



Committee of Experts

**STANDARD FORMAT  
FOR THE PREPARATION OF THE PROGRESS REPORTS (ARTICLES 31 AND 32 OF  
THE RULES OF PROCEDURE AND OTHER PROVISIONS OF THE COMMITTEE)<sup>1</sup>**

*(For reporting on progress made between March 13, 2017, and March 13, 2018)*

**INTRODUCTORY SECTION: PRINCIPAL DEVELOPMENTS RELATED TO THE  
IMPLEMENTATION OF THE RECOMMENDATIONS AND MEASURES SUGGESTED BY  
THE COMMITTEE IN THE FIRST THREE ROUNDS AND REGARDING OTHER  
MEASURES PROVIDED IN THE CONVENTION<sup>2</sup>**

Instructions: Please list below, in no more than one page, the principal developments that have taken place in your country, within the period referred to in this report (March 13, 2017, to March 12, 2018), with regard to the implementation of the recommendations and measures suggested by the Committee in the first four rounds of review, as well as with regard to other measures provided for in the Convention:

## **SUMMARY**

The major development for the year under review is the entry into force with effect from February 22, 2018 of the Integrity Commission Act which creates a single agency in Jamaica that deals with anti-corruption matters.

The Major Organised Crime and Anti-Corruption Agency (MOCA) Act was also passed in the House of Representatives recently. The Bill is now to be reviewed and passed in the Senate. The Bill seeks to establish MOCA as an independent body to fight organised crime in Jamaica, including detecting and investigating crime kingpins and persons who facilitate their activities. The organisation will be transformed into an elite law-enforcement investigative agency, operating autonomously of the Jamaica Constabulary Force.

It should be noted as well that Jamaica moved up 15 places on the Corruption Perception Index published by Transparency International. This underscores that the actions that Jamaica continues to take in addressing corruption are producing desirable results.

## **SECTION I. PROGRESS IN THE IMPLEMENTATION OF THE RECOMMENDATIONS**

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1. This format was adopted by the Committee at the Plenary Session held on June 29, 2007, within the framework of its Eleventh Meeting, and has been updated in order to include the information corresponding to the Third Round of Review.
  2. This section is included pursuant to what was agreed to by the Committee at its Seventeenth Meeting, held from September 13 to 16, 2010.

## **A. FIRST ROUND OF REVIEW**

Instructions: Following the same structure as the country report of the First Round,<sup>3</sup> and with respect of each one of the recommendations<sup>4</sup> to which your country wishes to refer in this progress report, please provide the following information:

- I. RECOMMENDATION: Please transcribe the text of the recommendation made to your State by the Committee in the country report of the First Round, and with respect to which you would like to inform on progress that has been made:

### **1.3. Measures and systems requiring government officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware**

Recommendation: Develop, where appropriate, and strengthen mechanisms requiring public officials to report to appropriate authorities, acts of corruption in the performance of public functions of which they are aware.

Suggested Measures:

- a) Establish reporting obligations for those public officials and employees who are currently not required to report to appropriate authorities, acts of corruption in the performance of public functions of which they are aware.
- b) Provide appropriate training to officials and employees concerning the requirement and the processes to report acts of corruption and the protection mechanisms in favor of those who report.

## **2. SYSTEMS FOR REGISTERING INCOME, ASSETS, AND LIABILITIES (ARTICLE III, PARAGRAPH 4, OF THE CONVENTION)**

Recommendation:

Strengthen the systems for registration of income, assets, and liabilities.

Suggested Measures:

- a) Maximize the use of the systems for analyzing the contents of the declarations, and adopt the appropriate measures so that they can be used to help detect and prevent conflicts of interest and use modern technologies, when possible, to expedite the filing of declarations and also as a means of improving systems, analysis and case investigations.

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3. By way of a guide, the last page of this standard format describes that structure in connection with the issues covered in the First Review Round.

4. The recommendations still current on the topics analyzed in the First Round, which are listed in ANNEX I of the report adopted by the Committee of Experts with respect to your country in the Fourth Round.

- b) Review and update Parts 1 and 2 of the Corruption (Prevention) Regulations in order to include all appropriate posts in the public service who are required to submit a statutory declaration.
- c) Consider amending the Corruption (Prevention) Act so as to require all members of the Judiciary to submit a statutory declaration.
- d) Intensify awareness campaigns and provide training for public officials on their legal and ethical duty to furnish their declarations of income, assets and liabilities, as well as for officials in charge of enforcing the obligation to file declarations.

II. ADOPTED MEASURES: Please note the measure or measures suggested by the Committee, or the alternative measure or measures that have been adopted to implement the above recommendation; and briefly describe the concrete steps that have been taken in connection with the measures adopted. If appropriate, please indicate the Internet web site where more detailed information may be obtained with respect to the measures adopted and the steps taken to implement the foregoing recommendation, specifically identifying where the information can be obtained on that website:

### **NEW DEVELOPMENTS**

In relation to the recommendations above, it is important to note that Jamaica has now passed the Integrity Commission Act. The Act became operational on February 22, 2018 and the Commissioners were announced by the Prime Minister on March 10, 2018. The Commissioners are retired judge of the Court of Appeal Justice Karl Harrison as chairman, retired Court of Appeal President Justice Seymour Panton, Auditor General Pamela Munroe-Ellis, tax expert Eric Crawford, and former Contractor General Derrick McKoy.

In last year's report, Jamaica noted that the Integrity Commission Act would have addressed a number of the recommendations under the MESICIC mechanism. Those points are now repeated below as they may now be properly referred to as the law.

The stated objectives of that Act include further encouraging and promoting propriety and integrity among persons exercising public functions in Jamaica and promoting and strengthening measures for the prevention, detection and prosecution of acts of corruption. The Commission will investigate and prosecute acts of corruption, prepare codes of conduct and other advisory materials and guide public bodies in respect of matters contained therein and coordinate the implementation of anti-corruption strategies.

The scheme under the Act will also assist the Integrity Commission to be established in terms of the personnel required to discharge the functions of the Commission. It is to be noted for example that there will be different Divisions through which the Commission will carry out its work namely the Information and Complaints Division, the Corruption

Prosecution Division and the Investigation Division. It is envisaged that these units will provide more stringent oversight as recommended by the Committee.

The Information and Complaints Division headed by the Director of Information and Complaints. Duties of the Director include receiving and examining all statutory declarations filed with the Commission, making enquiries regarding accuracy of statutory declarations, recording complaints concerning allegations which may involve acts of corruption and referring complaints or information to the relevant Directors in the Commission.

Investigation Division-headed by the Director of Investigation. Duties of the Director include investigating any allegation that involves or may involve an act of corruption or non-compliance with the Act on the basis of matters referred to him by the Commission or the Director of Information and Complaints, monitoring and investigating the award, implementation or termination of any government contract and the grant, issue, variation, suspension or revocation of any prescribed licence.

Corruption Prosecution Division headed by the Director of Corruption Prosecution. The Director shall, subject to the constitutional powers of the Director of Public Prosecutions, institute, undertake and have the conduct of prosecutions in respect of acts of corruption and offences committed under the Integrity Commission Act.. The Director of Corruption Prosecution shall also collaborate with the Asset Recovery Agency established under the Proceeds of Crime Act in relation to the conduct of proceedings with respect to the seizure, restraint, forfeiture or recovery of any property relating to acts of corruption.

The establishment of the Corruption Prosecution Division addresses one of the issues which has been raised consistently in the reviews of Jamaica concerning the timeliness of prosecutions relating to corruption. This is due to the fact that certain of the matters required the Office of the Director of Public Prosecutions to act and that office has numerous other matters that it handles on a daily basis.

The definition of “public official” is also expanded to include any person holding an executive, or an administrative or a judicial office, whether appointed or elected, whether permanent or temporary or whether paid or unpaid and any other person who is employed to a public body or performs a public function. It should be noted that the judiciary was not covered by the definition of public servant or person providing a public function in the previous legislative framework. Any person may orally or in writing make a complaint, give information or notify the Commission about a matter, which involves or may involve an act of corruption or noncompliance with the provisions of that Act (section 37(1)).

The Act provides that anything said or information supplied or any document or thing produced by any person for the purpose or in the course of any investigation by or proceedings before the Commission under the Act shall be absolutely privileged in the same manner as if the investigation or proceedings were proceedings in a court of law (section

55(4)). Section 55(1) then provides that every person having an official duty under the Act shall deal with all information, statutory declarations, government contracts etc. as secret and confidential. Under section 55(2) unauthorized disclosures of information will result in a fine not exceeding one million dollars or a term of imprisonment not exceeding one year. These provisions are intended to protect the integrity of the proceedings by protecting the confidentiality of persons who make disclosures to the Commission.

In relation to recommendation 2, Part V of the Integrity Commission Act reinforces the importance of making statutory declarations of assets, liabilities and income (s. 39(1)). This obligation is applicable to all public officials who are in receipt of total emoluments of more than three million five hundred dollars or such other amount as may be prescribed by the Minister. Public Officials under that Act include any person holding an executive, judicial or administrative officer whether appointed or elected, permanent or temporary, paid or unpaid, any person who is employed to a public body or performs a public function and any member of the Security Forces. It is to be noted that section 54(3)(b) empowers the Director of Investigation to refer a statutory declaration to the Integrity Commission for investigation where he finds that there are matters arising that necessitate such an investigation. This process can therefore assist with detection and prevention of conflicts of interest that may arise. A person who fails to submit a statutory declaration (43(1)) or knowingly makes a false declaration (43(2)) commits an offence and is liable to a fine not exceeding five hundred thousand and two million dollars respectively or to a term of imprisonment or both. Section 43(6) and (7) also prescribe sanctions for persons who do not file their statutory declarations on time after having been notified of the missed deadline. It is to be noted that the fines to be imposed under this Act will be more than the fines that previously applied. Any public official in breach of the provisions of the Act would be subject to prosecution initiated by the Director of Corruption Prosecution

Further, as noted in our report as published in the third and fourth rounds of review, the Government of Jamaica continues to issue circulars reminding all public officials to file their statutory declarations when required pursuant to the Corruption (Prevention) Act. A recent Circular issued by the Office of the Services Commissions is addressed to Permanent Secretaries, Heads of Department and Chief Executive Officers to remind all relevant officers in their Ministries, Departments or Agencies of the mandatory filing of their Statutory Declaration of Assets, Liabilities and Income. The deadline for filing this year is March 31, 2018.

The Circular sets out the categories of public officials who should file the declaration and the consequences for not filing the declaration. To secure greater compliance with the Corruption (Prevention) Act, the OSC has also advised Permanent Secretaries and Heads of Departments to require proof of the current filing of statutory declarations prior to consideration of any appointment or promotion of any officer who is required to make the declaration.

In relation to recommendation 3.2 it is to be noted that the Integrity Commission will investigate all acts of corruption under that Act as outlined above. Section 7 of the Act also indicates that the Commission is to perform its functions in co-operation with any person or body as it may deem appropriate. The Commission will also be empowered under section 7(2) to share information with other competent authorities who are defined under section 7(8) to mean the Tax Administration Jamaica, the Financial Investigations Division, the Jamaica Constabulary Force or any other person designated as such for the purposes of the Act by the Minister, by order, subject to affirmative resolution.

Under the Integrity Commission Act, there will no longer be an Office of the Contractor General or the Commission for the Prevention of Corruption. A number of the recommendations addressed to those bodies or which relate to those bodies might need to be reformulated or might not longer be applicable as the case may be.

Jamaica has submitted its report for the consideration of the Committee and presented new developments up to September 2017 which are captured in its report. Apart from what was stated in this section as new development, Jamaica has nothing further to report at this time.

## **B. SECOND ROUND OF REVIEW**

Instructions: Following the same structure as the country report of the Second Round,<sup>5/</sup> and with respect to each one of the recommendations to which your country wishes to refer in this progress report, please supply the following information:

- I. RECOMMENDATION: Please transcribe the text of the recommendation made to your State by the Committee in the country report of the Second Round, and with respect to which you would like to inform on progress that has been made:

### **1.2. Government Systems for the Procurement of Goods and Services**

- Strengthen systems for the procurement of goods and services by the government.

d) Strengthen and increase the scope of use of electronic communications, such as the internet for publicizing the tender and consulting opportunities, status of bids and awards and the progress in the execution of major projects, and consider the possibility of making it mandatory. (See Section 1.2.2. of Chapter II of this Report)

e) Strengthen the electronic procurement system, to continue to facilitate the acquisition of goods and services through those means. (See Section 1.2.2. of Chapter II of this Report)

h) Expand sanctions for breaches of the Contractor General Act, taking into account the recommendations of the Office of the Contractor General in its annual reports to the Parliament. (See Section 1.2.2. of Chapter II of this Report)

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5. By way of a guide, the last page of this standard format describes that structure in connection with the issues covered in the Second Round.

h) Expand sanctions for breaches of the Contractor General Act, taking into account the recommendations of the Office of the Contractor General in its annual reports to the Parliament. (See Section 1.2.2. of Chapter II of this Report)

II. ADOPTED MEASURES: Please note the measure or measures suggested by the Committee, or the alternative measure or measures that have been adopted to implement the above recommendation; and briefly describe the concrete steps that have been taken in connection with the measures adopted. If appropriate, please indicate the Internet web site where more detailed information may be obtained with respect to the measures adopted and the steps taken to implement the foregoing recommendation, specifically identifying where the information can be obtained on that website:

**Within the context of this report, Jamaica notes that it has provided a comprehensive list of update in its country report both in response to the Questionnaire and during the on-site visit. We note, however, a few developments.**

- 1. Jamaica continues to provide training to procuring entities on how to use its electronic procurement system. The most recent trainings were done in March 2018. Presently 89 Procuring entities have been trained in the GOJEP functionality, 29 Procuring entities are on-boarded, that is, using the GOJEP. Approximately 1000 suppliers are registered on GOJEP and so far 264 Jamaican suppliers have been trained by MOFPS.**
- 2. With respect to measure h) above, it should be noted that the Integrity Commission Act is now in force and repeals the Contractor General Act. There might therefore be no further need to include this recommendation to the Office of the Contractor General. The Integrity Commission Act reflects more stringent penalties.**
- 3. The Integrity Commission Act also provides protection to whistleblowers. Section 37(6) provides that no person shall be subject to any action, suit, prosecution or other proceedings if he/she makes a report under the Integrity Commission Act in good faith. Section 37(7) provides that any person who takes harmful action against a person that makes a report under the Act, including any occupational detriment, commits an offence and is liable to a fine not exceeding five hundred thousand dollars or a term of imprisonment not exceeding six months. This act applies to all whistleblowers and provides for anonymous reporting.**

### **C. THIRD ROUND OF REVIEW**

Instructions: Following the same structure as the country report of the Third Round,<sup>6/</sup> and with respect to each one of the recommendations to which your country wishes to refer in this progress report, please supply the following information:

- I. RECOMMENDATION: Please transcribe the text of the recommendation made to your State by the Committee in the country report of the Second Round, and with respect to which you would like to inform on progress that has been made:
  
- II. ADOPTED MEASURES: Please note the measure or measures suggested by the Committee, or the alternative measure or measures that have been adopted to implement the above recommendation; and briefly describe the concrete steps that have been taken in connection with the measures adopted. If appropriate, please indicate the Internet web site where more detailed information may be obtained with respect to the measures adopted and the steps taken to implement the foregoing recommendation, specifically identifying where the information can be obtained on that website:

### **D. FOURTH ROUND OF REVIEW**

Instructions: Regarding each of the 4 or 5 **oversight bodies from your country that were examined in the Fourth Review Round** to which your country wishes to refer in this report, provide the following information as regards the recommendations that were formulated by the Committee in connection with them to which your country wishes to make reference in this report:

- I. RECOMMENDATION: Please transcribe the text of the recommendation made to your State by the Committee in connection with the aforesaid oversight agency in the Fourth Round report and with respect to which your country would like to inform on progress that has been made:

NAME OF THE OVERSIGHT AGENCY EXAMINED:

#### **OFFICE OF THE CONTRACTOR GENERAL**

1.4.1. Consider carrying out the institutional and legislative reforms necessary to separate the National Contracts Commission from the Office of the Contractor General. (See section 1.2. of Chapter II of this Report)

1.4.2. Provide the Office of the Contractor General with the human resources needed for the proper performance of its function, within available resources. (See section 1.2 of Chapter II of this Report)

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6. By way of a guide, the last page of this standard format describes that structure in connection with the issues covered in the Third Round.

1.4.3. Consider the possibility of providing the Office of the Contractor General with the power and authority to halt or regularize a contract or licence award that exhibits signs of corruption, irregularity or impropriety. (See section 1.2 of Chapter II of this Report)

1.4.4. Establish a follow-up mechanism whereby government bodies subject to a recommendation issued by the Office of the Contractor General are required to report, within an established time period, on the actions taken to implement them and provide written reasons if they are not to be considered. (See section 1.2 of Chapter II of this Report)

1.4.5. Make it obligatory for the Commission to receive feedback from the government bodies regarding the outcome of the referrals of wrongdoing in a timely and effective manner. (See section 1.2 of Chapter II of this Report)

1.4.6. Address the lack of prosecutions being carried out by the Office of the Director of Public Prosecutions for corruption and corruption related offences. (See section 1.2 of Chapter II of this Report)

1.4.7. Establish, as appropriate, an information exchange and coordination mechanism or arrangement between the Office of the Contractor General and the Office of the Director of Public Prosecutions, in order to assist the Office of the Contractor General in preparing relevant documentation to support a prosecution. (See section 1.2 of Chapter II of this Report)

1.4.8. Consider updating the sanctions in place for breaches of the Contractor General Act so that they act as an effective deterrent. (See section 1.2 of Chapter II of this Report)

NAME OF THE OVERSIGHT AGENCY EXAMINED:

**THE INTEGRITY COMMISSION**

RECOMMENDATION:

2.4.1 Establish a website for the Integrity Commission. (See section 2.2. of Chapter II of this Report)

2.4.2 Establish and implement an awareness building program to inform individuals on the manner by which they may submit complaints to the Integrity Commission respecting alleged acts of corruption carried out by Parliamentarians. (See section 2.2 of Chapter II of this Report)

2.4.3 Provide the Integrity Commission with the budgetary and human resources needed for the proper performance of its function, within available resources. (See section 2.2 of Chapter II of this Report)

2.4.4 Provide the Integrity Commission the power to inspect and make copies of all records and documents of government departments and agencies, including that of the Tax Administration Jamaica. (See section 2.2 of Chapter II of this Report)

2.4.5 Implement an electronic system for the submission of declarations by Parliamentarians. (See section 2.2 of Chapter II of this Report)

2.4.6 Implement a register of declared interests in order to help identify potential conflicts of interest between a Parliamentarians private interests and his or her public duty. (See section 2.2 of Chapter II of this Report)

2.4.7 Consider establishing provisions that set out that the Integrity Commission, in exercising its functions under the Parliament (Integrity of Members) Act, is not subject to the control or direction of any person or authority. (See section 2.2 of Chapter II of this Report)

2.4.8 Consider establishing further provisions that set out the circumstances under which members to the Integrity Commission may have their appointment revoked. (See section 2.2 of Chapter II of this Report)

2.4.9 Establish a training program by the Integrity Commission in order to ensure that permanent, ongoing training is provided to all Parliamentarians regarding their duties and obligations under the Parliament (Integrity of Members) Act, as well as ensure that outreach programs are in place. (See section 2.2 of Chapter II of this Report)

2.4.10 Consider providing the Integrity Commission the ability to impose administrative sanctions for the late or non-filing of a declaration by a Parliamentarian. (See section 2.3 of Chapter II of this Report)

2.4.11 Ensure that the Integrity Commission makes the appropriate referrals to the Office of the Director of Public Prosecutions for acts of corruption allegedly committed by Parliamentarians. (See section 2.3 of Chapter II of this Report)

2.4.12 Maintain results in a detailed manner on the reasons a referral has been made to the Office of the Director of Public Prosecutions, in order to identify challenges and recommend corrective measures. (See section 2.3 of Chapter II of this Report)

2.4.13 Establish, as appropriate, an information exchange and coordination mechanism or arrangement between the Integrity Commission and the Office of the Director of Public Prosecutions. (See section 2.3 of Chapter II of this Report)

2.4.14 Ensure that all annual reports that have been submitted to the Office of the Prime Minister are tabled to Parliament in a timely manner so that they can be made public. (see section 2.3 of Chapter II of this Report)

2.4.15 Make available all past and current annual reports of the Integrity Commission in a manner that is easily available to the general public (see section 2.3 of Chapter II of this Report)

NAME OF THE OVERSIGHT AGENCY EXAMINED:

**THE COMMISSION FOR THE PREVENTION OF CORRUPTION**

RECOMMENDATION:

3.4.1 Provide the Commission for the Prevention of Corruption with the budgetary and human resources needed for the proper performance of its function, within available resources. (See section 3.2 of Chapter II of this Report)

3.4.2 Adopt a timetable for the implementation of the Commission for the Prevention of Corruption as the designated authority under the Protected Disclosures Act, 2011, setting out priorities, actions to be carried out, deadlines for executing them, and annual targets to be met, and disseminate that schedule so that the public can appreciate the Commission's efforts to move forward with the full exercise of its functions. (See section 3.2 of Chapter II of this Report).

3.4.3 Consider enacting regulations in relation to the operations of the Commission for the Prevention of Corruption as the designated authority under the Protected Disclosures Act, 2011. (See section 3.2 of Chapter II of this Report)

3.4.4 Establish a component in the website of the Commission for the Prevention of Corruption that sets out its responsibilities as the designated authority under the Protected Disclosures Act, 2011, containing information on the rights of a person making a disclosure, the manner they may be carried out and the protections that can be afforded, for example. (See section 3.2 of Chapter II of this Report)

3.4.5 Establish a mechanism by which individuals may submit complaints respecting acts of corruption carried out by public servants and for submitting a disclosure under the framework of the Protected Disclosures Act, 2011. (See section 3.2 of Chapter II of this Report)

3.4.6 Provide the Commission for the Prevention of Corruption the power to inspect and make copies of all records and documents of government departments and agencies, including complete access to the Tax Administration Jamaica. (See section 3.2 of Chapter II of this Report)

3.4.7 Implement an electronic system for the submission of declarations by public servants. (See section 3.2 of Chapter II of this Report)

3.4.8 Implement a register of declared interests in order to help identify potential conflicts of interest between a public servant's private interests and his or her public duty. (See section 3.2 of Chapter II of this Report)

3.4.9 Consider establishing provisions that set out that the Commission for the Prevention of Corruption, in exercising its functions under the Corruption (Prevention) Act, is not subject to the control or direction of any person or authority. (See section 3.2 of Chapter II of this Report)

3.4.10 Consider establishing provisions that set out the circumstances under which the appointed members to the Commission for the Prevention of Corruption may be removed or dismissed from their position, as well as the parameters for disqualifications. (See section 3.2 of Chapter II of this Report)

3.4.11 Consider amending the Corruption (Prevention) Act to establish the requirement that public servants are to submit a statutory declaration on December 31 of each year or at such intervals as the Commission for the Prevention of Corruption may direct. (See section 3.2 of Chapter II of this Report)

3.4.12 Expand and implement outreach programs that raise awareness for public servants and the public on the obligations of public servants under the Corruption (Prevention) Act and the Protected Disclosures Act, 2011. (See section 3.3 of Chapter II of this Report)

3.4.13 Include details on the public education campaigns in the annual reports of the Commission for the Prevention of Corruption. (See section 3.3 of Chapter II of this Report)

3.4.14 Make as a condition for retention of employment in the public service the submission of the statutory declaration as required in the Corruption (Prevention) Act. (See section 3.3 of Chapter II of this Report)

3.4.15 Considering providing the Commission for the Prevention of Corruption the power to impose administrative penalties for the late or non-filing of a statutory declaration by a public servant. (See section 3.3 of Chapter II of this Report)

3.4.16 Consider updating the sanctions in place for breaches of the Corruption (Prevention) Act, so that they act as an effective deterrent. (See section 3.3 of Chapter II of this Report)

3.4.17 Increase the number of examinations of statutory declarations carried out by the Commission for the Prevention of Corruption. (See section 3.3 of Chapter II of this Report)

3.4.18 Establish, as appropriate, an information exchange and coordination mechanism or arrangement between the Commission for the Prevention of Corruption and the Office of the Director of Public Prosecutions. (See section 3.3 of Chapter II of this Report)

3.4.19 Establish a central public service agency database containing a complete and up to date list of public servants required to file a statutory declaration, from which the Commission for the Prevention of Corruption may have access. (See section 3.3 of Chapter II of this Report)

II. ADOPTED MEASURES: Please briefly describe the measures or specific actions that have been taken in connection with the above recommendation. If appropriate, please indicate the Internet web site where more detailed information may be obtained with respect to the measures adopted or steps taken to implement the foregoing recommendation, specifically identifying where the information can be obtained on that website:

**It is to be noted that many of the measures transcribed above might no longer be relevant or might need to be reformulated given the entry into force of the Integrity Commission Act which establishes a single anti-corruption agency. A number of the recommendations which were directed to either the former Integrity Commission, The Corruption Prevention Commission and the Contractor General have nevertheless been addressed by the Integrity Commission Act which may be located on the website of the Jamaican Parliament at:**

**<http://www.japarliament.gov.jm/attachments/article/341/The%20Integrity%20Commission%20Act,%202017%20No.%2026--.pdf> .**

**We highlight some of the matters which have been addressed by the new Act. This is not exhaustive of the issues now addressed by the new legislative framework. It should also be**

**borne in mind that some of the recommendations in respect of the Contractor General are also impacted by the new legislative framework which is pending in respect of procurement.**

In relation to recommendation 3.4.2, Jamaica noted that the Commission for the Prevention of Corruption was designated as the authority under the Protected Disclosures Act 2011. It is expected that with the passage of the Integrity Commission Act, the new Integrity Commission will assume this role.

In relation to regulation 3.4.4, Jamaica advises that this measure has been satisfied with the updating of the website of the Commission for Prevention of Corruption. The website is accessible at <http://www.cpcpd.gov.jm/>.

With respect to recommendation 3.4.5, Section 37(6) of the Integrity Commission Act provides that no person shall be subject to any action, suit, prosecution or other proceedings if he/she makes a report under the Integrity Commission Act in good faith. Section 37(7) provides that any person who takes harmful action against a person that makes a report under the Act, including any occupation detriment, commits an offence and is liable to a fine not exceeding five hundred thousand dollars or a term of imprisonment not exceeding six months. This act applies to all whistleblowers and provides for anonymous reporting.

In relation to recommendation 3.4.6, we note that under the Integrity Commission Act a competent authority is mandated to disclose to the Commission any information or document that is necessary to assist the Commission in the investigation or prosecution of offences relating to acts of corruption. Competent authorities include the Tax Administration of Jamaica, the Revenue Protection Division and the Financial Investigations Divisions.

In relation to recommendation 3.4.9 The Integrity Commission is not subject to the direction or control of any other person or authority other than the court by way of judicial review

With respect to recommendation 3.4.10, the Integrity Commission Act establishes that the members of the Commission may only be removed for inability to discharge their functions whether arising from infirmity of body or mind, dereliction of duty, misbehavior or conviction of dishonesty. The Governor General would appoint a tribunal to enquire into the matter and then recommend whether termination should occur.

On recommendation 3.4.11, Jamaica advises that these matters have been addressed at section 41(1) which deals with the time for making of the statutory declarations.

In relation to recommendation 3.4.14, Jamaica wishes to note that the circular from the Office of the Service Commissions actually indicate the consequences for failing to file a statutory declaration. For example, it specifies that applicants for higher positions in the public service may be required to show proof of their statutory declaration.

With respect to recommendation 3.4.15, and as noted above, under the Integrity Commission Act there will now be a penalty for failure to file statutory declarations on time as seen in sections 41(6 and (7) of the said Act.

In relation to recommendation 3.14.16, it should be noted that all penalties have been updated under the Integrity Commission Act which repeals most of the provisions of the Corruption (Prevention) Act.

As it relates to recommendation 3.4.17, Jamaica wishes to report that all statutory declarations will now be examined under the Integrity Commission Act pursuant to section 42(1).

Recommendation 3.4.18 is now addressed by the Integrity Commission Act. Section 7, in particular, provides an extensive framework for the cooperation between the Integrity Commission and other competent authorities which include the Director of Public Prosecutions, the Attorney General, Revenue Protection Division, the Financial Investigation Decision, among others.

An interesting provision in the new Act is that at section 42(3) it provides for the Director of Information and Complaints to cause to be published in the Jamaica Gazette a summary of the statutory declaration made by the Prime Minister and the Leader of the Opposition.

The new Commission also has a duty to compile and publish statistics relating to the investigation, prosecution and conviction of offences relating to acts of corruption.

**SECTION II: DIFFICULTIES IN THE IMPLEMENTATION OF THE RECOMMENDATIONS (ONLY RESPOND TO THIS SECTION IF YOUR COUNTRY CONSIDERS IT NECESSARY)**

**A. FIRST ROUND OF REVIEW:**

Instructions: Following the same structure as the country report of the First Round,<sup>7</sup> and with respect of each one of the recommendations with respect to which your country wishes to refer to the difficulties that have been faced with respect to implementation, please provide the following information:

I. RECOMMENDATION: Please transcribe the text of the recommendation made to your State by the Committee in the country report of the First Round, and with respect to which you would like to refer to the difficulties that you have faced with respect to implementation:

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7. By way of a guide, the last page of this standard format describes that structure in connection with the issues covered in the First Review Round.

- II. **MEASURES:** Please determine the measure(s) suggested by the Committee to comply with the foregoing recommendation, or the alternative measure(s) selected for this purpose, and with respect to which you wish to inform of the difficulties that have been encountered with respect to its implementation, and also briefly inform of those difficulties. If you consider it relevant, please indicate the “Internet” webpage where more detailed information in this regard can be obtained, specifically indicating what information on that page you wish to refer to:

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**B. SECOND ROUND OF REVIEW:**

Instructions: Following the thematic structure of the country reports from the Second Round of Review, and with respect to each of the recommendations to which your country wishes to report on the difficulties that have been encountered in relation to implementation, please provide the following information:

- I. **RECOMMENDATION:** Please transcribe the text of the recommendation formulated to your State by the Committee in the country report from the Second Round, and with respect to which you would like to inform on the difficulties encountered in relation to its implementation:

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- II. **MEASURES:** Please determine the measure(s) suggested by the Committee to comply with the foregoing recommendation, or the alternative measure(s) selected for this purpose, and with respect to which you wish to inform of the difficulties that have been encountered with respect to its implementation, and also briefly inform of those difficulties. If you consider it relevant, please indicate the “Internet” webpage where more detailed information in this regard can be obtained, specifically indicating what information on that page you wish to refer to:

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*NOTE: Points I and II referred to in Chapters A (First Round) and B (Second Round) of Section 1, in relation to each of the recommendations with respect to which your State wishes to refer to progress on implementation, would be repeated.*

**C. THIRD ROUND OF REVIEW:**

Instructions: Following the thematic structure of the country reports from the Third Round of Review, and with respect to each of the recommendations to which your country wishes to report on the difficulties that have been encountered in relation to implementation, please provide the following information:

- I. **RECOMMENDATION:** Please transcribe the text of the recommendation formulated to your State by the Committee in the country report from the Second Round, and with respect to which you would like to inform on the difficulties encountered in relation to its implementation:

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II. **MEASURES:** Please determine the measure(s) suggested by the Committee to comply with the foregoing recommendation, or the alternative measure(s) selected for this purpose, and with respect to which you wish to inform of the difficulties that have been encountered with respect to its implementation, and also briefly inform of those difficulties. If you consider it relevant, please indicate the “Internet” webpage where more detailed information in this regard can be obtained, specifically indicating what information on that page you wish to refer to:

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NOTE: *Points I and II referred to in Chapters A (First Round), B (Second Round), and C (Third Round) of Section 1, in relation to each of the recommendations with respect to which your State wishes to refer to progress on implementation, would be repeated.*

**D. FOURTH ROUND OF REVIEW:**

**Instructions:** Regarding each of the 4 or 5 **oversight bodies from your country that were examined in the Fourth Review Round** to which your country wishes to refer in this report, provide the following information as regards the recommendations that were formulated by the Committee in connection with them regarding which your country wishes to report on the difficulties encountered in their implementation:

NAME OF THE OVERSIGHT AGENCY EXAMINED:

I. **RECOMMENDATION:** Please transcribe the text of the recommendation made to your State by the Committee in connection with the aforesaid oversight agency in the Fourth Round report and with respect to which your country wishes to report on the difficulties encountered in its implementation:

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II. **DIFFICULTIES:** Please briefly indicate those difficulties below. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information on the web site to which you are referring:

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**NOTE:** *Points I and II referred to in Chapter D (Fourth Round) are to be repeated for each of the 4 or 5 oversight bodies examined to which your country wishes to make reference and with respect to each of the recommendations formulated in connection with them on which your country wishes to report difficulties with implementation.*

**SECTION III: OTHER PROGRESS IN THE IMPLEMENTATION OF THE CONVENTION**

**(ONLY RESPOND TO THIS SECTION IF YOUR COUNTRY CONSIDERS IT NECESSARY)**

Instructions: Following the thematic structure of the Inter-American Convention against Corruption, and in relation to each one of the Convention provisions to which your country wishes to refer to progress in implementation, please provide the following information:

- I. PROVISION OF THE CONVENTION: Please indicate the number of the Article of the Convention and of the paragraph of that Article, if appropriate, with respect to which you would like to refer to progress in implementation:

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- II. MEASURES: Please briefly describe the concrete measures or actions that have been executed in relation to the implementation of the provision of the Convention noted above. If you consider it relevant, please indicate the “Internet” webpage where more detailed information in this regard can be obtained, specifically indicating what information on that page you wish to refer to:

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*NOTE: Points I and II referred to in Section III, with respect to each of the provisions of the Convention, in relation to each of the recommendations with respect to which your State wishes to refer to progress on implementation, would be repeated.*

**THEMATIC STRUCTURE OF THE COUNTRY REPORTS OF THE FIRST ROUND**

1. STANDARDS OF CONDUCT AND MECHANISMS TO ENFORCE COMPLIANCE (ARTICLE III, PARAGRAPHS 1 AND 2 OF THE CONVENTION)
  - 1.1 Conflicts of interest
  - 1.2 Standards of conduct and mechanisms to ensure the proper conservation and use of resources entrusted to government officials
  - 1.3 Measures and systems requiring government officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware
2. SYSTEMS FOR REGISTERING INCOME, ASSETS AND LIABILITIES (ARTICLE III, PARAGRAPH 4, OF THE CONVENTION)
3. OVERSIGHT BODIES FOR THE SELECTED PROVISIONS (ARTICLE III, PARAGRAPHS 1, 2, 4, AND 11, OF THE CONVENTION)
4. MECHANISMS TO ENCOURAGE PARTICIPATION BY CIVIL SOCIETY AND NONGOVERNMENTAL ORGANIZATIONS IN EFFORTS TO PREVENT CORRUPTION (ARTICLE III, PARAGRAPH 11 OF THE CONVENTION)
  - 4.1 General participation mechanisms

- 4.2 Mechanisms for access to information
- 4.3 Mechanisms for consultation
- 4.4 Mechanisms to encourage participation in public administration
- 4.5 Mechanisms for participation in the follow-up of public administration
- 5. ASSISTANCE AND COOPERATION (ARTICLE XIV OF THE CONVENTION)
- 6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)
- 7. GENERAL RECOMMENDATIONS

#### THEMATIC STRUCTURE OF THE COUNTRY REPORTS OF THE SECOND ROUND

- 1. SYSTEMS FOR GOVERNMENT HIRING AND STATE PROCUREMENT OF GOODS AND SERVICES (ARTICLE III, PARAGRAPH 5 OF THE CONVENTION)
  - 1.1. Hiring systems for public officials
  - 1.2. Systems for the procurement of goods and services by the state
- 2. SYSTEMS FOR PROTECTING PUBLIC SERVANTS AND PRIVATE CITIZENS WHO, IN GOOD FAITH, REPORT ACTS OF CORRUPTION (ARTICLE III, PARAGRAPH 8 OF THE CONVENTION)
- 3. ACTS OF CORRUPTION (ARTICLE VI OF THE CONVENTION)
  - 3.1. Criminalization of the acts of corruption set out in Article VI.1 of the Convention
  - 3.2. Application of the Convention to other acts of corruption not described therein, pursuant to the terms of Article VI.2
- 4. GENERAL RECOMMENDATIONS

#### THEMATIC STRUCTURE OF THE COUNTRY REPORTS OF THE THIRD ROUND

- 1. DENIAL OR PREVENTION OF FAVORABLE TAX TREATMENT FOR EXPENDITURES MADE IN VIOLATION OF THE ANTICORRUPTION LAWS (ARTICLE III, PARAGRAPH 7 OF THE CONVENTION)
- 2. PREVENTION OF BRIBERY OF DOMESTIC AND FOREIGN GOVERNMENT OFFICIALS (ARTICLE III, PARAGRAPH 10 OF THE CONVENTION)
- 3. TRANSNATIONAL BRIBERY (ARTICLE VIII OF THE CONVENTION)
- 4. ILLICIT ENRICHMENT (ARTICLE IX OF THE CONVENTION)

5. NOTIFICATION OF CRIMINALIZATION OF TRANSNATIONAL BRIBERY AND ILLICIT ENRICHMENT (ARTICLE X OF THE CONVENTION)
6. EXTRADITION (ARTICLE XIII OF THE CONVENTION)