

**COMMITTEE OF EXPERTS OF THE FOLLOW-UP MECHANISM FOR THE
IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION AGAINST
CORRUPTION**

**QUESTIONNAIRE ON PROVISIONS SELECTED BY THE COMMITTEE OF
EXPERTS FOR ANALYSIS WITHIN THE FRAMEWORK OF THE FIRST
ROUND**

May 24, 2002

INTRODUCTION

The Report of Buenos Aires and the Rules of Procedure and Other Provisions 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.

At its first meeting, held in Washington D.C. from January 14 to 18, 2002, the *Committee* decided that during the first round it would review implementation by States Parties of the following provisions of the *Convention*: Article III, paragraphs 1, 2, 4, 9 and 11; Article XIV; and Article XVIII.

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 adopted methodology by the *Committee*, which is annexed to this document, and that can also be consulted on the OAS Internet page at the following address: http://www.oas.org/juridico/english/followup_method.htm

The State Party must also, in complying with a Committee's decision, prepare a brief description of its legal-institutional system, in accordance with the constitutional order for the introduction of the country report that is prepared as part of the review process.

In accordance with article 21 of the *Rules*, the State Party shall forward the response to the questionnaire through their Permanent Mission to the OAS, in an electronic format, along with the corresponding supporting documents, within the period of time established by the *Committee*.

To this effect, the OAS General Secretariat's e-mail to which the response to the questionnaire must be sent and consult with any questions or doubts, is the following: jgarcia@oas.org

The response to the questionnaire must be forwarded to the Secretariat **no later than August 31, 2002** and, per the recommendation made by the Committee, **the length of the**

response should not be greater than 25 pages.

I. BRIEF DESCRIPTION OF THE LEGAL-INSTITUTIONAL SYSTEM

Please briefly describe the legal-institutional system in your country in accordance with the constitutional order. (A maximum of 2 pages is suggested)

Jamaica is a constitutional monarchy and is a member of the British Commonwealth. There are three arms of State – the Executive, Parliament and the Judiciary. The functioning of these bodies is governed by the principle of separation of powers embodied in the Constitution, which is the supreme law of the land.

The Executive is made up of the Head of State and the Cabinet. The Head of State is the Queen of England who is represented in Jamaica by a Governor-General appointed by her. The Governor General acts in accordance with the advice of the Cabinet in the exercise of his functions except

- where a function is to be exercised by him on or in accordance with the recommendation of a person or authority other than Cabinet and
- a function is to be exercised by him in his discretion.

Cabinet, the main instrument of government policy, is charged with the general direction and control of the Government and is collectively responsible to Parliament. It consists of the Prime Minister and at least eleven 11 other ministers of Government, whose membership is restricted to one of the two Houses of Parliament.

The Jamaican Parliament consists of two Houses, the Senate, also called the Upper House, and the House of Representatives, also known as the Lower House.

The members of the House of Representatives are elected under universal adult suffrage, with a maximum of five years between elections. There are 60 constituencies, each represented by one Member of Parliament.

There are 21 members of the Senate who are appointed by the Governor-General; thirteen are appointed on the advice of the Prime Minister; and eight on the advice of the Leader of the Opposition. The Senate functions mainly as a review chamber for legislation passed by House of Representatives.

Jamaica's legal and judicial system is based on English common law and practice. The highest court is the Judicial Committee of the Privy Council which is the final court of appeal for Jamaica. The other courts in the system's hierarchy are the Court of Appeal, the Supreme Court, the Resident Magistrate's Courts and the Petty Sessions Courts.

II. CONTENT OF THE QUESTIONNAIRE

CHAPTER ONE

MEASURES AND MECHANISMS REGARDING STANDARDS OF CONDUCT

FOR THE CORRECT, HONORABLE, AND PROPER FULFILLMENT OF PUBLIC FUNCTIONS (ARTICLE III, 1 AND 2 OF THE CONVENTION)

1. General standards of conduct and mechanisms

- a. Are there standards of conduct in your country for the correct, honorable and adequate fulfillment of public functions? If so, briefly describe them and list and attach a copy of the related provisions and documents.

[The Public Service Regulations and Staff Orders](#)
[The Police Service Regulations and Force Orders](#)
[The Judicial Service Regulations](#)

- b. Are there mechanisms to enforce compliance with the above standards of conduct? If so, briefly describe them and list and attach a copy of the related provisions and documents.

The Governor General has the power to appoint, to remove and to exercise disciplinary control over persons holding or acting in certain offices on the advice of the following relevant Commissions:

[The Public Services Commission \(The Constitution of Jamaica, section 125\)](#)
[The Police Services Commission \(The Constitution of Jamaica, section 130\)](#)
[The Judicial Services Commission \(The Constitution of Jamaica, section 112\)](#)

- c. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.
- d. If no standards and mechanisms, above stated, exist, briefly indicate how your State has considered the applicability of measures within your own institutional systems to create, maintain and strengthen the standards of conduct for the correct, honorable and proper fulfillment of public functions, and mechanisms to enforce compliance, in accordance with article III (1) and (2) of the Convention.

2. Conflicts of interests

- a. Are there standards of conduct in your country regarding the prevention of conflicts of interest in the performance of public functions? If yes, briefly describe them, indicating aspects like to whom they apply and the concept on which they are based, and list and attach a copy of the related provisions and documents.

Yes. Under Chapter III of the Staff Orders, a public officer is required to disclose information regarding any investments or shareholdings as well as any occupation or undertaking or any other direct or indirect interest in an organization and he may be required to divest himself of such investments or interests or have the investments

placed in trust.

Public officers must seek the approval of the appropriate Service Commission to undertake private work for payment, engage in trade, or employ themselves in any commercial or agricultural undertaking.

Public officers must seek approval of the appropriate Service Commission to accept the auditorship or directorship of societies or companies in which the majority shares are held by or on behalf of the Government.

Public officers cannot sign or procure signatures for public petitions. They also cannot be editors of newspapers or directly or indirectly take part in the management of newspapers.

- b. Are there mechanisms to enforce compliance with the above standards of conduct? If so, briefly describe them and list and attach a copy of the related provisions and documents.

The Public Services Commission can take disciplinary action under the Public Services Regulations for breaches of the Regulations and Staff Orders.

- c. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.
- d. If no standards and mechanisms, above stated, exist, briefly indicate how your State has considered the applicability of measures within your own institutional systems to create, maintain and strengthen the standards of conduct intended to prevent conflicts of interests, and mechanisms to enforce compliance, in accordance with article III (1) and (2) of the Convention.

3. Conservation and proper use of resources entrusted to public officials in the performance of their functions

- a. Are there standards of conduct in your country that govern the conservation and proper use of resources entrusted to public officials in the performance of their functions? If yes, briefly describe them, indicating aspects like to whom they apply and whether there are exceptions, and list and attach a copy of the related provisions and documents.

Yes. Standards of Conduct that govern the conservation and proper use of resources are set out in the Financial Administration and Audit Act (FAA Act), the Executive Agencies Act and the Procurement guidelines.

The FAA Act regulates the manner in which government funds are to be managed, including the safeguards in place for the various Government accounts and procedures for withdrawal and use of government funds, including the purchase of

investments. The Act also regulates the payment for goods and services and the acquisition, custody, control and disposal of government property.

Specifically, section 25 (I) (c) of the FAA Act requires that all money expended and charge to an Appropriation account by a Ministry or Department should be for the purpose approved by Parliament and should be incurred with due regard to the avoidance of waste and extravagance. Section 26(I) (b) of the FAA Act also requires that any improper, extravagant or nugatory expenditure disclosed by the Auditor General in the course of his audits is to be reported to the Financial Secretary for possible surcharge of the responsible officer(s).

Under the Constitution, the FAA Act and the relevant Acts of Parliament, the accounts of Central and Local Government agencies as well as many Statutory Bodies and Government Companies are audited by the Auditor General who is required to report any breaches of the Laws or Regulations uncovered by the audit. On receipt of a report from the Auditor General, the Financial Secretary may impose a surcharge of up to the value of the loss suffered by government which is due to the negligence of any officer.

The Contractor-General's Act provides for the monitoring of the award and implementation of government contracts. The Act also attempts to ensure the promotion of efficiency in the process of award and implementation of government contracts and ensuring transparency and equity in awarding such contracts and establishes a National Contracts Commission for that purpose.

The Procurement guidelines stipulate the procedure that should be followed by public sector agencies to ensure economy in the purchase of goods and services. These include the use of a transparent and competitive price process involving approved and/or pre-qualified suppliers. Deviation from these requirements which are disclosed from time to time by the audits of the Auditor general and the Contractor General are referred in reports to the relevant agencies of government and to Parliament.

- b. Are there mechanisms to enforce compliance with the above standards of conduct? If so, briefly describe them and list and attach a copy of the related provisions and documents.

Mechanisms to enforce compliance with the standards of conduct are the sanctions set out in the FAA Act section 20 and 49 that range from personal liability, payment equal to the value of the lost property to on summary conviction, a fine not exceeding ten thousand dollars and/or imprisonment not exceeding three years. The public Accounts Committee of Parliament may also recommend methods to enforce compliance after its examination of the Auditor General's annual report.

- c. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

The results obtained in implementing the standards and mechanisms are greater compliance by public officers and reduction in the number of Auditor General queries.

- d. If no standards and mechanisms, above stated, exist, briefly indicate how your State has considered the applicability of measures within your own institutional systems to create, maintain and strengthen the standards of conduct intended to ensure the proper conservation and use of resources entrusted to public officials in the performance of their functions, and mechanisms to enforce compliance, in accordance with article III (1) and (2) of the Convention.

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

- a. Are there standards of conduct in your country that establish measures and systems governing the requirement that public officials report to appropriate authorities acts of corruption in public office of which they are aware? If yes, briefly describe them, indicating aspects like to whom they apply and to what resources they refer, and list and attach a copy of the related provisions and documents.

There are measures which allow government officials to report but do not make such reporting mandatory.

The Contractor General is under a duty to report to the competent authority if he finds, during the course of his investigations evidence of a breach of duty, misconduct or a criminal offence on the part of an officer or member of the public body. (Contractor-General Act, [section 21](#)).

The Auditor-General is under a duty to inform the Financial Secretary if he discovers:-

- the occurrence of a loss or deficiency that has not been reported; an improper payment ([FAA Act section 26](#));
- the occurrence of any deficiency, loss or destruction of government property of which he is aware ([FAA Act section 49](#));
- the occurrence of an unauthorized expenditure of which he is aware ([FAA Act section 52](#)).

An accounting officer must also report:-

- the occurrence of any deficiency, loss or destruction of government property ([FAA Act section 49](#)) and the occurrence of an unauthorized expenditure ([FAA Act section 52](#)) of which he is aware; as well as

- the loss or destruction of any voucher or other document in respect of the receipt or payment of public moneys.

Permanent Secretaries and Heads of Departments are required to report all cases of fraud involving their agencies to the police immediately they become so aware. The police are required to properly investigate the matter and lay criminal charges where the evidence so indicates.

Section 12(2) of the Corruption (Prevention) Act, 2000 requires the Commission established under the Act to report any act of corruption by a Public Servant to the appropriate Service Commission, board, body or other authority and to the Director of Public Prosecutions. Section 12(4) of the Parliamentary (Integrity of Members) Act requires the Commission established under that Act to report any act of corruption on the part of any parliamentarian, to the Parliamentary leaders and the Director of Public Prosecutions.

- b. Are there mechanisms to enforce compliance with the above standards of conduct? If so, briefly describe them and list and attach a copy of the related provisions and documents.
- c. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.
- d. If no standards and mechanisms, above stated, exist, briefly indicate how your State has considered the applicability of measures within your own institutional systems to create, maintain and strengthen the standards of conduct that establish measures and systems governing the requirement that public officials report to appropriate authorities acts of corruption in public office of which they are aware, and mechanisms to enforce compliance, in accordance with article III (1) and (2) of the Convention.

CHAPTER TWO

SYSTEMS FOR REGISTERING INCOME, ASSETS AND LIABILITIES (ARTICLE III, 4)

- a. Are there regulations in your country establishing methods for registering the income, assets and liabilities of those who perform public functions in certain posts as specified by law and, where appropriate, for making such disclosures public? If yes, briefly describe them, indicating aspects like to whom they apply and when the declaration must be presented, the content of the declaration, and how the information given is verified, accessed, and used. List and attach a copy of the related provisions and documents.

The relevant domestic legislation is the Corruption (Prevention) Act, 2000 and the Parliament (Integrity of Members) Act as amended in 2001. The Corruption (Prevention) Act, section 4 requires public servants to give to the Commission for the Prevention of Corruption a statutory declaration of their assets, liabilities and income. The public servant's declaration must also include information regarding the assets, liabilities and income of his spouse and children. The information regarding the assets of his spouse and children is limited to those assets held in trust for or as agents of the declarant (not including spouses, children over 18 and married children under 18 not living with the declarant for the period in which the declaration was made). A person who ceases to be a public servant must make a statutory declaration twelve months from the date on which he ceases to be a public servant. (Section 4(7), Corruption Prevention Act). The disclosures are not public documents.

Exceptions

- Parliamentarians (Members of the House of Representatives and Senate) do not submit a declaration to the Corruption Commission. They must, however, submit a declaration to the Integrity Commission under the Parliament (Integrity of Members) Act. section 4.
- Members of the Corruption Commission must also submit a statutory declaration to the Integrity Commission. (section 4(2), Corruption Prevention Act).
- Public servants whose total emoluments are less than the prescribed amount do not have to submit a declaration except those public servants whose posts are prescribed by regulations under section 13 of the Corruption (Prevention) Act. The draft Corruption (Prevention) Regulations (2002) are being examined by a Joint-Select Committee of Parliament to determine the prescribed amount and sets out the posts in respect of which statutory declarations are required.

Sanctions

Under both the Corruption (Prevention) Act and the Parliament (Integrity of Members) Act, a person is liable to a fine not exceeding \$200,000 and/or imprisonment not exceeding two years for failing to give a statutory declaration, knowingly making a false statement on a declaration, failing to give the Commission further information required without reasonable cause, failing to attend an enquiry of the Commission without reasonable cause or knowingly giving false information at such an enquiry. If the Court finds that the person did not disclose property held by him, deliberately, the Court may also order the property forfeited (if situated in Jamaica) or the payment of the value of the property (if situated outside of Jamaica) in addition to the fine and/or imprisonment. (section 15 of the Parliament (Integrity of Members) Act; section 11 of the Parliament (Integrity of Members) (Amendment) Act and section 15 of the Corruption (Prevention) Act).

- b. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

Not applicable.

- c. If no regulations, above stated, exist, briefly indicate how your State has considered the applicability of measures within your own institutional systems to create, maintain and strengthen the regulations that establish methods for registering the income, assets and liabilities of those who perform public functions in certain posts as specified by law and, where appropriate, for making such disclosures public, in accordance with article III (4) of the Convention.

CHAPTER THREE

OVERSIGHT BODIES

- a. Are there oversight bodies charged with the responsibility of ensuring compliance with the provisions stated in article III (1), (2) and (4)? If yes, list and briefly describe their functions and characteristics, and attach a copy of the related provisions and documents.

Commission for the Prevention of Corruption - The Commission consists of the Auditor-General and four other persons appointed by the Governor-General after consultation with the Prime Minister and Leader of the Opposition. The appointed members serve for a period of seven years and may be reappointed. (see Corruption (Prevention) Act, First Schedule.) The functions of the Commission are: to receive, keep on record and examine statutory declarations from public servants, pursuant to the Corruption (Prevention) Act; to make enquires of the public servant or any other person or entity in relation to the statutory declarations, and to conduct investigations into an act of corruption pursuant to a complaint or on the Commission's own initiative. (see Corruption (Prevention) Act, Section 5.)

Integrity Commission – The Commission consists of the Auditor-General and four other persons appointed by the Governor-General after consultation with the Prime Minister and Leader of the Opposition. The appointed members serve for a period of two to five years and may be reappointed. (see Parliament (Integrity of Members) Act, First Schedule.) The functions of the Commission are: to receive, keep on record and examine statutory declarations from Parliamentarians, pursuant to the Parliament (Integrity of Members) Act; to make enquires of the public servant or any other person or entity in relation to the statutory declarations, and to conduct investigations into an act of corruption pursuant to a complaint or on the Commission's own initiative. (see Parliament (Integrity of Members) Act, Section 5.)

Public Services Commission – The members of the Commission are appointed by the Governor General on the recommendation of the Prime Minister after consultation with the Leader of the Opposition. One member shall be appointed by the Governor General from a list of person submitted by the Jamaica Civil Service Association. The appointed members serve for a period of five years and are eligible for reappointment after a three-year period. (The Constitution of Jamaica, section 124) The Commission

shall deal with disciplinary proceedings and is empowered to recommend termination or other punitive measures to the Governor General. Where in the view of the Commissions the officer's conduct may constitute a criminal offence the Commission shall obtain the advice of the Attorney General as to whether criminal proceedings should be instituted (Public Service Regulations 28 – 47).

Judicial Services Commission – The Commission consists of the Chief Justice, the President of the Court of Appeal, the Chairman of the Public Services Commission and three other members appointed by the Governor General on the recommendation of the Prime Minister after consultation with the Leader of the Opposition. The appointed members serve for a period of three years and are eligible for reappointment after a three-year period. (The Constitution of Jamaica, Section 111) The Commission has the power to recommend appointments and termination of appointments due to retirement or as a result of disciplinary proceedings, to the Governor General. (Judicial Service Regulations, 13, 14 and 17).

Police Services Commission - The members of the Commission are appointed by the Governor General on the recommendation of the Prime Minister after consultation with the Leader of the Opposition. The appointed members serve for a period of five years and are eligible for reappointment after a three-year period. (The Constitution of Jamaica, Section 129) The Commission shall deal with disciplinary proceedings and is empowered to recommend termination or other punitive measures to the Governor General. Where in the view of the Commissions the officer's conduct may constitute a criminal offence the Commission shall obtain the advice of the Attorney General as to whether criminal proceedings should be instituted (Police Service Regulations 31 – 59).

National Contracts Commission - The members of the Commission are appointed by the Governor General based on nominations by the Contractor-General, Cabinet, the Joint Consultative Committee of the Building Industry and the Professional Societies Association of Jamaica. The Members are appointed for a period of seven years and may be reappointed. (see Contractor-General (Amendment) Act, Third Schedule.) The principal object of the Commission is the promotion of efficiency in the process of award and implementation of government contracts and ensuring transparency and equity in the awarding of such contracts. The Commission's functions include: examining applications for the award of government contracts; approving or overseeing the award of government contracts within the specified limits; in the case of government contracts above the specified limits, making recommendations to the Cabinet regarding the award of such contracts; registering prospective contractors for the purposes of this Part and classifying such contractors according to the level and scope of government contracts to which such registration applies; establishing and keeping up-to-date lists of contractors so registered, distinguished according to the category of work for which they have been registered; continuously assessing the financial and human resources, technical, financial and managerial capacity and performance of contractors; and making recommendations to the Cabinet for

improving the efficiency of the procedures for the granting and implementation of government contracts. (See the Contractor-General Act section 23D)

The Auditor General annually audits and reports on the accounts of the Court of Appeal, Supreme Court, Offices of the Clerks to the Senate and House of Representatives and all accounts of all departments and offices of the Government of Jamaica including the Judicial Service Commission, the Public Service Commission, the Police Service Commission but excluding the department of the Auditor General. The accounts of the Auditor General's department are audited and reported on by the Minister responsible for Finance. (The Constitution of Jamaica, Section 122) (Please see also response to Chapter One, question 3)

- b. Briefly state the results that said oversight bodies have obtained in complying with the previous functions, attaching the pertinent statistical information, if available.
- c. If no standards and mechanisms, above stated, exist, briefly indicate how your State has considered the applicability of measures, in accordance with article III (9) of the Convention.

CHAPTER FOUR

PARTICIPATION BY CIVIL SOCIETY (ARTICLE III, NUMBER 11)

1. General questions on the mechanisms for participation

- a. Are there in your country a legal framework and mechanisms to encourage participation by civil society and non-governmental organizations in efforts to prevent corruption? If so, briefly describe them and list and attach a copy of the related provisions and documents.

No legal provision or formal mechanism exists.

- b. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

Not applicable.

- c. If no mechanisms, above stated, exist, briefly indicate how your State has considered the applicability of measures within your own institutional systems to create, maintain and strengthen the mechanisms to encourage participation by civil society and non-governmental organizations in efforts to prevent corruption, in accordance with article III (11) of the Convention.

The Ministry of Justice is organizing a Public Education Programme to inform the public about the Commission for the Prevention of Corruption.

2. Mechanisms for access to information

- a. Are there mechanisms in your country that regulate and facilitate the access of civil society and non-governmental organizations to information in the control of public institutions? If so, describe them briefly, and indicating, for example, before which entity or agency said mechanisms may be presented and under what criteria the petitions are evaluated. List and attach a copy of the related provisions and documents.

Public already have access to some Archives, Registrar General's Department, Court System.

The Access to Information Act was passed in 2002 and it is to come into operation on a day to be appointed by the Minister by Notice published in the Jamaica Gazette.

- b. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

3. Mechanisms for consultation

- a. Are there mechanisms in your country for those who perform public functions to consult civil society and non-governmental organizations on matters within their sphere of competence, which can be used for the purpose of preventing, detecting, punishing, and eradicating public corruption? If so, briefly describe them and list and attach a copy of the related provisions and documents.

No formal mechanism exists.

- b. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

4. Mechanisms to encourage active participation in public administration

- a. Are there mechanisms in your country to facilitate, promote, and obtain the active participation of civil society and non-governmental organizations in the process of public policy making and decision making, in order to meet the purposes of preventing, detecting, punishing and eradicating acts of public corruption? If so, briefly describe them and list and attach the related provisions and documents.

There is no formal mechanism. However, the Government has encouraged public participation in the drafting of the Corruption (Prevention) Regulations through comments to the Joint Select Committee currently considering the draft Regulations. In fact the Human Rights Consultative Committee, which meets on a bimonthly basis to discuss various issues related to justice, has held discussions concerning the draft Regulations.

- b. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

5. Participation mechanisms for the follow-up of the public administration

- a. Are there mechanisms in your country to facilitate, promote, and obtain the active participation of civil society and non-governmental organizations in the follow-up of public administration, in order to meet the purposes of preventing, detecting, punishing and eradicating acts of public corruption? If so, briefly describe them, and list and attach a copy of the related provisions and documents.

There are no formal mechanisms that specifically target civil society and non-governmental organizations, however the Corruption (Prevention) Act provides in section 5 that the Commission shall receive and investigate any complaint regarding an act of corruption and does not limit in any way the persons or entities that may proffer such a complaint.

- b. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

CHAPTER FIVE

ASSISTANCE AND COOPERATION (ARTICLE XIV)

1. Mutual Assistance

- a. Briefly describe your country's legal framework, if any, that establishes mechanisms for mutual assistance in processing requests from foreign States that seek assistance in the investigation and prosecution of acts of corruption. Attach a copy of the provisions that contain such mechanisms.

The Mutual Assistance (Criminal Matters) Act is limited in scope and does not presently provide for mutual legal assistance in processing requests from foreign states seeking assistance in investigation and prosecution of acts of corruption, unless such acts are linked to revenue.

- b. Has your government presented or received requests for mutual assistance under the Convention? If so, indicate the number of requests that it has presented, explaining how many of them have not been answered and how many have been denied and for what reason; indicate the number of requests that it has received, explaining how many of them have not been answered and how many have been denied and for what reason; mention the average time it has taken your country to answer said requests and the average time in which other countries have responded, and indicate whether you consider these intervals reasonable.

No.

- c. If no mechanisms, above stated, exist, briefly indicate how your State has implemented the obligation, in accordance with article XIV (1) of the Convention.

In order to fully implement the obligation Jamaica will have to amend the Mutual Assistance (Criminal Matters) Act to encompass assistance in the investigation and prosecution of acts of corruption generally.

2. Mutual technical cooperation

- a. Does your country have mechanisms to permit the widest measure of mutual technical cooperation with other States Parties regarding the most effective ways and means of preventing, detecting, investigating, and punishing acts of public corruption, including the exchange of experiences by way of agreements and meetings between competent bodies and institutions, and the sharing of knowledge on methods and procedures for citizen participation in the fight against corruption? If so, describe them briefly.

No, although there may be some general police cooperation initiatives, including INTERPOL.

- b. Has your government made requests to other States Parties or received requests from them for mutual technical cooperation under the Convention? If so, briefly describe the results.

No, although there may be some general police cooperation initiatives, including INTERPOL.

- c. If no mechanisms, above stated, exist, briefly indicate how your State has implemented the obligation, in accordance with article XIV (2) of the Convention.

- d. Has your county developed technical cooperation programs or projects on aspects that are referred to in the Convention, in conjunction with international agencies or organizations? If so, briefly describe, including, for example, the subject matter of the program or project and the results obtained.

CHAPTER SIX

CENTRAL AUTHORITIES (ARTICLE XVIII)

1. Designation of Central Authorities

- a. Has your country designated a central authority for the purposes of channeling requests for mutual assistance as provided under the Convention? No
- b. Has your country designated a central authority for the purposes of channeling requests for mutual technical cooperation as provided under the Convention? No
- c. If your country has designated a central authority or central authorities please provide the necessary contact data, including the name of the agency(ies) and the responsible official(s), the position that he or she occupies, telephone and fax numbers, and e-mail address(es). No

- d. If no central authority or authorities have been designated, briefly indicate how your State will implement the obligation, in accordance with article XIV (2) of the Convention.

The Minister responsible for Justice is the Central Authority for the purpose of providing Mutual Legal Assistance in Criminal Matters. The Mutual Assistance (Criminal Matters) Act, however, is limited in relation to corruption and at present only governs acts of corruption related to revenue.

2. Operation of Central Authorities

- a. Does the central authority have the necessary human, financial and technical resources to enable it to properly make and receive requests for assistance and cooperation under the Convention? If yes, please describe them briefly.

Not applicable.

- b. Has the central authority, since its designation, made or received requests for assistance and cooperation under the Convention? If so, indicate the results obtained, whether there were obstacles or difficulties in handling the requests, and how this problem could be solved.

Not applicable.

III. INFORMATION ON THE OFFICIAL RESPONSIBLE FOR COMPLETION OF THIS QUESTIONNAIRE

- a. State Party Jamaica
- b. The official to be consulted regarding the responses to the questionnaire is:

() Mr. _____

(X) Ms. Gladys Young

Title/position: Crown Counsel (Ag)

Agency/office: Attorney-General's Department

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