

**QUESTIONNAIRE
REGARDING FOLLOW-UP OF THE IMPLEMENTATION OF THE
RECOMMENDATIONS FORMULATED AND THE PROVISIONS REVIEWED IN THE
SECOND ROUND, AND ON THE CONVENTION PROVISIONS SELECTED FOR THE
FIFTH ROUND^{1/}**

INTRODUCTION

The Report of Buenos Aires^{2/} and the Rules of Procedure and Other Provisions^{3/} of the Committee of Experts on the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption (hereinafter, as applicable, *Report of Buenos Aires, Rules, Committee, Mechanism, and Convention*) provide that the Committee shall adopt a questionnaire on the selected provisions to be reviewed in each round.

In the framework of its Twenty-Fourth Meeting, held on September 8 to 12, 2014, the Committee chose, as topics for review during the Fifth Round, those relating to Article III, paragraphs 3 and 12 of the Convention, which refer, respectively, to “instruction[s] to government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities” and to “the study of further preventive measures that take into account the relationship between equitable compensation and probity in public service.” In addition, with regard to the follow-up of recommendations, at that same meeting the Committee took the same view as that expressed at the Third Meeting of the Conference of the MESICIC States Parties and agreed that, in the Fifth Round, the Committee would follow-up of the recommendations formulated in the Second Round and which were deemed to require additional attention in the reports from the Third Round, including the consideration of any new and relevant information or developments that would allow the Committee to determine the continued validity of the recommendations and measures suggested in the reports from the Second Round and, with regard to those deemed still valid, to assess whether the State has given them satisfactory consideration or whether additional attention is required or, when applicable, to restate or reformulate them.

In addition, in the Methodology for the Fifth Round, the Committee decided that it would review new developments in the States with respect to the Convention provisions selected for the Second Round, taking into account such aspects as the legal framework, technological developments, and results, and making the relevant observations and recommendations in connection therewith.

Furthermore, Article 29 of the Rules provides that each State Party shall submit information on the implementation of the recommendations in the standard format that the Committee shall provide as an annex to the Questionnaire. Article 29 also establishes that, “with respect to the implementation of recommendations, the State Party shall refer to any difficulties that may have arisen in the process,”

1. This questionnaire includes an Annex I which contains an individualized format for Jamaica to report information on the implementation of the recommendations formulated in the Second Round and new developments in relation to the Convention provisions selected for review in that Round

2. The Report of Buenos Aires (document AG/RES. 1784 (XXXI-O/01)) is available at: www.oas.org/juridico/english/doc_buenos_aires_en.pdf

3. The Rules of Procedure and Other Provisions of the Committee of Experts of the MESICIC (document SG/MESICIC/doc.9/04 rev. 5, is available at: www.oas.org/juridico/english/mesicic_rules.pdf

and that, “should it deem it to be appropriate, the State Party may also identify the domestic agencies that have participated in implementing the recommendations, as well as identify specific technical assistance or other needs connected with the implementation of the recommendations.”

In light of the above, this document contains the questions that comprise the questionnaire adopted by the Committee.

The responses given to the questionnaire shall be reviewed in accordance with the methodology adopted by the Committee, which is posted in the Anti-Corruption Portal of the Americas at the following address: <http://www.oas.org/juridico/english/fightcur.html>

Pursuant to Article 21 of the Rules, the State Party is to forward its responses to the Questionnaire through its Permanent Mission to the OAS, in electronic format, together with all the supporting documents, within the time period set by the Committee.

To this effect, the OAS General Secretariat’s e-mail, to which the response to the questionnaire should be sent and to which inquiries may be addressed in order to clarify any doubts that arise, is the following: LegalCooperation@oas.org

SECTION I⁴

FOLLOW-UP ON THE IMPLEMENTATION OF THE RECOMMENDATIONS FORMULATED IN THE SECOND ROUND AND NEW DEVELOPMENTS IN RELATION TO THE CONVENTION PROVISIONS SELECTED FOR REVIEW IN THAT ROUND

In accordance with the terms of Article 29 of the *Rules of Procedure*, and bearing in mind the agreement reached by the Committee at its Twenty-fourth Meeting, in which in relation to the follow-up of recommendations, it endorsed the criterion contained in recommendation 9.a of the Third Meeting of the Conference of MESICIC States Parties, as well as with the terms of the Methodology for the Fifth Round, the form contained in Annex I of this questionnaire is adopted as the standard form the countries to report on:

- a) Progress, information, and new developments in relation to the implementation of the recommendations formulated to them and the measures suggested to them by the Committee for implementation in the reports from the Second Round and regarding which the Committee deemed required additional attention in the reports from the Third Round; and
- b) New developments in relation to the Convention provisions selected for the Second Round, in such areas as legal frameworks, technological developments, and results.

Based on the above-referenced standard form, the Technical Secretariat will send each country an individualized form which clearly identifies the recommendations and measures referred to in paragraph (a) of this section of the questionnaire and will ask about new developments in connection

4. Section I of this questionnaire, which deals with follow-up of the recommendations formulated in the Second Round, does not apply to those countries that had not joined the MESICIC when that round took place; however, under the terms of Article 28 of the *Rules of Procedure*, those countries must answer the questions set out in Section I of the questionnaire adopted by the Committee for that round. The Second Round Questionnaire is available at: http://www.oas.org/juridico/english/mesicic_quest_IIround.pdf and the Technical Secretariat will complete it with questions on the topics addressed in Section XII of the Methodology for the Fifth Round and send it to those countries at least three months in advance of the date on which they are to return their responses to the questionnaire in accordance with the schedule adopted for the Fifth Round.

with the Convention provisions selected for the Second Round, at least three months prior to the date on which they are to return their responses to the questionnaire in accordance with the provisions of Section V of the Methodology adopted by the Committee for the Fifth Round.

SECTION II

QUESTIONS ON IMPLEMENTATION OF THE CONVENTION PROVISIONS SELECTED FOR REVIEW IN THE FIFTH ROUND

CHAPTER ONE

INSTRUCTIONS TO GOVERNMENT PERSONNEL TO ENSURE PROPER UNDERSTANDING OF THEIR RESPONSIBILITIES AND THE ETHICAL RULES GOVERNING THEIR ACTIVITIES (ARTICLE III, PARAGRAPH 3 OF THE CONVENTION)

- A) Select up to a maximum of three groups of government personnel from your country's branches of government or public institutions, at the national/federal level, that, due to them being a majority or based on the importance of their functions, are considered principal groups that merit review for the purpose set out in Article III, paragraph 3, of the Convention, which refers to giving instructions to government personnel for the proper understanding of their responsibilities and the ethical rules governing their activities.
- B) Indicate why your country believes the personnel group(s) selected under the previous question merit review.
- C) Indicate whether there are provisions and/or measures in your country for providing instructions to the selected government personnel group(s) which ensure proper understanding of their responsibilities and the ethical rules governing their activities, and attach a copy of them or provide links to the web pages where they can be consulted.
- D) Refer to the following aspects relating to the aforementioned instructions, with respect to the selected government personnel group(s), attaching copies of the provisions and/or measures on which the answers are based or indicating links to the web pages where they may be consulted:
 - i. The manner in which personnel are informed of their responsibilities and functions, indicating whether this is done verbally or in writing and whether records are kept of those instructions.
 - ii. The occasion(s) when personnel are informed of their responsibilities and functions, indicating whether this is done when they begin performing them or at a later point; when those functions change; or when functions change due to a change of post.
 - iii. The existence of introductory, training or instructional programs and courses for personnel on how to perform their responsibilities and functions properly and, particularly, for making them aware of the risks of corruption inherent in the performance of those functions.
 - iv. The use of modern communication technologies to apprise personnel of their responsibilities or functions and to provide guidance on how to perform them properly.

- v. The existence of bodies to which personnel can resort to obtain information or resolve doubts about how to perform their responsibilities and functions properly.
 - vi. The existence of a governing organ, authority or body responsible for defining, steering, advising, or supporting the manner in which personnel are to be informed of their responsibilities and functions, and for seeing that this task is fully carried out, and the measures or actions that such bodies can take to enforce the norms and/or measures in force in this regard.
 - vii. The way in which personnel are informed of the ethical rules governing their activities, indicating whether this is done verbally or in writing and whether records are kept of those instructions.
 - viii. The occasion(s) when personnel are informed of ethical rules governing their activities, indicating whether this is done when they begin performing them or at some later point; when a change in their functions entails a different set of applicable ethical rules; or when changes are made to those rules.
 - ix. The existence of introductory, training or instructional programs and courses for personnel on the ethical rules governing their activities and, particularly, on the consequences of failure to abide by them for public institutions and for wrongdoers.
 - x. The use of modern communication technologies to apprise personnel of the ethical rules governing their activities and to provide guidance as to their scope or interpretation.
 - xi. The existence of bodies to which personnel can resort to obtain information or resolve doubts about the scope or interpretation of the ethical rules governing their activities.
 - xii. The existence of a governing organ, authority or body responsible for defining, steering, giving guidance on, or supporting the manner in which personnel are to be informed of the ethical rules governing their activities, and for seeing that this task is fully carried out, and the measures or actions that such bodies can take to enforce the norms and/or measures in force in this regard.
- E) Summarize the results obtained in the application of the provisions and/or measures relating to the instructions given to the selected government personnel group(s) to ensure that they have an appropriate understanding of their responsibilities and functions, providing the relevant information available in your country,^{5/} and making reference, to the extent that is possible, to issues such as the following: the holding of introductory, training or instructional programs and courses to that end, the periodicity or frequency with which they have been held, and the number of public servants covered by them; implementation of programs for the same purpose; preparation of guidelines to counsel public servants on the proper performance of their functions and to alert them to the risks of corruption inherent in the performance of their responsibilities; responses to inquiries by public servants on the correct performance of their functions and the use of modern communication technologies for that purpose; activities undertaken to ascertain whether the objective of ensuring that responsibilities or functions are understood was in fact achieved; and measures or actions developed by the authorities or bodies responsible for ensuring that instructions to that end are fully provided and with ensuring the enforcement of provisions

5. If possible, referring to the past five years.

and/or measures in force.

- F) Summarize the results obtained in the application of the provisions and/or measures relating to the instructions given to the selected personnel group(s) to ensure that they have an appropriate understanding of the ethical rules governing their activities, providing the relevant information available in your country,^{6/} and making reference, to the extent that is possible, to issues such as the following: the holding of introductory, training or instructional programs and courses to that end, the periodicity or frequency with which they have been held, and the number of public servants covered by them; implementation of programs for the same purpose; preparation of guidelines to counsel public servants on the scope and interpretation of those ethical rules and about the consequences of failure to abide by them for public institutions and the wrongdoers; responses to inquiries by public servants to that same end and the use of modern communication technologies for that purpose; activities undertaken to ascertain whether the objective of ensuring that the ethical rules are understood was in fact achieved; and actions undertaken by the authorities or bodies responsible for ensuring that instructions to that end are fully imparted and with ensuring the enforcement of provisions and/or measures in force.
- G) For each of the selected personnel group(s), briefly report on difficulties and/or weaknesses related to instructions for ensuring an adequate understanding of their responsibilities and functions and, if applicable, identify specific technical cooperation needs.
- H) For each of the personnel group(s) selected for review, briefly report on difficulties and/or weaknesses related to instructions for ensuring an adequate understanding of the ethical rules governing their activities and, if applicable, identify specific technical cooperation needs.

CHAPTER TWO

THE STUDY OF PREVENTIVE MEASURES THAT TAKE INTO ACCOUNT THE RELATIONSHIP BETWEEN EQUITABLE COMPENSATION AND PROBITY IN PUBLIC SERVICE (ARTICLE III, PARAGRAPH 12 OF THE CONVENTION)

- A) Indicate whether your country has studied prevention measures that take into account the relationship between equitable compensation and probity in public service. If so, please describe the study or studies carried out and either enclose copies thereof or indicate the web pages where they may be consulted.
- B) Indicate whether your country has established objective and transparent criteria for determining the compensation of public servants. If so, please describe those criteria and enclose copies of the documents, provisions, and/or measures containing those criteria or indicate the web pages where they can be consulted.

SECTION III

BEST PRACTICES

OPTIONAL: Report on a maximum of four best practices related to the Convention provisions selected for the Second and Fifth Rounds that your country would like to share with the other MESICIC member countries, using the standard form attached to this questionnaire for that purpose

6. If possible, referring to the past five years.

(Annex II).

SECTION IV

INFORMATION ON THE OFFICIAL RESPONSIBLE FOR COMPLETION OF THIS QUESTIONNAIRE

Please provide the following information:

(a) State Party: JAMAICA

(b) The officials to be consulted regarding the responses to the questionnaire is:

Mr. Jermaine Case and Ms. Chantal Bennett

Title/position: Crown Counsel and Assistant Crown Counsel respectively

Agency/office: Attorney General's Chambers

Address: 1st Floor, North Tower, NCB Towers, 2 Oxford Road, Kingston 5, Jamaica

E-mail address: nfpusey@agc.gov.jm; jcase@agc.gov.jm and cbenentt@agc.gov.jm

Telephone number: (876) 906-2414

Fax number: (876) 754-5158/ (876) 906-0488

ANNEX I

STANDARD FORMAT FOR REPORTING INFORMATION ON THE IMPLEMENTATION OF THE RECOMMENDATIONS FORMULATED IN THE SECOND ROUND AND NEW DEVELOPMENTS IN RELATION TO THE CONVENTION PROVISIONS SELECTED FOR REVIEW IN THAT ROUND

I. FOLLOW-UP ON THE IMPLEMENTATION OF THE RECOMMENDATIONS FORMULATED IN THE SECOND ROUND

Following the same structure as the Second Round country report,^{7/} the Secretariat shall transcribe each of the recommendations formulated for the country in question during the round that the Committee deemed to require additional attention in the Third Round report. Then, it will ask the country to provide information in connection with the corresponding recommendation and with the corresponding measures suggested by the Committee for implementation, and, if any, with the alternative measures adopted by the country to that end, as follows:

1. SYSTEMS OF GOVERNMENT HIRING AND PROCUREMENT OF GOODS AND SERVICES (ARTICLE III (5) OF THE CONVENTION)

1.1. Systems of Government Hiring

Recommendation:

Establish, maintain and strengthen the systems of government hiring of public servants, when applicable, that assure the openness, equity and efficiency of such systems.

Measure a):

Adopt, through the appropriate legislative and/or administrative procedures provisions that explicitly provide that government hiring into the Public Service is to be based on the principle of merit.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{8/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

In keeping with the principle of hiring based on merit, the Office of the Services Commission (OSC) issues circulars on how this is to be carried out. An example can be seen by way of the guidelines issued by the OSC in respect of permission to be obtained for over sixty (60) employments in the various Ministries, Departments and Agencies (MDAs).

7. Following on from this standard format, the structure applicable to the topics considered in the Second Round is described.

8. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

Further, we reiterate that the Public Service Commission is continuing its complete revision of the Public Service Regulations which will include other requirements such as performance appraisal reports and letters of recommendation in relation to special work done, when interviewing candidates for hiring, and that Ministries to which functions are delegated are audited to ensure that the principle of meritocracy is adhered to and where weaknesses are identified ameliorative actions are recommended and/or taken. Included in the review and amendments to the Public Service Regulations are provisions that will specifically mention that entry into the public service should be based on merit, as well as amendments that will require all advertisements of vacancies to be publicized and facilitating appeals by unsuccessful applicants in light of the requirements outlined in the Public Service Regulations, including merit. Currently vacant positions are advertised by Circular sent to all Departments and Agencies of the Government, on the website of the Office of the Services Commission and at times in the two main newspapers circulated in Jamaica. There are also administrative procedures in place allowing for unsuccessful interviewed candidates to appeal to the Public Service Commission.

- B) Indicate the new information and developments^{9/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{10/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{11/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

No new information is available.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The difficulties experienced as per the OSC involves non-conformity by the MDA, for example, those Ministries who sought approval for employment from the OSC retroactively.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: _____

9. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

10. Please provide copies of them or indicate the electronic link through which they may be accessed.

11. Please provide copies of them or indicate the electronic link through which they may be accessed.

Measure b):

Adopt, through the appropriate legislative and/or administrative procedures, mechanisms that provide clearly defined criteria for the advertisement of hiring opportunities, and to ensure that when a Civil Public Service position is open to the public, the Public Service Commission is required to advertise it.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{12/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The OSC adopts administrative procedures to circulate employment opportunities within the public service. Information is also available on the OSC's website at http://www.osc.gov.jm/OSC_vacancies.html. This is done routinely as a matter of practice although there are no specific guidelines regulating when this should be done. There is also the Labour Market Information System (LMIS) operated by the Ministry of Labour and Social Security. The OSC is seeking to partner with LMIS to include the vacancies that are being advertised by the OSC. The LMIS website is accessible at <http://www.lmis.gov.jm/Home> and is relevant in addressing this measure although it generally advertises jobs available in the private sector.

- B) Indicate the new information and developments^{13/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{14/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{15/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

As referenced above, the LMIS website is the only new tool available as regards this recommendation.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

12. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

13. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

14. Please provide copies of them or indicate the electronic link through which they may be accessed.

15. Please provide copies of them or indicate the electronic link through which they may be accessed.

Currently, there are complaints from various MDAs concerning access to and dissemination of the information available from the OSC.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

MDAs often participate by ensuring that vacancies are sent to the OSC for distribution across the public sector and for advertisement on its website which is accessible by the general public.

Measure c):

Make the necessary changes so that probationary employment system, as part of the selection process, is applied with uniform criteria throughout the public administration, in order to promote the principles of equity and efficiency as set out in the Convention.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{16/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

Section 23 of the Public Service Regulations provides guidance to all Ministries, Agencies and Departments concerning the probationary employment system. The Staff Orders, at part 1.5 also speaks to the probationary employment system and how it is to be applied. Although the Staff Orders appear to be at times inconsistent with certain provisions in the Public Service Regulations, it should be noted that the Public Service Regulations supersede the Staff Orders as it is a legislative document.

The Public Service Regulations are available at:

<http://www.osc.gov.jm/Acts/public%20service%20regulations%201961.pdf>

The Staff Orders are available at:

<http://www.osc.gov.jm/Acts/Staff%20Orders%20new.pdf>

However, no other specific measures have been undertaken to ensure uniformity in the application of the Regulations and the Staff Orders.

- B) Indicate the new information and developments^{17/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new

16. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

17. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken

provisions and/or measures adopted in connection with the subject,^{18/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{19/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

No new information is available.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

Measure d):

Strengthen the legal provisions regarding the Service Commissions to ensure that these authorities have the competence to revoke or take other corrective measures when is found that an appointment process was, among other things, irregular, improper, or made through a fraudulent competition.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{20/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

No action has been taken with respect to this recommendation.

into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

18. Please provide copies of them or indicate the electronic link through which they may be accessed.

19. Please provide copies of them or indicate the electronic link through which they may be accessed.

20. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

B) Indicate the new information and developments^{21/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{22/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{23/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation: _____

C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

Measure e):

Adopt, through the appropriate legislative and/or administrative procedures, provisions concerning those positions in the Judicial Service that are not governed by the Constitution, that explicitly provides that government hiring into the Judicial Service is to be based on the principle of merit.

With respect to the foregoing measure, provide the following information:

A) Please briefly describe the specific actions^{24/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

21. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

22. Please provide copies of them or indicate the electronic link through which they may be accessed.

23. Please provide copies of them or indicate the electronic link through which they may be accessed.

24. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

No specific legislative action has been taken in this regard. However, the State wishes to recall Section 13 of the Judicial Services Regulations which states that for the purpose of making recommendations in relation to appointment to vacancies in any relative offices, the Judicial Services Commission shall consider the eligibility of all officers for promotion, may interview candidates for such appointments and shall in respect of each candidate consider, among others, their qualifications, general fitness, and any previous employment of the candidate in the public service or in private practice.

- B) Indicate the new information and developments^{25/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{26/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{27/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

Vacancies for judicial positions that are not subject to specific consultation requirements in the Constitution (eg. the Chief Justice and the President of the Court of Appeal) are advertised on the website of the Office of the Services Commission and at times in the newspapers. They are also circulated to and by the local Bar Associations.

See the OSC Website at http://www.osc.gov.jm/OSC_vacancies.html

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The Office of the Services Commission and the Judicial Service Commission.

25. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

26. Please provide copies of them or indicate the electronic link through which they may be accessed.

27. Please provide copies of them or indicate the electronic link through which they may be accessed.

Measure f):

Take the necessary steps, including the amendments of its legislation that it deems relevant, in order to ensure that when a position is open to the general public in the Judicial Service it is advertised to the general public, and that use is made of mass media.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{28/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

See the above response regrading measure (e).

- B) Indicate the new information and developments^{29/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{30/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{31/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation: _____

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

28. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

29. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

30. Please provide copies of them or indicate the electronic link through which they may be accessed.

31. Please provide copies of them or indicate the electronic link through which they may be accessed.

Measure g):

Adopt, through the appropriate legislative and/or administrative procedures, mechanisms that provide clearly defined criteria for the advertisement of hiring opportunities for all vacancies within the Judicial Service.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{32/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

No action has been taken with respect to this measure.

- B) Indicate the new information and developments^{33/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{34/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{35/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

No new information is available.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

32. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

33. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

34. Please provide copies of them or indicate the electronic link through which they may be accessed.

35. Please provide copies of them or indicate the electronic link through which they may be accessed.

1.2. Government Systems for the Procurement of Goods and Services

Recommendation:

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

Measure a):

Set up appropriate deadlines, where possible, in which the steps of the procurement process will take place.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{36/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The following should be noted as a general overview of the mechanisms being implemented to support Government systems for the procurement of goods and services.

The Procurement and Asset Policy Unit within the Ministry of Finance and the Public Service is the body charged with the responsibility of establishing policies to guide the Government of Jamaica Procurement processes. Measures being implemented to strengthen the procurement process include:

- **The Public Procurement Act and Regulations;**
- **Granting approval authority to the Heads of Entities in respect of the use of the Direct Contracting methodology and the Limited Tender methodology;**
- **Review and revision of the Contractor Registration Process**
- **Implementation of E-Procurement;**
- **Ongoing review of the Standard Bidding Documents;**
- **Professional training of procurement personnel**

Additionally, the National Contracts Commission (NCC), which undertakes the review of recommendations for award of contracts and the Registration of Contractors, has taken steps to strengthen the system for procurement through the dissolution of the eight general Sector Committees and the implementation of five (5) Specialist Sector Committees.

Whereas previously, each Sector Committee was required to review all types of procurements, with the new dispensation, each sector committee focusses on a particular type of procurement and persons with the relevant expertise in the area have been selected to serve on the Committee. This has increased the efficiency in which a matter is dispensed with, as reviews are conducted by persons with the relevant technical skill sets and expertise required. The five (5) Specialist Sector Committees are as follows:

- 1. Works**
- 2. Goods**

36. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

3. Insurance
4. Information, Communication Technology
5. Consultancy and General Services

More specifically on this recommendation, the Government of Jamaica, through the Handbook of Public Sector Procurement has taken steps to introduce deadlines and timelines within the procurement process. In this regard, reference is made to Volume II-Appendix 8 –Managing the Procurement Process, Page 59, of the referenced Handbook.

By virtue of Section A8.1.1 – ‘Time Limits For Issuing Notification’ suggested timelines are presented for issuing notification of procurement opportunities.

In relation to opening of Bids, there is no definitive timeframe given within which this must be done. However, Section A8.6 of the current Handbook requires that same is done “as soon as possible after the deadline for submission.”

Appendix 8 of the Handbook as referenced above provides greater details in regard to the overall management of the procurement process and the suggested timeframe for certain activities.

- B) Indicate the new information and developments^{37/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{38/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{39/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation: _____

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

It is noted that the time taken for the completion of the Bid Evaluation process varies significantly and this may well be attributed to the lack of available expertise within the specific procuring entity in the particular type of procurement being undertaken to complete the evaluation process in a timely manner. Deficiencies in procurement planning are also an issue. The Ministry of Finance and the Public Service has taken steps to establish a procurement training program through IMPRI to address the issue. Further,

37. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

38. Please provide copies of them or indicate the electronic link through which they may be accessed.

39. Please provide copies of them or indicate the electronic link through which they may be accessed.

procuring entities are encouraged to utilize the resources of its parent ministry in this regard.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

Internal agencies which have assisted with the implementation include:

- 1. Procuring entities**
- 2. The Procurement Asset and Policy Unit within the Ministry of Finance and the Public Service**
- 3. The National Contracts Commission and the NCC Specialist Sector Committees**
- 4. Office of the Contractor General**
- 5. Infrastructure Committee of the Cabinet**
- 6. Management Institute for National Development (MIND) – through training programs**

Measure b):

Adopt appropriate legislative and/or administrative procedures that establish clear criteria for determining when procurement is of a “sensitive” nature, when an unsolicited proposal is meritorious, what circumstances justify an unusual and compelling urgency, and what the criteria will be when there is more than one source that could provide highly specialized services.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{40/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

Volume 2, Section 1.2 ‘Unsolicited Proposals’ of the Handbook of Public Sector Procurement Procedures outlines the process and procedures which are to be employed in determining whether an unsolicited proposal is to be considered and how same is to be treated once received by a procuring entity. Jamaica has, therefore, moved towards developing a more detailed framework within which to determine how to treat with unsolicited proposals.

Procurement of a sensitive nature is defined by the Handbook as “Any procurement of a national concern that is deemed confidential by Cabinet.” There are no other administrative procedures which further indicate how procurement of a sensitive nature is determined or classified.

Consequently, whereas Cabinet approval may still be applicable, provided the procurement exceeds a monetary threshold, procurements of a sensitive nature are not subjected to the

40. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

level of scrutiny by external agencies such as the NCC. It is expected however, that the internal processes of the affected entity will be applied in such manner that the procurement is able to stand up to scrutiny.

Where the matter is considered urgent, the Government of Jamaica Handbook of Public Sector Procurement Procedures (March 2014) clearly outlines the procedures to be adopted to facilitate procurement under emergency circumstances.

In the instances where there is more than one available source to provide highly specialized services procuring entities have the option of utilizing the Limited tender procurement methodology. However, where the Direct Contracting methodology is used, the entity is required to provide clear justification in support of its decision for the selection of the particular supplier.

The procuring entity is, in the referenced circumstances, required to adequately demonstrate that the value for money objective has been met.

These matters are being revised in the new Regulations and associated Procurement Manual for Practitioners which will be issued in the near future.

B) Indicate the new information and developments^{41/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{42/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{43/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation: _____

C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the

41. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

42. Please provide copies of them or indicate the electronic link through which they may be accessed.

43. Please provide copies of them or indicate the electronic link through which they may be accessed.

Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: _____

Measure c):

Strengthen the legal provisions regarding the National Contracts Commission, so that contractors who have been denied registration, or have been disqualified, suspended or stricken from the NCC registers of approved contractors, have access to the dispute resolution mechanisms of Section 2.12 of the Handbook of Public Sector Procurement Services.

With respect to the foregoing measure, provide the following information:

A) Please briefly describe the specific actions^{44/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

No reference can be found in relation to a Section 2.12 of the Handbook. There are no provisions in the Handbook which make reference to the de-registration or non-registration of Contractors by the NCC.

The existing appeal process focusses on the complaint of a contractor regarding the actions of a Procuring Entity as it relates to the award of contract. The existing appeal process had not included provisions for the complaint of a contractor regarding the registration process. The Government of Jamaica has taken steps to rectify this anomaly through the new Public Procurement Act. The Act, although passed, is not yet in force.

B) Indicate the new information and developments^{45/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{46/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{47/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

44. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

45. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

46. Please provide copies of them or indicate the electronic link through which they may be accessed.

47. Please provide copies of them or indicate the electronic link through which they may be accessed.

With the implementation of the new Procurement Act 2015, a Procurement Review Board will be established which will have responsibility for the review of matters related to both the registration of contractors and the award of contracts. The proposed Procurement Review Board will be independent of the National Contracts Commission (Public Procurement Commission) and aggrieved contractors will be required to apply directly to the Procurement Review Board to initiate the review process.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The changes are being spearheaded by the Ministry of Finance and the Public Service which has held consultations with the following stakeholders (the list is not exhaustive):

- *Office of the Contractor General*
- *National Contracts Commission*
- *Procuring Entities*
- *Contractors*

Measure 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.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{48/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

Please see below discussions on new technological developments in public procurement.

- B) Indicate the new information and developments^{49/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new

48. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

49. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed

provisions and/or measures adopted in connection with the subject,^{50/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{51/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation: _____

C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: _____

Measure e):

Strengthen the electronic procurement system, to continue to facilitate the acquisition of goods and services through those means.

With respect to the foregoing measure, provide the following information:

Please briefly describe the specific actions^{52/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

Please see below discussions on new technological developments in public procurement.

in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

50. Please provide copies of them or indicate the electronic link through which they may be accessed.

51. Please provide copies of them or indicate the electronic link through which they may be accessed.

52. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

A) Indicate the new information and developments^{53/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{54/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{55/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation: _____

B) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

C) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: _____

Measure f):

Publicize to bidders that they are able to request from the contracting agency an explanation in those cases where their bid is unsuccessful.

With respect to the foregoing measure, provide the following information:

A) Please briefly describe the specific actions^{56/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

Please see below discussions on new technological developments in public procurement.

53. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

54. Please provide copies of them or indicate the electronic link through which they may be accessed.

55. Please provide copies of them or indicate the electronic link through which they may be accessed.

56. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

B) Indicate the new information and developments^{57/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{58/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{59/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation: _____

C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: _____

Measure g):

Implement provisions to strengthen citizen oversight mechanisms to monitor the execution of contracts where the nature, importance or magnitude so warrants, in particular public works contracts.

With respect to the foregoing measure, provide the following information:

A) Please briefly describe the specific actions^{60/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

57. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

58. Please provide copies of them or indicate the electronic link through which they may be accessed.

59. Please provide copies of them or indicate the electronic link through which they may be accessed.

60. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

The current Handbook does not speak specifically to any measures or mechanisms which are designed to facilitate or strengthen citizen oversight mechanisms as per the recommendation above. However, through the Office of the Contractor General there is an avenue available to citizens to be actively involved in the monitoring of government contracts at various stages, inclusive of lodging complaints and advising of observed works quality deficiencies.

Additionally, with the publication of tender opportunities and the availability of the procurement rules and guidelines and the publication of actual contract awards, citizens through these transparency mechanisms are afforded the opportunity to monitor and to provide feedback through online, telephone calls and mail, in relation to the execution of contracts.

- B) Indicate the new information and developments^{61/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{62/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{63/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation: _____

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The OCG and other anti-corruption agencies in Jamaica continue to battle with Jamaica's anti-informer culture. In this regard, citizens are often reluctant to provide feedback or lodge complaints in relation to an/any issues observed or being experienced in relation to the execution of Government contracts.

The OCG has sought to overcome the foregoing difficulties by providing the options for anonymity in relation to a complaint being lodged by a citizen. The OCG has also sought to conduct sensitization seminars in an attempt to overcome the "informer fi dead" culture and in an effort to promote greater citizen involvement and whistleblowing.

In this regard reference is made to the following tools which are available on the OCG's website where more detailed information can be obtained:

<http://www.ocg.gov.jm/ocg/webform/query-general-feedback-form>

61. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

62. Please provide copies of them or indicate the electronic link through which they may be accessed.

63. Please provide copies of them or indicate the electronic link through which they may be accessed.

<http://www.ocg.gov.jm/ocg/webform/post-contract-works-quality-complaint-form>

<http://www.ocg.gov.jm/ocg/webform/report-impropriety>

<http://www.ocg.gov.jm/ocg/page/contact-us>

<http://www.ocg.gov.jm/ocg/view/qca-reporting>

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: _____
-
-

Measure 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.

The Committee took note of the satisfactory consideration of measure a) formulated to the country under review in this section and therefore it is not required to provide information.

2. SYSTEMS FOR PROTECTING PUBLIC SERVANTS AND PRIVATE CITIZENS WHO IN GOOD FAITH REPORT ACTS OF CORRUPTION (ARTICLE III (8) OF THE CONVENTION)

Recommendation:

Adopt a comprehensive legal and regulatory framework that provides protection for public servants and private citizens who, in good faith, report acts of corruption, including protection of their identities, in accordance with its Constitution and the basic principles of its domestic legal system.

Measure a):

Protection for public servants and private citizens who in good faith report acts of corruption, which may be subject to investigation in administrative or judicial proceedings.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{64/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

64. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

On August 7, 2012, the Government of Jamaica brought into operation the The Protected Disclosures Act, 2011 (referred to in some instances as the PDA) and named the Commission for the Prevention of Corruption as the Designated Authority to receive and treat with any protected disclosure.

A protected disclosure is defined by section 2 of that Act as follows:

"protected disclosure" means a disclosure made by an employee to

- (a) an employer in accordance with section 7;**
- (b) a Minister in accordance with section 8;**
- (c) a prescribed person in accordance with section 9;**
- (d) a person other than a person mentioned in section 7, 8 or 9, in accordance with section 10;**
- (e) an attorney-at-law in accordance with section 11; and**
- (f) a Minister or the Prime Minister in accordance with section 12**

The Act therefore applies to employees whether employed within the public or private sector.

Section 5 then provides that a report made under the Act will not qualify for protection unless it is made in good faith and in the public interest.

The PDA has provisions to protect employees who make a good faith protected disclosure. The protection is mostly to prevent or punish occupational detriment done to any person in the context of their employment. The PDA states as follows:

16.--(1) An employee shall not be subjected to any occupational detriment on the basis that the employee seeks to make, has made, or intends to make, a protected disclosure.

(2) An employee who is dismissed as a consequence of seeking to make, making or intending to make a protected disclosure shall be treated as being unjustifiably dismissed.

17. Where an employee suffers occupational detriment at or about the same time that he makes a protected disclosure, the occupational detriment shall be presumed to be a consequence of the protected disclosure, unless the employer shows that the act that constitutes the occupational detriment is otherwise justified.

Further, under section 20 of the PDA, an employer is prohibited from restricting an employee making a protected disclosure under the Act. It states as follows:

Any provision of an agreement shall be void and of no effect if the provision precludes an employee from making a protected disclosure or purports to require an employee to

- (a) agree to not make a disclosure under this Act during or after his period of employment;**
- (b) refrain from instituting any proceedings pursuant to this Act; or**
- (c) withdraw or abandon any disclosure made under this Act, or proceedings instituted pursuant to this Act.**

These actions and any other intimidation could result in penalties being applied in accordance with section 23 of the PDA.

The PDA, 2011 Procedural Guidelines also contain additional guidance on the protection of persons making protected disclosures. Guideline 12 sets out what acts and omissions may constitute occupational detriment. Guideline 13 then sets out what may be done where a person suffers from occupational detriment.

Further, section 15(2) of the Act states that any person who makes a protected disclosure, or receives, investigates or otherwise deals with a protected disclosure, shall not be liable in any civil or criminal proceeding or to any disciplinary proceeding by reason of having made, received, investigated or otherwise dealt with that disclosure in accordance with this Act.

The full text of the PDA, 2011 is available at

http://www.japarliament.gov.jm/attachments/341_The%20Protected%20Disclosures%20Act,%202011.pdf.

The Guidelines are available at

<http://cpcpd.gov.jm/sites/default/files/gazettes/ProtectedDisclosuresProceduralGuidelines.pdf>

Justice Protection Act, 2001

Persons making a protected disclosure who ultimately become involved in legal proceedings might also qualify for protection under the Justice Protection Act, 2001.

The First Schedule of the Justice Protection Act lists the offences in connection to which a person may be given protection under the Act. It refers to any offences that include “fraud, dishonesty or corruption”.

Only “participants” as defined by the Act are entitled to legal protection under the Act. Participants are defined by section 2 of that Act as “witnesses, jurors, judicial officers, legal officers, law enforcement personnel and associates of such person... Persons making protected disclosures under the PDA would therefore qualify for protection in limited circumstances.

The Justice Protection Act is available at:

http://moj.gov.jm/sites/default/files/laws/Justice%20Protection%20Act_0.pdf

- B) Indicate the new information and developments^{65/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new

65. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken

provisions and/or measures adopted in connection with the subject,^{66/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{67/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

No new information is available in this respect.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The Commission for the Prevention of Corruption has indicated that, despite the publication of the procedural guidelines and limited public education and despite involving the main public sector agencies and the representative body for the Private Sector agencies, this has not yielded the results of reports of disclosure.

Secondly, despite it being stated that Regulations would not be a pre-requisite to effecting the provisions of the Protected Disclosures Act, several entities bemoan the fact that there are no Regulations and have expressed the desire that urgent consideration be given to promulgating said Regulations.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies responsible for implementing the forgoing recommendation are:

- 1. The Commission for the Prevention of Corruption as the Designated Authority**
- 2. The Cabinet Office – Government of Jamaica**
- 3. Ministry of Justice**
- 4. Attorney General's Chambers**

Technical assistance may be required to facilitate the better implementation of the PDA including the promulgation of regulations and better sensitization of private and public sectors with respect to the operation of the PDA and the protections enshrined in the PDA.

into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

66. Please provide copies of them or indicate the electronic link through which they may be accessed.

67. Please provide copies of them or indicate the electronic link through which they may be accessed.

Measure b):

Measures to protect not only the physical integrity of whistleblowers and their families, but also to provide protection in the workplace, especially when the person is a public official and the acts of corruption involve his superior or co-workers.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{68/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The protection measures described above would be equally applicable here.

- B) Indicate the new information and developments^{69/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{70/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{71/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation: _____

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: _____

68. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

69. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

70. Please provide copies of them or indicate the electronic link through which they may be accessed.

71. Please provide copies of them or indicate the electronic link through which they may be accessed.

Measure c):

Mechanisms for reporting, such as anonymous reporting or protection of identity reporting, that guarantee the personal security and the confidentiality of the identity of public servants and private citizens who in good faith report acts of corruption.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{72/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The Protected Disclosures Act imposes an obligation on every person receiving, investigating or otherwise dealing with a disclosure under the Act to regard and deal with as secret and confidential, the identity of the employee making the disclosure and any disclosure made and any statement given or document, information or thing provided, to the person in the carrying out of an investigation (section 24(1)). Any person who contravenes that section is liable to a fine or imprisonment as specified by section 24(2).

Guideline 26 of the Procedural Guidelines to the PDA states that employers must ensure that they establish a secure electronic and/or paper filing system to minimize the possibility of detrimental action towards any person making a protected disclosure.

However, there are no provisions for making anonymous reports.

- B) Indicate the new information and developments^{73/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{74/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{75/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

There are no additional new developments to report.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

72. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

73. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

74. Please provide copies of them or indicate the electronic link through which they may be accessed.

75. Please provide copies of them or indicate the electronic link through which they may be accessed.

Since the entry into force of the Protected Disclosure Act, and despite meetings with stakeholders to explain the provisions of the Act, there has still not been any protected disclosure to date.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies responsible for implementing the foregoing recommendation are:

- 1. The Commission for the Prevention of Corruption as the Designated Authority**
- 2. The Cabinet Office – Government of Jamaica**
- 3. Ministry of Justice**

Attorney General's Chambers

Measure d):

Mechanisms to report any threats or reprisals against whistleblowers, stating the appropriate authorities to process protection requests and the bodies responsible for providing it.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{76/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

Guideline 13 provides that a person should complain to his employer where he or she suffers any occupational detriment as a result of making a disclosure. The employee may also report the matter to any designated authority. The Act further provides that an employee may also pursue other remedies including filing an unjustifiable dismissal claim at the Industrial Disputes Tribunal (section 22(1) of the PDA).

Reports may be made to any of the persons listed in the First Schedule of the PDA which are as follows: Auditor-General; Bank of Jamaica; Bureau of Standards; Children's Advocate; Commission for the Prevention of Corruption; Commissioner of Police; Contractor-General; Director of Public Prosecutions; Electoral Commission of Jamaica; Fair Trading Commission; Financial Services Commission; Independent Commission of Investigations; Integrity Commission; Inland Revenue Department; National Environment and Planning Agency; Office of Utilities Regulation; Political Ombudsman; Public Defender.

76. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

Under the Judicial Protection Act, the Administrative Centre, as established by that Act, determines whether a participant should receive protection or assistance under that Act or both such protection and assistance.

If the threat or reprisal is of a sufficiently serious character that involves threat or injury to the bodily integrity of any person, this is a matter that could be always referred to the Police or the Director of Prosecutions in accordance with the ordinary criminal laws that apply.

- B) Indicate the new information and developments^{77/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{78/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{79/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

There are no new developments or information to report.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies that have participated in the implementation of the foregoing recommendation are:

1.The Ministry of National Security

2.The Commissioner of Police

3.The Director of Public Prosecutions

Measure e):

77. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

78. Please provide copies of them or indicate the electronic link through which they may be accessed.

79. Please provide copies of them or indicate the electronic link through which they may be accessed.

Stronger witness protection mechanisms that provide the same guarantees to both public servants and private citizens.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{80/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

Please see above provisions regarding witness protection under the Justice Protection Act and the foregoing discussions on this. There are no specific witness protection mechanisms for whistleblowers. They would therefore be protected in accordance with the general witness protection laws as reflected in the said Justice Protection Act.

- B) Indicate the new information and developments^{81/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{82/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{83/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation: _____

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: _____

80. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

81. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

82. Please provide copies of them or indicate the electronic link through which they may be accessed.

83. Please provide copies of them or indicate the electronic link through which they may be accessed.

Measure f):

Stronger mechanisms that facilitate international cooperation on the foregoing matters, when appropriate, including the technical assistance and cooperation provided for by the Convention, as well as the exchanges of experiences, training, and mutual assistance.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{84/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

No technical assistance has been provided within the framework of this Convention.

- B) Indicate the new information and developments^{85/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{86/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{87/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation: _____

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In

84. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

85. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

86. Please provide copies of them or indicate the electronic link through which they may be accessed.

87. Please provide copies of them or indicate the electronic link through which they may be accessed.

addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: _____

Measure g):

A simple whistleblower protection application process.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{88/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

See above discussions on the Justice Protection Act.

- B) Indicate the new information and developments^{89/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{90/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{91/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation: _____

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In

88. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

89. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

90. Please provide copies of them or indicate the electronic link through which they may be accessed.

91. Please provide copies of them or indicate the electronic link through which they may be accessed.

addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: _____

Measure h):

Provisions which sanction the failure to observe the rules and/or duties relating to protection, stating the appropriate authorities to process protection requests and the bodies responsible for providing it.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{92/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

It is an offence under section 20 of the Justice Protection Act for any person to disclose the identity or the location of a person who is or has been a participant or a prospective participant and or which compromises the safety or security of any participant or the integrity of the programme. Such a person is liable upon conviction in the Parish Court to either a fine or imprisonment. Also, under the Protected Disclosures Act, section 23 states the sanctions available for the various breaches of that Act which are actionable either in the Parish Courts or the Circuit Court.

- B) Indicate the new information and developments^{93/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{94/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{95/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation: _____

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

92. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

93. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

94. Please provide copies of them or indicate the electronic link through which they may be accessed.

95. Please provide copies of them or indicate the electronic link through which they may be accessed.

-
-
- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: _____
-
-

Measure i):

The respective competence of judicial and administrative authorities with respect to whistleblower protection, clearly distinguishing one from the other.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{96/} that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

Please see answers above.

- B) Indicate the new information and developments^{97/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^{98/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{99/} indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation: _____
-
-

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____
-

96. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

97. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

98. Please provide copies of them or indicate the electronic link through which they may be accessed.

99. Please provide copies of them or indicate the electronic link through which they may be accessed.

-
-
- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: _____
-
-

3. ACTS OF CORRUPTION (ARTICLE VI(1) OF THE CONVENTION)

Recommendation:

Provide those bodies charged with preventing, detecting, punishing and eradicating corruption with the necessary resources in order to ensure that said bodies can carry out their work in the most effective and timely manner.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions / that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:
-
-
-

- B) Indicate the new information and developments / related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject, / or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, / indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:
-
-
-

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

-
-
-
- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

4. GENERAL RECOMMENDATIONS

Recommendation 4.1:

Design and implement, when appropriate, training programs for public servants responsible for implementing the systems, standards, measures and mechanisms considered in this Report, for the purpose of guaranteeing that they are adequately understood, managed and implemented.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions / that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

No specific training programmes have been considered n light of this recommendation.

- B) Indicate the new information and developments / related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject, / or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, / indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:
- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

Recommendation 4.2:

Select and develop procedures and indicators, when appropriate and where they do not yet exist, to analyze the results of the systems, standards, measures and mechanisms considered in this Report, and to verify follow-up on the recommendations made herein.

With respect to the foregoing recommendation, provide the following information:

- E) Please briefly describe the specific actions / that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

No specific systems have been adopted to implement this recommendation.

- F) Indicate the new information and developments / related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject, / or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, / indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

- G) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

- H) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In

addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

**II. NEW DEVELOPMENTS IN RELATION TO THE CONVENTION PROVISIONS
SELECTED FOR REVIEW IN THE SECOND ROUND**

In accordance with the provisions of Section II, paragraph b) of the "Questionnaire Regarding Follow-Up of the Implementation of the Recommendations Formulated and the Provisions Reviewed in the Second Round, and on the Convention Provisions Selected for the Fifth Round," as adopted by the Committee at its Twenty-Fifth session, as well as with Section II of the Standard Format attached to this questionnaire (Annex I), the following information is requested:

1. SYSTEMS OF GOVERNMENT HIRING AND PROCUREMENT OF GOODS AND SERVICES (ARTICLE III (5) OF THE CONVENTION)

1.1. Systems of Government Hiring

A) Legal Framework

Please list and briefly describe any new legal provisions and/or measures, if any, adopted by your country subsequent November 2, 2007, in connection with the above provision of the Convention. This date was established by the Committee for your country to provide information on the implementation of said provision of the Second Round of Review:

There are no developments in this regard as described above.

B) Technological Developments

Please list and briefly describe any technological developments, if any, adopted by your country subsequent to November 2, 2007, in connection with the above provision of the Convention. This date was established by the Committee for your country to provide information on the implementation of said provision of the Second Round of Review:

C) Results

Please briefly mention the objective results obtained in your country in connection with the above provision of the Convention, for the last five years, including available statistical data:

1.2. Systems for government procurement of goods and services

A) Legal Framework

Please list and briefly describe any new legal provisions and/or measures, if any, adopted by your country subsequent to November 2, 2007, in connection with the above provision of the Convention. This date was established by the Committee for your country to provide information on the implementation of said provision of the Second Round of Review:

Subsequent to November 2, 2007, the new legal provisions and/or measures which have been adopted by Jamaica include, *inter alia*, the following:

- 1. The Government of Jamaica, in December 2008, promulgated the Procurement Regulations, under the Contractor General Act (1983) which gave legal effect to the Government Handbook of Public Sector Procurement Procedures. This Handbook has had the benefit of several revisions since 2008, inclusive of revisions in 2008, 2010, 2012 and 2014. The Handbook is also amended periodically by the Ministry of Finance through the issuance of Circulars and related correspondence.**
- 2. In 2015, the Government of Jamaica passed the Public Procurement Act, which awaits the attendant Regulations to become fully operational. This law abolishes certain sections of the current Contractor General Act and effectively results in the separation of the National Contracts Commission from the Office of the Contractor General (OCG). The referenced law is available at the following URL:**

<http://www.japarliament.gov.jm/attachments/article/341/The%20Public%20Procurement%20Act,%202015.pdf>

The Government has also drafted the Public Procurement Regulations which will soon be debated and finalized.

The following matters should also be considered:

- 1. Implementation of the Public Sector Procurement Regulations 2008**
- 2. Implementation of the Revised Government of Jamaica Handbook of Public Sector Procurement Procedures (Revised October 2010)**
- 3. Implementation of the Revised Government of Jamaica Handbook of Public Sector Procurement Procedures ((Revised May 14, 2012)**
- 4. Implementation of the Revised Government of Jamaica Handbook of Public Sector Procurement Procedures (March 2014)**
- 5. Issue of Circulars from the Ministry of Finance and the Public Service (Please see website: <http://www.mof.gov.jm/>) in respect of Procurement activities inclusive of :**
 - a. Circular No. 14 dated May 7, 2012**
 - b. Circular No. 25 dated September 12, 2013**
 - c. Circular No. 9 dated March 13, 2014**
 - d. Circular No. 14 dated June 15, 2016**
 - e. Circular No. 27 dated September 28, 2016**
 - f. Circular No. 35 dated November 1, 2016**

B) Technological Developments

Please list and briefly describe any technological developments, if any, adopted by your country subsequent to November 2, 2007, in connection with the above provision of the Convention. This date was established by the Committee for your country to provide information on the implementation of said provision of the Second Round of Review:

Subsequent to 2007, the major technological development which has taken place in Jamaica regarding the captioned matter is the establishment and use of the Government of Jamaica Electronic Procurement (e-GP) System. This system was officially launched in June 2015 and is a component of the reform mechanism which is geared towards improving efficiency in the processing time for procurement opportunities.

Please see the link below for direct access to the Government of Jamaica Electronic Procurement (e-GP) System:

<https://www.gojep.gov.jm/epps/home.do>

Please also see the link below to access the document on the Implementation of the Government of Jamaica Electronic Procurement (eGP) System:

<http://www.mof.gov.jm/documents/documents-publications/document-centre/file/1124-c1-2016.html>

C) Results

Please briefly mention the objective results obtained in your country in connection with the above provision of the Convention, for the last five years, including available statistical data:

2. SYSTEMS FOR PROTECTING PUBLIC SERVANTS AND PRIVATE CITIZENS WHO, IN GOOD FAITH, REPORT ACTS OF CORRUPTION (ARTICLE III (8) OF THE CONVENTION)

A) Legal Framework

Please list and briefly describe any new legal provisions and/or measures, if any, adopted by your country subsequent to November 2, 2007, in connection with the above provision of the Convention. This date was established by the Committee for your country to provide information on the implementation of said provision of the Second Round of Review:

As discussed above, the Protected Disclosure Act, 2011 was passed into law together with the Guidelines.

B) Technological Developments

Please list and briefly describe any technological developments, if any, adopted by your country subsequent to November 2, 2007, in connection with the above provision of the Convention. This date was established by the Committee for your country to provide information on the implementation of said provision of the Second Round of Review:

The Commission for the Prevention of Corruption has set up its website to facilitate the reporting by agencies of any protected disclosures that are made. The website address is www.epcd.gov.jm

C) Results

Please briefly mention the objective results obtained in your country in connection with the above provision of the Convention, for the last five years, including available statistical data:

The Commission for the Prevention of Corruption has received two disclosures, however none of them qualified as a protected disclosure under the PDA.

3. ACTS OF CORRUPTION (ARTICLE VI OF THE CONVENTION)

A) Legal Framework

Please list and briefly describe any new legal provisions and/or measures, if any, adopted by your country subsequent to November 2, 2007, in connection with the above provision of the Convention. This date was established by the Committee for your country to provide information on the implementation of said provision of the Second Round of Review:

No new legal provisions have been passed regarding Acts of Corruption. However, the Government of Jamaica is at an advanced stage in its deliberations on establishing the Integrity Commission Act which will replace the Corruption Prevention Act, 2000, the Integrity Act and the Contractor General Act. It should be noted that the Bill was passed in the House of Representatives on January 31, 2017 and is to be debated in the Senate in due course.

The Integrity Commission Bill, when passed, will establish a single anti-corruption agency to be called the Integrity Commission. The functions of that Commission will be manifold and include investigating all alleged or suspected acts of corruption, advising the Government on international best practices regarding anti-corruption tools and strategies, monitor and where necessary investigate the award, implementation and termination of government contracts and to coordinate and implement an anti-corruption strategy.

The Bill is available at:

<http://www.japarliament.gov.jm/attachments/article/339/The%20Integrity%20Commission%20Act,%202016.pdf>

B) Results

Please briefly mention the objective results obtained in your country in connection with the above provision of the Convention, for the last five years, including available statistical data:

STRUCTURE OF COUNTRY REPORTS IN THE SECOND ROUND

1. SYSTEMS OF GOVERNMENT HIRING AND PROCUREMENT OF GOODS AND SERVICES (ARTICLE III (5) OF THE CONVENTION)

1.1. Government hiring systems

1.2. Systems for government procurement of goods and services

SYSTEMS FOR PROTECTING PUBLIC SERVANTS AND PRIVATE CITIZENS WHO, IN GOOD FAITH, REPORT ACTS OF CORRUPTION (ARTICLE III (8) OF THE CONVENTION)

3. ACTS OF CORRUPTION (ARTICLE VI OF THE CONVENTION)

4. GENERAL RECOMMENDATIONS

ANNEX II

STANDARD FORMAT FOR PRESENTATION OF INFORMATION ON BEST PRACTICES

1. **Institution:** The name of the institution that is implementing the best practice: _____

2. **Title:** The name of the best practice or the topic it covers:

3. **Description of the best practice:** Include a brief description and summary of the best practice, as well as the reason why it should be considered a best practice:

4. **Reasons/Importance:** Reasons for pursuing best practice should be given. A description should be made of the situation in place before the adoption of the best practice and identification of the problem or problems it is to address:

5. **Approach:** What was the proposed design and methodology for applying the best practice? What was considered in its design and methodology? Were other countries' experience taken into account?

6. **Implementation:** How is the best practice being implemented? _____

7. **Challenges:** What are the challenges in implementing the best practice? _____

8. **Outcome:** What is the end result or expected end result of implementing the best practice? Have benefits and/or success stories been identified? Have they addressed the problems originally identified as necessitating a best practice to be implemented? _____

9. Follow-up: Who or what groups will monitor the practice's implementation? How will its implementation be monitored? Will there be a Follow-up Report? _____

10. Lessons: What are some of the lessons learned in implementing the Best Practice?

11. Documentation: Where can further information be found regarding the best practice (e.g., Internet links)? _____

12. Contact: Who can be contacted for further information? _____
