

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY JAMAICA

ARTICLE 13 UNCAC

PARTICIPATION OF SOCIETY

JAMAICA (SEVENTH MEETING)

Article 13-In relation to Participation of Society:

The OCG has recognized the value and importance of increasing public awareness and the engagement of stakeholders in the fight against corruption. The role of ICT in this charge cannot be over-emphasised due to its reach and varying mechanisms/modalities.

Impropriety Hotline

The OCG has created an online platform through which acts of impropriety and/ or irregularity can be reported to it via its Report Impropriety web link. It provides a constant and structured means by which any individual is able to submit a report to the OCG, whether they choose to do so anonymously or not.

The referenced Impropriety link is available at:
<http://www.ocg.gov.jm/ocg/webform/reportimpropriety>

Children's Corner

The OCG recognizes the importance of engaging the youth in our society and with the last 18 months has created an online Children's Corner which is designed to bring awareness to our youth on issues of corruption and impropriety. The Children's Corner is interactive and contains tools with which children can readily identify.

Post Contract Works Quality Complaint Form

The Post Contract Works Quality Complaints Form which is available online at the OCG's website allows members of the public to report on their personal observations regarding works which are being executed in their communities or which they have generally had the opportunity to observe.

It is one means of eliciting stakeholder involvement and participation through a very pragmatic approach. The Post Contracts Works Quality Complaint Form may be accessed

online at: [http://www.ocg.gov.jm/ocg/webform/post -contract -works-quality-complaint -form](http://www.ocg.gov.jm/ocg/webform/post-contract-works-quality-complaint-form)

Article 13(1)(a)-Promoting the contribution of the public to decision-making processes

Response:

The OCG is unaware at this time of any ICT measures currently being utilized or geared specifically toward the promotion of or facilitating public contribution to the decision making processes per article 13(1)(a).

The OCG has an open-door policy to the extent that complaints can be lodged in relation to, *inter alia*, the performance of contracts and to report issues of impropriety etc. However, provisions of the Contractor General Act precludes the OCG from disseminating information garnered in the course of its investigations regarding corruption. The OCG does, however provide a Report at the end of an investigation which is made available to the public, on its website, after it has been laid before the Houses of Parliament.

The OCG is unaware of any ICT measures which allow members of the public to decide or contribute to decisions on how to allocate parts of the budget in specific institutions.

The OCG is unaware of any ICT measures which were adopted to allow members of the public and groups outside of the public sector to be consulted during legislative drafting process.

The OCG is unaware of the use of ICT measures to facilitate public consultations before regulations and administrative policies are issued.

Generally, the public is not involved in the legislative process and/or the budgetary process. Specific stakeholders such as the Jamaica Bar Association would be requested via email to provide input regarding specific legislation, however, there is no set assignment in this regard.

Article 13(1)(b)Effective Access to Information

The OCG is currently unaware of an ICT platform in the captioned regard.

Jamaica does, however, have an Access to Information Act. The Act was designed,

developed and is currently administered by the Ministry of Justice's Management Information Systems Division.

The procedure in relation to obtaining documents pursuant to the Act is set out by the Ministry of Justice on its website.

Requests for information may be submitted in by way of letter, email, telephone, fax or by making a personal visit to the Ministry of Justice. The Ministry of Justice indicates specifically the following:

*"To apply for access to official documents under the Act, **complete an Application form or write a letter** requesting the information desired Applications may also be made by email, telephone or fax or by making a personal visit to the Ministry of Justice.*

You must be as specific as possible in your application and state that the documents are being requested under the Access to Information Act. Be sure to include your contact details e.g. telephone numbers, email address etc as it will make it easy for the Access to Information personnel to remain in contact with you".

Further information regarding the Access to Information Act can be garnered by accessing the following links:

<http://www.moj.gov.jm/services-and-information/access-to-information>

and

<http://moj.gov.jm/sites/default/files/laws/The%20Access%20to%20Information%20Act.pdf>

¹ <http://www.moj.gov.jm/services-and-information/ access-to-information>

Costs charged for the reproduction/ copies of official documents are varied. For more details, please visit the following link which outlines the Fee Schedule:

<http://www.moj.gov.jm/sites/default/files/ATI/Access%20To%20Information%20Document%20Fee%20Schedule.pdf>

The Ministry of Justice has an Access to Information Unit and the public is informed of how they can access information through brochures and the website among other things.

Article 13(l)(c)-Non-Tolerance of corruption and public education programmes

The OCG has engaged in several public education campaigns in order to inform the public about non-tolerance of corruption. The OCG has done this largely through partnership with its stakeholders (local, international, governmental, non-governmental and community based organizations), participation in activities which commemorate International activities such as Anti-Corruption Day.

The OCG has utilized its website and social media avenues for disseminating information to the public. It has also utilized Bill Boards to promote anti-corruption and non-tolerance of corruption messages.

The OCG is unaware of the use of ICT in university courses or modules that have been introduced in primary or secondary schools that include components of corruption specifically. Generally, there are courses available which speak to issues of governance and ethics, however, the OCG is unable to indicate the use of ICT in this regard.

Article 13(l)(d) Disseminating Information Concerning Corruption

The OCG proactively and systematically publishes the findings of its investigations in relation to corruption online, on its website.

The OCG's Investigative Reports, once laid before Parliament, are made available to the public upon request. Information gathered by the OCG and received from complainants are treated as confidential in most cases. The OCG is guided by sections of the Contractor-General Act (CGA) in relation to access to information regarding specific cases of corruption.

The OCG is restricted from disclosing certain information (section 19 of the CGA), such

as that in relation to the security and defence of Jamaica (matters of national security).

Additionally, section 24 of the CGA indicates that "a Contractor General and every person concerned with the administration of the Act shall regard as secret and confidential all documents, information and things disclosed to them in the execution of any of the provisions of the Act", except in certain circumstances for example where the issue concerns the Perjury Act.

See the Contractor General Act:

<http://www.ocg.gov.jm/ocg/sites/default/files/The%20Laws%20%20Jamaica%20%20CG%20ACT.pdf>

In practice, the non-disclosure provision of the CGA is applied in response to requests for information in relation to an ongoing or concluded investigation and generally. Information is provided in accordance with the provisions of the CGA-where information is deemed suitable for disclosure it is provided.

Procedures in relation to Access to Information Act were referred to above.

Article 13(2) Relevant Anti-Corruption Bodies

OCG is promoted through its online information campaign of twitter-@ OCGJamaica. Promotion is also through its Facebook page and through its website. Other Anti-Corruption bodies have similar operating procedures and promotions, to include television and radio advertisements in relation to corruption.

Members of the public are able to report acts of corruption through the OCG's Report Impropriety link on its website. This can be done anonymously or otherwise if the complainant so chooses. For more information on the OCG's Report Impropriety promotion, visit the following link:

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

Reports may be made anonymously. At the end of the investigation the OCG provides a report which is published and made available to the public (on the OCG's website) after it has been laid before Parliament.