

JAMAICA'S PROGRESS REPORT (JUNE 2008 - SEPTEMBER 2009)
Under Rule 31 of the Rules of Procedure of MESICIC

SECTION 1 PROGRESS IN THE IMPLEMENTATION OF THE RECOMMENDATIONS

FIRST ROUND OF REVIEW

Recommendations:

- 1 Strengthen the systems for registration of income, assets and liabilities

Adopted measures

- (a) **Strengthen the bodies responsible for overseeing the compliance of public officials to furnish their declarations of income, assets and liabilities, as well as consider strengthening the Office of the Director of Public Prosecutions, as necessary, to ensure that these bodies have the material and human resources needed to enforce the law and prosecute those who fail to submit their declarations, those who provide a statement with false information, or those who commit the offence of illicit enrichment.**

Steps taken:

The Corruption Prevention Commission (The Commission) serves as an important body in Jamaica's anti-corruption institutional framework. The function of the Commission is to reduce corruption in public life by receiving and analyzing statutory declarations of the assets, liabilities and income of public servants. The Commission is also charged with investigating acts of corruption.

Since the last meeting of the Committee of Experts, the Commission obtained funding to improve its staff complement by hiring additional investigative staff, including financial analysts to strengthen its work. The Commission has held 10 hearings with declarants, as required under the Corruption Prevention Act, in cases where the Commission was of the opinion that further information or an investigation was necessary in respect of statutory declarations. From those hearings, one matter was referred to the Director of Public Prosecutions and is currently before the Court.

Over the period of review, (June 2008- September 2009) a total of 14 matters were brought before the Resident Magistrate's Court for failure to

file statutory declarations. All 14 matters have already been heard by the Court.

- (b) Intensify awareness campaigns and provide training for public officials on their legal and ethical duty to furnish their declarations of income, assets and liabilities, as well as for officials in charge of enforcing the obligation to file declarations.**

Steps taken: The Commission routinely advises all relevant Government Ministries, Departments, Companies, Statutory Bodies, and Local Government Agencies of the legal requirements under the Corruption Prevention Act and seeks their assistance in informing public servants of their duties under the Act.

- 2** Strengthen the mechanisms for ensuring public access to information

Adopted measures

- (a) Continue developing training and dissemination programs dealing with the mechanisms for public access to information, in order to help civil servants and citizens understand them and to optimize the use of available technology to that end.**

Steps taken:

The Access to Information Unit has implemented Public Education Programmes targeting various groups including:

- Senior Citizens
- Youth at the High School, Tertiary, Community College Vocational/Training Institutions level
- Service Clubs and Community Groups
- Church Groups

Major Media Promotion of Access to Information conducted during the period included:

- Television advertisements during the 2008 Beijing Olympics;
- Radio and television interviews to promote International Right to Know Day September 28, 2008 and related activities;
- Television Advertisements on the Public Broadcasting Channel;

- An upgraded website with video promotion of the right of access to information;
- Observance & Promotion of International Right to Know Day September 28, 2008;
- Access to Information National Essay Competition for high school students in partnership with civil society stakeholders;
- The use of social networking sites to promote access to information (FaceBook and Youtube);
- Promotion of efforts by the Joint select Committee to Review the Access to Information Act;

Seven thousand eight-hundred and thirty-two (**7832**) members of the public were sensitized on Access to Information rights through direct face-face sensitization sessions during the period.

- (b) **Take the appropriate measures to ensure that requests for access to information are responded to within the time-frame established by the Access to Information Act**

Steps taken:

The Access to Information Unit continues to provide guidance to public authorities on their legal obligations under the Access to Information Act, Regulations & Guidelines.

The activities undertaken during the period include:

- Training and Sensitization Sessions conducted with the general staff of all categories of public authorities;
- Training and guidance provided to individual access officers in respect of best practices and mechanisms to ensure that responses are provided to requests in the required timeframe;
- The development of a support programme designed to assist new Access Officers in carrying out their duties under the Act;
- The launch of a training programme targeted at Parish Councils to ensure consistency in the application of the provisions of the law at the local government level;

- Grant funding was secured to assist the Access to Information Unit to improve its monitoring and compliance functions (through the implementation of an electronic tracking and monitoring system) and to strengthen the institutional capacity of the Access to Information Unit;
- Ongoing advice on complaints and the appeals process was provided to the public.

Seven hundred and sixty-nine (**769**) public sector workers were trained during the period under review.

SECOND ROUND OF REVIEW

Recommendations

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

General Recommendation

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 the Final Report adopted on June 27, 2008, and to verify follow-up on the recommendations made therein.

Steps taken: The Office of the Contractor General forms a core element in the country's anti-corruption institutional framework. The Contractor-General is an independent Commission of Parliament charged with monitoring the award and implementation of Government contracts and the grant, issue, suspension and revocation of all Government licences with a view to ensuring that such contracts and licences are granted impartially and on merit. The Contractor General is also responsible for ensuring that the circumstances in which each contract or licence is granted, suspended or terminated do not involve impropriety or irregularity. The system of reporting introduced by the office allows probity and transparency in Government contract awards and compliance with Government procurement procedures.

Since the last meeting of the Committee, the Office of the Contractor General has made significant efforts to ensure that all Public Bodies comply with its new system of reporting government contracts. Any

person or body which fails to comply with a lawful requisition of a Contractor-General to file a report commits a criminal offence. Therefore, in August 2008, 4 Public Bodies were referred to the Director of Public Prosecutions for failure to submit their Quarterly Contract Award Reports. Similarly, in November 2008, 3 Public Bodies were referred to the Director of Public Prosecutions. As a result of the Zero Tolerance Policy of the Office of the Contractor-General, between August 2008 and May 2009, for the first time, the compliance rate increased from 98% to 100%. This compares to the low compliance rate of 13% which was first recorded when the new reporting regime was introduced in May 2006.

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28 August 2009