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REPORT TO THE PERMANENT COUNCIL¹
OAS ELECTORAL OBSERVATION MISSION
Jamaica
General Parliamentary Election
February 25th, 2016

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Representatives of the OAS Member States and Permanent Observers

Background

In response to an invitation from the Electoral Commission of Jamaica (ECJ) to observe that country's General Parliamentary Elections of February 25, 2016, the Secretary General of the Organization of American States (OAS), Mr. Luis Almagro, appointed Mrs. Janet Bostwick to lead a team of 23 international experts and observers from 15 OAS Member States and two Observer States.

This was the third occasion on which the OAS observed an election in Jamaica. Missions were previously deployed for parliamentary elections on September 3, 2007 and December 29, 2011.

Pre-Electoral Period

In the days prior to the election, the Observation Mission met with a wide variety of actors, including the electoral authorities, representatives of political parties, state authorities, the private sector, members of civil society and advocacy organizations, members of the Diplomatic Corps, and local and international observers, in order to gather information and discuss their views on the electoral process.

These discussions were indispensable to the Mission in acquiring deeper insight into the Jamaican electoral process, the level of preparedness of the electoral machinery, issues surrounding the elections and the positions thereon of the various stakeholders. Two issues that emerged repeatedly in the discussions and which were of concern to the Observation Mission, were the high level of voter apathy in the country – particularly among young people – and the incidents of violence, which, though not necessarily politically motivated, had occurred within the context of electoral activities.

The Mission also took note, once more, of the authority, independence and competence of the ECJ, which continues to provide clear and solid leadership to the electoral process in Jamaica.

Early Voting and Election Day

¹ Presented to the Permanent Council on July 27, 2016

In Jamaica, the Representation of the People Act provides for early voting by police, military and Election Day workers in order to facilitate the conduct of activities on Election Day. For the 2016 elections early voting took place on February 22, three days before the general elections. On that day, the Mission visited polling stations in three constituencies of two parishes to observe the conduct of the poll and to interact with polling station staff. The Mission was pleased to note that all arrangements were in place and that voting at those polling stations proceeded in an orderly, peaceful and transparent fashion. Results published by the ECJ indicated that of the 39,108 electors eligible for early voting, 24,721 persons (63%) cast their ballots on the day.

On Election Day, February 25, OAS Observers were present in thirteen of the country's fourteen parishes, and visited 367 polling stations. The Mission noted that the polling stations it observed opened on time and were equipped with all of the materials required for the election. The OAS Mission commends the professional conduct and diligence of the poll workers, supervisory personnel and security agents, who facilitated the voting process. The Mission wishes to highlight in particular, the crucial role played by the supervisors posted at the polling locations, who provided key advice and support to Presiding Officers throughout Election Day.

For the most part, OAS Observers received cooperation from Election Day workers as they conducted their observation duties. Several observers however reported instances where the workers' unfamiliarity with the role and functions of International Observation Missions resulted in limits being placed on their access to polling stations and/or information. Considering that a deeper understanding of electoral observation would support the work of future missions, the Mission suggests that efforts be made to disperse this knowledge more widely - perhaps within the training offered to polling day workers.

Noting the large number of supporters present outside polling stations for both of the major political parties, as well as the informal assistance provided by these groups to voters, the Mission also suggests that consideration be given to ensuring that outside agents are properly accredited and identifiable, to avoid confusing them with party supporters who may attempt to advise or influence any voter on Election Day.

With the exception of two incidents witnessed by OAS Observers in the late evening, where encounters among supporters of competing parties required the intervention of security personnel, the Mission noted that, for the most part, Election Day progressed in a calm and peaceful manner.

At the end of Election Day, the Mission observed the tabulation, transmission, consolidation and publication of the preliminary results, which was accomplished in a prompt and efficient fashion. These results indicated that of the 63 seats contested in the elections, 33 seats were won by the Jamaica Labour Party (JLP) and 30 seats by the People's National Party (PNP).

Post-electoral Period

As prescribed by the electoral law, the final count for all constituencies commenced on the morning of February 26 – the day after the elections. Results published by the ECJ on March 1 revised the seat allocation to 32 seats for the JLP and 31 seats for the PNP. The ECJ advised that the change in seat totals resulted from a “transposition” error in the preliminary count in the constituency of St. Mary South Eastern, where one candidate was erroneously awarded the votes intended for another candidate.

A magisterial recount of the ballots cast in the St. Mary South Eastern constituency, which took place from March 2 to 5, maintained the results published by the ECJ on March 1, confirming the final results

of Jamaica's 2016 General Parliamentary Elections to be 32 seats for the Jamaica Labour Party and 31 seats for the People's National Party.

Observations, Conclusions and Recommendations

In order to follow-up on previous OAS recommendations, highlight some positive practices of the Jamaican electoral tradition and in the spirit of further assisting Jamaica in its efforts to continue strengthening its electoral process, the Mission would like to offer the following observations, conclusions and recommendations:

Implementation of OAS Recommendations

1. Campaign Finance

The Jamaican electoral framework includes important regulations relating to the political finance system, notably limits on campaign spending and the requirement to disclose campaign expenditures after Election Day. The Mission commends the steps taken in 2014 to strengthen the system through reforms in the areas of registration, regulation and funding of political parties. The Mission also applauds the measures contemplated in the Act to Amend the Representation of the People Act 2015, which will further regulate contributions.

The OAS Mission urges Jamaica to prioritize implementation of the Act as a first step towards the strengthening of the political finance system. The Mission also recommends that Government considers introducing additional qualitative measures, including granting the Electoral Commission of Jamaica (ECJ) meaningful oversight of the campaign finance system and establishing adequate penalties for non-compliance with reporting requirements. These steps will assist in ensuring that the system promotes equity and transparency in practice and further establish Jamaica as a leader in the Caribbean on the issue of political finance.

2. Electoral Technology

The Electoral Commission of Jamaica (ECJ) employs a number of information and communication technology systems in its electoral registration and identification processes, including the Electronic Voter Identification and Ballot Issuing System (EVIBIS), which uses fingerprints to verify voter identity. OAS Observers noted that the EVIBIS technology, which was employed in 748 polling stations across seven constituencies, tended, at times, to introduce delays in the voting process, due in part to a high error rate for fingerprint identification. A duplication of efforts by electoral workers, such as a manual search for voter's names before the EVIBIS was used, also contributed to longer voting times.

The OAS Mission once more applauds Jamaica's initiative and innovation in the use of EVIBIS technology in the voter verification process. Recognizing that the technology has improved substantially and continues to be an important tool to avoid multiple voting, the OAS Mission recommends that the ECJ continues to work to perfect the technology, while incorporating appropriate quality controls and procedures to ensure its proper application and performance.

3. Gender Representation

The OAS Mission noted that despite the growing number of Jamaican women in decision-making positions, and their presence in most areas of the electoral campaign, women continue to be under-represented in actual nominations for the electoral contest and in their election to the House of Representatives. Of the 152 candidates contesting the 2016 elections, 26 candidates or 17.1% were women. Eleven of the 63 candidates elected to the House were women.

In its preliminary statement on the day after the elections, the OAS Mission had called on political parties, civil society organizations and the ECJ to work together to develop affirmative actions that might help to increase the participation of women in the electoral competition. The Mission was pleased to learn, in March 2016, of the intention of Government to introduce legislated gender quotas in order to address the limited representation of women in Parliament, local Government and other positions of leadership. The Mission looks forward to the implementation of these measures and suggests that training programs to build capacity for women's leadership across the political spectrum, such as those delivered by the Jamaica Women's Political Caucus in years past, would support these positive steps.

As noted in the preliminary statement, the Mission recommends that the ECJ also intensifies its efforts to publish existing data on voters and candidates disaggregated by sex and age, while obtaining, analyzing and publicizing similar information for poll workers, electoral officials and party agents. Introducing this data into the public domain will assist the process of properly analyzing and promoting women's political participation in the electoral process.

4. Media Monitoring Unit

The Mission was pleased to learn of the establishment of a Media Monitoring Unit (MMU) by the Jamaica Broadcasting Commission (JBC), as the creation of such a Unit was one of the recommendations issued by the OAS in its report on the 2007 General Elections. The Mission commends the work of the JBC and the MMU to monitor political broadcasts and advertising during the electoral period, particularly the voluntary agreements negotiated by the JBC with political parties and media organizations to regulate such broadcasts in the 24 hours prior to the start of voting day. The Mission looks forward to the completion of the legislative process which will transmute the voluntary agreements into Jamaican law.

Good Practices Observed

1. Political Ombudsman

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

2. Early Invitation for International Observers

The OAS Mission wishes to highlight and commend the step by the ECJ to issue its invitation for an observation mission prior to the actual announcement of the date of the poll. This early request permitted the OAS to prepare and mobilize its team in a timely manner.

Findings and other Recommendations

1. Electoral Violence

The OAS Mission took careful note of the incidents of violence which occurred prior to and on Election Day. While recognizing that the incidents were criminal, rather than political in nature, their occurrence during or near to electoral events created understandable concern for voters. This concern was partially allayed by the firm and visible presence of the security forces on Election Day. As we have said in other country reports, acts of violence do not support the electoral process and have no place in a democracy.

2. Voter Participation

Voter turnout in Jamaica has been declining since the 1990s, with the 2011 election reaching a participation of just 52.6% of voters. The OAS Mission noted, with concern, that this election was not an exception, and the trend continued with a turnout of only 48.37%. The apathy observed in the general population, particularly among young people, was disquieting, as robust participation in a country's electoral processes is essential to maintain and strengthen the democratic system of government and to identify, encourage and develop the next cadre of political leaders.

The preliminary statement of the OAS Mission had recommended that the ECJ, the Electoral Office of Jamaica (EOJ), the Political Ombudsman and other stakeholders re-double their voter education and public awareness campaigns to inform and energize new voters, while encouraging the participation of the general electorate in the national electoral process. In this regard, the Mission welcomed the March 9, 2016 statement by the ECJ Chairman, Mrs. Dorothy Pine-McLarty, that the Commission had begun to examine the issue of voter apathy in order to identify possible options for reversing the decline in voter participation, including enhanced voter education and the possibility of electors voting in places other than their designated voting stations. The Mission looks forward to learning of the ECJ's findings in due course.

3. Electoral Organization

The Constitution and electoral law of Jamaica confer the right to vote on all citizens who have reached the age of eighteen, who have been registered and whose names appear on the official voters list. However the law makes no provisions for electors who are unable to vote in their designated polling station, including Jamaicans residing overseas, persons in hospitals or nursing homes and eligible voters on remand or serving terms of imprisonment.

In its preliminary statement, the OAS Mission had recommended the electoral authorities consider provisions to facilitate voting by qualified voters, whose names appear on the voters' list, but who are unable to attend their designated polling station on Election Day. The Mission was therefore pleased to note the reference to this issue in the March 9 statement by the Chairman of the ECJ. The Mission was further delighted by the March 25, 2016 announcement by Senator Kamina Johnson-Smith, Minister of Foreign Affairs and Foreign Trade of Jamaica, that the Government has begun initial consultations in this regard. The Mission looks forward to the results of that process.

The Mission noted that the location of some polling stations presented difficulties for access by physically challenged and elderly voters. In keeping with observations included in past OAS reports, the Mission recommends that the ECJ ensure that all voters have the same opportunity for access and participation on Election Day. In this regard, the ECJ might consider allocating at least one accessible polling place at every voting location, for use by voters with special needs.

Finally, while the Mission noted that most voters had the necessary information on where to cast their votes, and were assisted in this regard by the electoral authorities as well as party agents, the availability of the voter's list outside of each polling station would enhance the delivery and transparency of the voting process. The Mission recommends that the EOJ considers posting the voter's list along with other appropriate electoral material (instructions on how to vote, information regarding the date and hours of the election, sample version of the ballot) outside every polling location and polling station, where they can be viewed by electors waiting to vote.

Acknowledgements

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