peacebuilding was also brought to the fore of discussions. It was further highlighted that in most Jamaican communities, women are the ones pushing for dialogue and peacebuilding processes that are subsequently dominated by men who take up the front seats in negotiation for cessation of political tensions and/or violence.

### Political dialogue and peacebuilding institutions -Jamaica Political Ombudsman

The Jamaican Political Ombudsman is at the forefront of political dialogue, consensus and peacebuilding in Jamaica and this role is enshrined in the country's leal framework. It occupies a neutral space between the political forces in Jamaica and seeks to mediate and moderate unhelpful attitudes and actions within the political space through the instrumentality of the Jamaica's *Political Code of Conduct (2005)*. Focus groups described the Political Ombudsman as a significant national institution that should not only be protected by the constitution but strengthened to increase its relevance, visibility and footprint across all Jamaican political constituencies and communities. Analysis of stakeholder perception questionnaire indicates that 80 Percent of respondent's view Political Ombudsman's role in ensuring political standards and facilitating nonviolent political relations as very significant (See Annex 2). One respondent emphasised that *"I cannot think of standards in Jamaican political standards could hold without such or similar institution"*.

It was further emphasised that the signing of the *Political Code of Conduct* contributed in bridging political divide within the polity. Respondents drove this point home with illustration of erstwhile scenario in *Spanish Town* where borders of political identities and/or affiliations have hitherto polarized and prevented people of same extraction and inhabitants of same community from active interaction for almost three decades.

It was further conveyed that the signing of *Political Code of Conduct* by political actors and stakeholders within the community contributed to the dismantling the boarder of political identity albeit lessening the extent of political resentments. In the heat of electioneering campaigns in 2016, the Political Ombudsman facilitated temporary cessation of political campaign in *Flankers* based on some exigencies. Respondents were of the view that this action contributed significantly to calming frayed nerves and defusing the tense political situation in Montego Bay at the time.

Focus groups discussed extensively on perception of Political Ombudsman's role in enforcing the *Political Code of Conduct* albeit attempts at undermining its very significance. Some respondents buttressed the imperative for strengthening the sanctity of the *Political Code of Conduct* by providing the institution with a "legal teeth" to complement its moral suasion drive. Participants were of the view that the Office of the Political Ombudsman should evolve as a truly independent institution that does not only listen, mediate and conciliate, but also hold violators of *Political Code of Conduct* accountable for their actions. It was acknowledged that the Office of the Political Ombudsman sometimes bore the brunt of political backlash, however, respondents strongly felt that political actors and citizens need to be more guided and aware and conscious of penalties and/or negative political cost of violating the *Political Code of Conduct*.

Respondents further highlighted that violation of *Political Code of Conduct* trivialises significant role of the Political Ombudsman, undermines the climate under which the Office was birthed and creates a false sense that its primary role is to mediate vilification of political actors by their opponents. Jamaicans who witnesses identity violence and political tensions that characterised the political climate of the 1970s and 80s are very aware of institution's significance and the value it has added to political stability. In this regard, it was strongly emphasised that in a climate where democratic norms are being undermined, institutions such as the Office of the Political Ombudsman ought to be strengthened.

Focus groups highlighted that political actors in Jamaica have become increasingly aware and sensitive to public perception of their image which they view as intrinsically connected to the political capital that they must protect. Both anecdotal and factual evidence also suggests that many Jamaicans generally express support for any institutions capable of holding political actors accountable for their actions. Thus, it was expressed that *"the more Jamaicans are aware of the mandate and significance of the institution, the more they are likely to take action in furtherance of its mandate"*. Both the trust of the citizens and that of political actors were described as very significant and necessary towards supporting the institution.

### Civil society space and role in dialogue and peacebuilding

Focus groups informed that one of the biggest changes that has influenced governance processes in Jamaica is the growth of civil society organisations. Civil society organisations have become stronger with democratic consolidation in Jamaica and have contributed significantly to the widening of dialogue spaces and the lessening of conflict stressors within communities. According to focus groups, *Jamaica for Justice (JFJ)* is perhaps the most influential civil society organisation which has impacted the functions of governance in Jamaica for over 15 years. Respondents buttressed that JFJ's strides, track records and impacts are notable in the areas of legislative engagement, lobbying and advocacy for human rights, consensus building and public education/ sensitization on critical issues of national interest. The enabling instrument for civil society organizations to dialogue with

political stakeholders and engage with state authorities is the Code of Consultation for the Public Sector (2004) and the Access to Information Act (2002).

### Restorative Justice action

The Dispute Resolution Foundation of Jamaica (DRF) and the Peace Management Initiative (PMI) are making significant contributions towards expanding community space for dialogue and peacebuilding through their restorative justice work. Both organizations are intervening and impacting on Jamaica's civil, criminal justice and communal dialogue spaces. Respondents informed that both organizations have established safe space for open and frank conversations as well as service points for mediation and counselling. Through these spaces, DRF and PMI are helping communities understand the mechanics and dynamics of community-based and solution-oriented dialogues.

### De-garisonization of political communities

Jamaican civil society organizations have made great strides in limiting tribal and gang divisions in communities. Violence in Jamaican politics and society represents a violation of Jamaica's *Charter of Fundamental Rights and Freedom*, which stipulates "the right to life, liberty and security of the persons". Focus groups acknowledged that there is sustained political will towards lessening the influence of political tribalism and gang divisions in Jamaica. Respondents were of the view that although Jamaica has move away from violence and political hostilities of the 1970s and 80s, political divisions of the past are the basis for new trends in economic turf struggles.

Further, while gang violence is generally on the decline, protection of economic turf is the main driver of new divisions in communities. Respondents informed that both DRF and PMI have deployed community-driven outreach employing violence interruption approach with focus on providing at risk youths with alternatives means of resolving grievances. PMI works specifically on stemming the tide of gun related violence and towards changing the norms and values underpinning it. Focus groups advocated for the strengthening of these approaches as a pathway fostering sustainable development peace in communities.

### Open-Government Partnership(OGP)<sup>3</sup>

The National Integrity Action (NIA) engages on the demand side of governance in Jamaica and towards expanding civic space for open policy-making, inclusive governance and service delivery. The Government of Jamaica joined the Open Government Partnership (OGP) in 2016. Respondents emphasised that the principles of OGP provides a great opportunity for expanding the space for inclusive and participatory dialogue albeit raising the bar of governance and accountability in Jamaica. Jamaica Accountability Meter Portal is digital initiative introduce to promote public accountability in Jamaica. NIA advocates for national dialogue to be convened to facilitate development of a national action plan which is a prerequisite of the OGP.

Respondents further highlighted that NIA facilitated community-driven *Social Audit* with the view to strengthen accountability at local levels. NIA also built local community's capacity to utilize audit outcomes to demand accountability from elected representatives and local service delivery authorities. According to the focus groups, what remains to be seen is how

<sup>&</sup>lt;sup>3</sup> The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry by promoting transparency, citizen's engagement and the harnessing new technologies to strengthen governance and service delivery.

communities translate capacity gained into action by conducting *Social Audits* on their own without being incentivised by an external agent like the *National Integrity Action*.

The Social Stock Exchange another initiative in Jamaica which seek to empowers the poor by building their entrepreneurial capacity for social outcomes. Respondents described the initiative as an asset-based approach to development where both tangible and intangible assets of the poor including social capital are harnessed for social outcomes. It was further emphasized that the Social Stock Exchange initiative in pilot communities did not only revived voluntary social services but gave community members a voice on issues that affect their lives.

### Media role in dialogue and peacebuilding

Jamaica was adjudged as having one of the most vibrant, free and transparent media in the Caribbean. Media was described by focus groups as a very significant mechanism for public education, sensitization and information dissemination. Political Ombudsman buttressed episodes in which it leveraged on the goodwill of the media in periods of great need for clarifying, educating and disseminating important information to the public regarding political incidents. Respondents further acknowledged media prowess as the fourth estate in Jamaica's democracy yet emphasised the need to advance its contribution to inclusive dialogue and peacebuilding through investigative, ethical and inclusive journalism.

The extent to which media framing and reportage defuses or heightens political tension in Jamaica was brought to the fore of discussions. Some respondents argued that unlike in other democracies (i.e. American system) were journalism is largely investigative in nature and mostly characterized by open disclosure by journalists of their ideological inclinations, journalists and/or political analyst in Jamaica do not necessarily disclose their ideological leaning and thus risk being perceived as biased. The traditional media houses have also adapted to the fast paced technology of the new media and are harvesting and/or reporting contents from the social media space some of which are sensationalised without being duly subjected to further investigation.

Respondents further highlighted instances where media action and/or inaction enabled a perception of it being deliberately biased to particular political parties. Some respondents were of the view that "media is sometimes perceived as deliberately filtering stories that gets to the front pages from those that don't get reported even if they are of significant public interest". Additionally, it was felt that media tend to misrepresent or shy away from reporting and/or adequately projecting women's contributions to dialogue, restorative justice and peacebuilding. The general consensus from the discussions were that both citizens, media and political actors have a joint responsibility for shaping media role in democratic dialogue, nation and peacebuilding.

#### Youth agency in dialogue and peacebuilding

In response to the question of intergenerational dialogue, focus groups informed that the space for political dialogue with young people is limited. The Youth Advisory Council of Jamaica was described as an inclusive and gender sensitive platform for interface and dialogue with key political stakeholders. It was further highlighted that young people are significantly affecting socio-political dynamics in Jamaica. Respondents highlighted that the energy, intellect and vibrancy of young Jamaicans have been channelled among other things into driving active youth wings within political parties. Young people who are politically driven and motivated are navigating through the political space and gaining visibility, credibility while building diverse networks and support base for their political parties.

As one respondent stressed "youth wings of political parties have been the engine room for political stratagem through innovative technologies".

It was further highlighted that young people are also significant drivers of change in communities as one respondent emphatically underscored "you do not change a community socially or politically by focusing on the older folks, you change it by focusing on young people". Some young respondents were of the view that political mentorship is not adequately extended to them by political actors in their constituencies. Yet focus group highlighted that conscious efforts are being made by political actors towards building new breeds at collegial and tertiary institutions levels and through initiatives as *Democracy Clubs. Conversation with Young Jamaicans*, an initiative of the Political Ombudsman was said to have provided young people in colleges with the opportunity for participatory engagements that brought them in close touch with state authorities. Respondents noted that such youth focused engagements should be sustained and deepened to advance their contribution to society.

### Key recommendations for strengthening national political dialogue

### 1. Strengthening visibility for the Political Ombudsman

Political Ombudsman should strengthen its public communication and outreach mechanisms and towards incrementally increasing public awareness, trust and support for its mandate.

It was stressed that the institution requires more advocates, allies, champions and/or foot-soldiers within the civil society space; in political constituencies, Parishes and rural communities.

Ombudsman should tap into existing energy and strides of civil society organizations by building a network of civil society allies and/or forums advocating on behalf of the institution on key provisions of the *Political Code of Conduct*: acceptable public utterances, nonviolent communication and non-intimidation, safety of private and public property, avoidance of defacing of public buildings, freedom of access and movements, ending political tribalism and code of ethics.

### 2. Establish/Strengthen electoral cycle approach to political dialogue

The creation of and/or strengthening of domestic electoral dialogue mechanism that reviews electoral processes and harvest ideas from multiple sources was highlighted as a good practice elsewhere in the Commonwealth. It was highlighted that such dialogues are usually convened promptly after elections are held, when the issues are still fresh and with the objective of advancing understanding of failure of rules, gaps and lessons learned from elections. The gaps between one election and another should be filled with series of well facilitated political and electoral dialogues. Electoral dialogues are built on the understanding that no election anywhere is perfect; and that every election come with its own dynamics and challenges which could be constitutional, legal, operational or procedural in nature and requiring modifications/reforms and towards either by-elections or next cycle of general elections.

Respondents were of the view the Jamaican Election Centre (EC) is already an established platform that should be strengthened towards advancing electoral cycle approach to dialogue in tandem with domestic political realities and electoral dynamics in Jamaica.

### 3. Bridging the rural-urban gaps in political dialogue

The need to bridge rural-urban gaps in political, governance and service delivery dialogues was underscored by focus groups. Respondents highlighted that rural development dialogue is largely missing from national conversation yet rural demands for good governance and service delivery in huge. It was noted that Jamaicans in rural constituencies craves for a more inclusive dialogue platform that will bridge the gaps of information, trust and understanding between them and elected representatives, service delivery systems and/or duty bearers in health, education and portable water provision. As one respondent argued "we must take dialogue beyond political healing conversations that happens in Kingston because people in rural constituencies have diverse demands and a unique way of viewing and/or framing their issues and concerns". Focus groups advocated that national political dialogue should be stretched thinly to integrate rural folks, synthesise progressive ideas and to ensure isolated voices are heard in highest decision making arenas including the Parliament.

#### Strengthening female political participation dialogue and outreach

Respondents emphasised that female political participation dialogue and affirmative action in Jamaica can gain momentum if technical assistance are provided to key women focused coalitions such as the *Jamaican Women Political Caucus (JWPC)* and the *51% Coalition*. Respondents were of the view that JWPC is losing steam and relevance owing to lack of clarity around leadership and succession. It was felt that an injection of fresh energy (young women) into its cadre and strategic outreach could be beneficial to its enduring impact.

Respondents expressed the need for a rejigged and expanded *JWPC* that will work closely with the *National Gender Working Council (NGWC)* to advance mutually reinforcing efforts and comprehensive engagement with key political stakeholders on female political participation and representation. It was further stressed that leadership and project management technical assistance will be relevant in enhancing the effectiveness, relevance and sustainability of JWPC and its strategic outreach.

# SUB-REGIONAL EXPERIENCE-SHARING WORKSHOP ON BUILDING & SUSTAINING NATIONAL DIALOGUE & PEACE STRUCTURES

Accra, Ghana – June 19, 20, 2019

### JAMAICA

Early Warning and Responses

Hon. Mrs. Donna Parchment Brown, CD, JP, Notary Public Political Ombudsman of Jamaica

# **Early Warning and Responses - Jamaica**

This is a case study based session that looks at the various early warning systems in use in the participant's countries. Participants will be required to share their experiences in **mitigating election-related conflicts** and other intra- state conflicts. In making their contribution, participants will be guided by three broad framing questions:

- ✓ What works? (Achievements)
- ✓ What does not work? (Challenges and lessons learnt)
- ✓ What needs to be improved?

15 minutes Honourable Mrs Donna Parchment Brown, CD, JP, Notary Public Political Ombudsman of Jamaica

Conflicts occur at all stages in the political process – from candidate nomination -campaigning to Election Day balloting - post-election results, as governing and opposition.

### What works? (Achievements)

### A. For the political parties

- Moral suasion
- Election management bodies :
  - o integral to the proper functioning of elections
- Agreed legal framework:
- Respect and empowerment;
- Key stakeholders e.g. party General Secretaries;
- Direct line to party Leaders e.g. Whatsapp
- Signing commitments to the adherence of the Code by nominated candidates, witnessed by Custodes.
- Knowledge of relevant laws
- Election centre:
  - Key institutional members
  - o Co-chaired by the PO and the Director of Elections
  - Source of consultation and joint-decision making
  - o Powers

- Neutrality and credibility of processes and convener
- Confidentiality

### **B.** For the Complainant and Offender

- Timely dialogue with the PO
- Dialogue facilitated by the PO Round Table discussions
- Political Ombudsman (Interim) Act 2002 authority and mandate of PO to investigate and summon.
- Agreement and Declaration on Political Conduct (the Code)
   agreed Standards of conduct.
- Confidentiality of process
  - Credible if possible agreed press releases
  - Neutral spaces for meetings
  - Skilled facilitation

### **C. For the Public**

- Civic education events- Conversations with Young Jamaicans
- Conferences
- Stakeholders involvement
  - o JCF Liaison Officers
  - Watchdog groups (CAFFE, NIA,
- Media and campaign/election monitoring
  - quality and responsible reporting through PO'S accessibility to the media
  - o broadcasted calls for specific actions
  - o social media platforms
  - o website
- Press Releases
- Televised candidate debates
  - o increase public inclusion in the elections
  - o possible tool for reducing violence
  - o increase public knowledge of issues

### • increase public knowledge of candidates

What does not work? (Challenges and lessons learnt)

- Media PO
  - Premature statements
  - Ambiguous statements
  - o Late statements
  - Failure to convene

### What needs to be improved?

- Public education and non-violence training programmes to inform and encourage voters and political aspirants to be au fait with the Code and to support non-violent tactics.
- Political knowledge of roles, of dialogue, legislation
- Strengthening the OPO....
  - Constitutional protection for the PO
  - Engage stakeholders in minimizing political conflict.
  - Legislation giving the PO powers to levy fines
  - Town and Country Planning Act powers and duties regarding signage.
  - NSWMA duty to clean up and charge fees.
- Political party Leaders public commitment to the architecture for political activities.
- Election Centre observation objectives and post-election information and action.

### Group Reports & Formal Individual Statements Forum of Young Leader Friday, September 20, 2019 Courtleigh Hotel

### Group 1

### Education

Use other Acts on the books to strengthen the office

- Javon Moatt National Youth Parliament
   Greater emphasis on education needed on the Office of the Political Ombudsman about the ability to hold politicians to account
- b. Oneil Dowe University of the Commonwealth Caribbean (UCC)
   Politics-key role in governance. 57 plus years Jamaica differing ideology
   More inclusivity, recognition, increased collaboration against administration
   IMF, end positive message of continuity may result in better voting
- c. Garfield Wallace JPA (Calabar High School) Get more students involved like these forum
- d. Glenardo Simpson Caribbean Maritime Institute (CMU) Young people shying away from politics. Millennials should incorporate themselves in political platform; feel some are corrupt, arguments, failure to carry out rules and duties, rules for accountability, do the work.

### Group 2

### Social media

### Political Ombudsman social media presence needed

- a. **Omolaro Wilson** JPF (University of the West Indies) Lots of new information for our groups- will share
- Ewan Burey National Youth Parliament (University of the West Indies) Need politicians, love/hate relationship
   Public education will change. Cynical view of politics, that young people are engage more; need more access to political representatives

 c. Jean-Claude Walters-Dunn – JPA (Wolmer's Boys)
 More youth involvement to get the word out about what the Office of the Political Ombudsman stands for

d. Jamie-Ann Chevannes – NIA

Social awareness building

Young people eager and willing

Lack information

Calls to disband but need to strengthen office – budget, personal communication; sanctions in Code

e. Shireka Campbell -- JPA

Need to be more informed re politics and help the Political Ombudsman destroy the notion that politics is corrupt. Use youth voices to assist

### Group 3

### Sanctions

Expansion of investigative role, authority to suggest prosecutions also on existing committees re Parliament etc.

- David Salmon JPA
   Share views of other parties
   Good foundation for exposure of Office of the Political Ombudsman; need follow up; what's next?
- b. Blake Brown JPA Expand outreach and engage youth
- c. Kethania Griffiths Youth Crime Watch

Feels proud and thanks the Political Ombudsman for hearing and for giving youths a space at the 'table'

What's next? How can we help, for example and to make representation for the office; Provide fora for Political Ombudsman to share knowledge with youth

### d. Rennard Mulgrave – JPA (St. Jago High School)

Quite informative

Want to see youth ambassadors

Youth can represent the Office of the Political Ombudsman on social media Informing population on duties and activities

### <u>Group 4</u>

### Communication

### Communication, strengthen ties with students and governance bodies

- a. Keneisha Henry JPA (The Queen's School) How can youth help start Political Ombudsman clubs
- Andrew Hinds The Mico University College
   Politics is important, not just JLP, PNP, churches and other organizations realize
   politics develops the country and all aspects of society.
   Educate people re governance, civic education key, use civic courses, endorse and
   preserve culture to encourage participation
- Kahlil Hutchinson Utech
   Code not taken seriously. We must push for information and sanctions
- d. Judana Murphy (Gleaner) Political maturity over the years, smooth transition of power

### e. Kai Bridgewater – Youth Advisory Council

Buoyed by so many young people, we should be ambassadors for the Code. Keep covenant alive.

### YOUTH ADVISORY FEEDBACK ON STRATEGIC PRIORITIES TO OPO SEPT 20, 2019

### Team 1 (I Believe/CMU,/UCC/ Prefects/NYP)

- Education of young people
- Streamline reporting of violations
- Increase fines for violations
- Greater investigations of violations

#### Team 2 (TQS/UTech/Mico/YAC)

- Ensure Code is taken seriously, potentially making it into law, also introduce suspensions as a form of punishment
- Revise Act to meet needs of this era need to include social media
- Improve awareness of the Coe by using channels such as reintroduction of civics in education curriculum.
- Practice: Study area demographics, this allows for better understanding of the issues which will then result in better representation.

#### Team 3 (not defined)

- Lack of adequate human resources necessary to montir public and digital space
- Have the Code of Conduct become a regulation attached to the OPO Interim Act to give it teeth
- Conduct a public awareness campaign about the role of the political ombudsman
- Parner with youth organisations such as JPA. NYC5, NSSC, J{YC to engage and educate young people.



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