



Association of
Development
Agencies



PARTICIPA
EDUCACION Y DESARROLLO

*Hanc fistiam, quae a quibusdam Haute, et a
Tououynambaultijs Brasilijs populo May voca-
tur, nemo ut scribunt, vel edentem vel biben-
tem unquam vidit: hinc quidam opinantur
eam neque cibum capere, neque potu ali,
neque alio alimento, quam haustu acris
vivere.*



*Patagonum Regio, ubi incolae sunt Gigantes 9. et ad summum 30. pedes
longi: facies suas varijs coloribus ex diversis herbis expressis pingunt.*



ACTIVE DEMOCRACY NATIONAL REPORT JAMAICA 2006-2008

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1.0 Executive Summary

The purpose of this National Report is to present the results of the follow-up performed on Jamaica regarding the putting into practice of the Summits of the Americas mandates during the period from 2006-2008, related to four central issues for the strengthening of democracy. These four issues are: access to public information, freedom of expression, local governments and decentralisation and strengthening civil society participation.

As such, it seeks to specify the progress and the setbacks in this area in order to formulate a series of recommendations that could contribute to strengthen its implementation, especially related to the joint-work that can be done in advance regarding the alliances between civil society organisations and governments.

In its second phase, now led by the Participa Corporation, the Esquel Group of the United States and the Canadian Foundation for the Americas (FOCAL), a set of activities - both on national and continental levels - were developed with the aim of promoting the participation of the organisations and social networks in the Summits process. In this connection, a series of consultations was first carried out with the CSOs in order to formulate proposals for the Third Summit of the Americas held in Quebec in April, 2001.

It will be carried out in 22 countries: Argentina, Barbados, Bolivia, Canada, Chile, Colombia, Costa Rica, Ecuador, El Salvador, the United States, Grenada, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Paraguay, Peru, the Dominican Republic, Trinidad and Tobago, Uruguay and Venezuela. Its goal will be to monitor the commitments of the Summits of the Americas in four themes:

- Decentralisation and local governments
- Access to public information
- Freedom of expression
- Strengthening of civil society participation

During this stage of the project, it was decided to develop a monitoring methodology, which consisted of the creation of this index (EGCI). With this new methodology we aimed to capture the specific aspects of each country in the best way possible, and aspired to improve the comparison between the results obtained for each country.

Based on this, this **quantifying** tool was put into practice so that the Active Democracy Network could summarise the evaluation that the CSO representatives and experts made of the degree of compliance of their respective governments with the mandates of the Summits of the Americas regarding the four issues for follow-up from 2006-2008.

The EGCI is an evaluation of the opinions of members of civil society organizations as well as experts on the four issues, regarding the progress or setbacks by the governments as far as the degree of the implementation of the mandates enacted at the Summits of the Americas, relating to the 4 issues subject to the follow-up

The concept of local democracy in Jamaica is one that allows the active participation of citizens in the local decision-making activities of Government. Members of Parliament are elected in 60 constituencies across the island. In each constituency there are Mayors, Councillors, parish council offices and community development representatives. This

represents the hierarchy or channel through which information is transferred from members of a community to local authorities or even parliament if the situation requires so.

The design of the system is a good one. However, democracy and autonomy in decision making at the regional level are sometimes hampered by a number of factors. In general Jamaica is a country where involvement in even non-representational politics may be scoffed at by the public.

It was an agreed consensus arising from the workshops that much improvement is needed which will support strengthening of regional-local democracy and facilitate the advancement of the Local Government reform process through transfer of competencies from Central Government. Few regional offices have been upgraded and modernised during the period January 2006 to December 2007. One chief complaint is that the process of modernisation has become stagnant and has become a “cog in the wheel” for the entire process of decentralization.

Poor public management seems to be the case at the local offices. Workers seem demotivated and hence the community does not feel their support or enthusiasm as it relates to matters which may be of concern. Employees need to be equipped with the necessary skills they need to be effective and to exhibit professional behaviour in the workplace. Appropriate training will also be needed to facilitate this process of change - “The Local Government Reform”

The Access to Information (ATI) Act was passed in Parliament in 2002 and an Access to Information Unit formed to oversee and guide the implementation of the Act. The following outlines the activities of the Access to Information Unit since its inception.

Access to public information in Jamaica can be said to be effective if information is readily available and citizens begin to understand and exercise their right to access information.

This should also be complimented by the process of Local Government Reform so that the information required by the people is readily available and can be delivered in a shorter time frame. This will in effect lead to a society where the people are well informed and become a part of the process of good governance.

There was very little progress and even to date a review of the implementation of the act has not taken place. This is clearly demonstrated by the EGCI score of -0.54.

The fundamental human rights and freedoms are entrenched in the Jamaican constitution. Section 22 of the Jamaican constitution explains: "Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, and for the purposes of this section, the said freedom includes the freedom to hold opinions and to receive and impart ideas and information without interference with his correspondence and other means of communication."

Citizens are cognisant of the fact that they have the freedom to express themselves. It has become a part of our culture, in the upbringing of children, lifestyle and even sexuality. In general Jamaicans are known for extroverted expressions of opinions, dance,

music culture and sexuality. Both men and women recognise the equanimity in these respects.

CSOs agree that freedom of expression for both males and females is evident in the Jamaican society and that the Government did not need to make significant changes to promote freedom of expression among men or women in general.

The establishment of Civil Society Organisations (CSOs) does not mean that the State will surrender the responsibilities for social welfare and development. What will happen is a co-integration with Local Government and community organisations. Benefits of this will include all groups having one collective objective, which is the improvement of the quality of life of civil society, more will be achieved within shorter period, less financial constraints, etc.

CSOs have a direct legitimate basis through their activities and their familiarity with all decision-makers, globally and internally, which will provide invaluable lessons vital for conceiving development interventions.

Previously done surveys have shown that there has been a rapid growth of civil society organisations and increasing demand for revitalisation of Local Government institutions. However, some of these organisations had failed due to gangs, drug culture, prostitution, protection gangs among other unfortunate happenings. Regardless, there have been the emergence of new fields of socio-political activities, negative and positive. Necessary measures are being put in place for their establishment.

2.0 Introduction

The purpose of this National Report is to present the results of the follow-up performed on Jamaica regarding the putting into practice of the Summits of the Americas mandates during the period from 2006-2008, related to four central issues for the strengthening of democracy. These four issues are: access to public information, freedom of expression, local governments and decentralisation and strengthening civil society participation.

As such, it seeks to specify the progress and the setbacks in this area in order to formulate a series of recommendations that could contribute to strengthen its implementation, especially related to the joint-work that can be done in advance regarding the alliances between civil society organisations and governments.

To achieve this, the results from **Jamaica** are presented in the context of the Evaluation of



Government Compliance Index (EGCI), as well as an analysis of this index in the domestic sphere. Based on the results and in looking towards the Fifth Summit of the Americas, to be held in April of 2009 in Trinidad and Tobago, a series of recommendations are presented that seeks to contribute to the strengthening of both civil society participation and the fulfilment of the summits mandates in the issues subject to monitoring.

Project of follow-up on the Summits of the Americas and formation of the Active Democracy Network (1997-2008)

Since 1997, work has been in progress on the **Citizens' Participation for the Summits of the Americas Project**, which has gone through a number of phases during the last 11 years. The wide variety of activities carried out has allowed for the formation of a continental network of civil society organisations, which in 2007 took the name of the Active Democracy Network. This Network has participated in the monitoring of the mandates of the Americas Summits, which is one of the most important achievements of the project. The work of the Network may be considered as one of the factors that have enabled this initiative to increase the number of participating countries in the Americas, which has presently reached a total of 22.

In its early stages, the Project, under the leadership of the Participa Corporation of Chile, was directed towards the promotion of the participation of Civil Society Organisations (CSOs) and the preparation of proposals for the Second Summit of the Americas, which was held in Santiago, Chile in 1998.

In its second phase, now led by the Participa Corporation, the Esquel Group of the United States and the Canadian Foundation for the Americas (FOCAL), a set of activities - both on national and continental levels - were developed with the aim of promoting the participation of the organisations and social networks in the Summits process. In this connection, a series of consultations was first carried out with the CSOs in order to formulate proposals for the Third Summit of the Americas held in Quebec in April, 2001.

This cycle of consultations was centred on the themes of the strengthening of democracy, the creation of prosperity as well as the realisation of human potential. It was developed in 18 countries: Argentina, Barbados, Brazil, Chile, Colombia, Ecuador, El Salvador, Grenada, Guatemala, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, Dominican Republic, Trinidad and Tobago, as well as in Uruguay. The result of this was the formulation of 243 proposals which received the consensus of 900 CSOs and were presented to the governments within the framework of the Quebec Summit. More than half of those recommendations were included in the summit's Plan of Action.

Subsequently, an evaluation of this process was made and it was decided to develop a monitoring initiative regarding the degree of compliance on the part of the governments of certain mandates included in the Quebec Plan of Action related to democratic governance. To this end, a methodology was devised which enabled the Project to extend its coverage to 21 countries: Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Honduras, Jamaica, Mexico, Paraguay, Peru, Trinidad and Tobago, United States, Uruguay and Venezuela.

This stage, known as the "Civil Society Follow-Up Strategy for the Implementation of the Quebec Plan of Action", was carried out between July 2002 and March 2005. It was coordinated by Participa, FOCAL, the network Coordinator for Economic and Social Research (CRIES), the University of the Andes of Colombia and the Inter-American Network for Democracy (RID). The central objective was to monitor and promote compliance with the Quebec Action Plan on the thematic axis of strengthening democracy, by means of the improvement and broadening of citizen participation. The participating organizations designed and applied continental, sub-regional and national mechanisms of outreach and dissemination.

For that stage, the Network decided to monitor the mandates related to:

- Access to public information.
- Freedom of expression.
- Local governments and decentralisation.
- Strengthening of civil society participation.
- Judicial reforms and access to justice.

The results of this first exercise produced a series of National Reports in each of the 21 countries regarding the degree of implementation of the mandates of this Third Summit. Also, the Network presented a set of proposals in order to contribute to the improvement of the way governments comply with these mandates, in order to support the strengthening of democratic governance in the countries of the region. These results were included in the **Hemispheric Report 2005**¹, which was brought to public attention at both

¹ Dicho informe se encuentra disponible en el portal www.sociedadcivil.net, también www.democraciaactiva.net.

the Monterrey Special Summit as well as the Fourth Summit of the Americas at Mar del Plata.

Also during this phase, a strategy for advocacy and dissemination was developed, both at national and continental levels. To this end, the website www.sociedadcivil.net was created and various activities were carried out in the 21 countries.

Once this stage was completed, a process of internal assessment and formulation of the next steps was initiated. The evaluation concluded that the Project had made an impact both at national as well as at regional and continental levels with regard to:

- Dissemination of the process of the Summits of the Americas in 21 countries of the Caribbean, Central America, Andes and the Southern Cone.
- Definition of the base lines in 21 countries regarding the situation of the themes being monitored (achievements and challenges).
- Broadening and strengthening, in some countries, of the dialogue between government and civil society regarding the deepening of CSOs participation on national, regional and continental levels.
- Dissemination and advocacy strategies in various forums of the Inter-American System, such as the activities related to the Summits of the Americas process as well as to the OAS General Assemblies.
- Broadening and strengthening of alliances with other networks and CSOs.

A new phase began in May 2007, coordinated by Corporacion Participa, Focal and the Venezuelan Institute of Social and Political Studies (INVESP, for its Spanish acronym). This stage's general objective is the development of a series of activities during the 2007-2010 period with a view to strengthening the CSOs' participation in the Inter-American processes and, more specifically, with its presence at the V Summit of the Americas to be held in Trinidad and Tobago in April of 2009. This stage will focus on three central objectives:

- The need to **consolidate and broaden the Active Democracy Network** of civil society organizations.
- The importance of **emphasising and supporting fulfilment of the mandates** related to the strengthening of democracy in the region.
- The establishment of **alliances between CSOs and governments** in order to implement the mandates of the Summits of the Americas.

In connection with these challenges, the II Stage of this project has developed 3 strategies between 2007 and 2008:

Strategy 1: Evaluation of compliance with the commitments

It will be carried out in 22 countries: Argentina, Barbados, Bolivia, Canada, Chile, Colombia, Costa Rica, Ecuador, El Salvador, the United States, Grenada, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Paraguay, Peru, the Dominican Republic, Trinidad and Tobago, Uruguay and Venezuela. Its goal will be to monitor the commitments of the Summits of the Americas in four themes:

- Decentralisation and local governments
- Access to public information
- Freedom of expression

- Strengthening of civil society participation

On the basis of the application in the different countries of the methodology for the creation of the Evaluation of Government Compliance Index (EGCI), each country produced national reports that include practical and specific recommendations, directed to the governments so that they can improve the implementation of the mandates of the Summits of the Americas. In addition, the Hemispheric Report (2006-2008) for the project was created based on these reports and the EGCI.

Strategy 2: National Government-Civil Society Alliances

With the intention of improving the implementation of the mandates and given that work in alliance is vital for this, efforts are being made so that in 8² of the 22 countries national alliances would be created between CSO's and their respective governments. As such, we have favoured the establishment of a joint-working agenda, based on concrete actions that contribute to the implementation of the commitments acquired in the process of the Summits of the Americas in the four thematic areas contemplated by the project.

Strategy 3: Advocacy and dissemination

This is carried out in the 22 countries and will seek to present national and regional public opinion with the achievements of the monitoring of the process of the Americas Summits in the themes related to democratic governance and the broadening of citizen participation. It is intended to influence the improvement of the quality of dialogues that take place in the forums, which have been institutionalised in the OAS and in the process of the Summits for civil society participation.

The EGCI

During this stage of the project, it was decided to develop a monitoring methodology, which consisted of the creation of this index (EGCI). With this new methodology we aimed to capture the specific aspects of each country in the best way possible, and aspired to improve the comparison between the results obtained for each country.

Based on this, this **quantifying** tool was put into practice so that the Active Democracy Network could summarise the evaluation that the CSO representatives and experts made of the degree of compliance of their respective governments with the mandates of the Summits of the Americas regarding the four issues for follow-up from 2006-2008.

The EGCI is an evaluation of the opinions of members of civil society organizations as well as experts on the four issues, regarding the progress or setbacks by the governments as far as the degree of the implementation of the mandates enacted at the Summits of the Americas, relating to the 4 issues subject to the follow-up. The governments themselves informed these groups about the activities that have been carried out, and based on this information the panels of evaluators emitted their opinions. It is an *ad-hoc* Index regarding these general, permanent mandates in that the action plans from the Summits of the Americas, as well as other inter-American mandates, have a very high degree of generality and fix few concrete or specific tasks oriented towards reaching goals in a determined period of time.

² These countries are Argentina, Chile, Colombia, Mexico, the Dominican Republic, Paraguay, Uruguay and Trinidad and Tobago

Thus, this approach has had the purpose of strengthening the Active Democracy Network in its appeal to governments to initiate processes and/or actions that look to progress on the implementation of the commitments contained in these general, permanent mandates. This has been done through the three previously mentioned axes of the project: the creation of the EGCI in 22 countries, the establishment of National Alliances in 8 countries, as well as the strategy of dissemination and outreach developed around this initiative's activities.

The EGCI does not aim to put a value on the final results; rather it evaluates to what degree the actions taken -or not taken- by each Government in question show evidence of advancement towards those final objectives. In this way, with a fixed goal in mind (for example, full recognition of freedom of expression) the EIGC measures how active each government has been in carrying out policies which allow the country to move in that direction and avoiding others which go against the principles or goals expressed in that mandate. The EIGC will thereby be a channel of expression for CSOs that participate in the process, since they can express themselves by valuing or criticizing what has, or has not been done by governments.

The EGCI was created based on the opinion of a Panel of Evaluation in each of the 22 countries, made up of experts on the thematic issues and interested CSO representatives, or those who have been affected by one of the thematic issues. This panel evaluated the degree of progress in the national governments on the fulfilment of the commitments assumed in the Summits of the Americas.

The results of the EGCI allow for each country to be able to:

- Have a single number that summarises the value assigned by the Evaluation Panel regarding activities and policies carried out during a period of time by governments in connection with the implementation of the mandates in the 4 selected themes.
- Analyse inside each country the degree to which experts in each of the thematic areas and the CSOs which are interested in and/or have been affected by one of the thematic areas, perceived that the government has complied with agreements signed, comparing their perception among the different thematic areas under scrutiny by the monitoring process.
- Contrast the reports supplied by governments to the Summit Implementation Review Group (SIRG), on the degree of advancement and compliance of the mandates established at the Summits, with the evaluation made by civil society through the EGCI. This is possible, since the evaluation documents presented by the governments themselves regarding how they value their compliance with the agreements of the Quebec Plan of Action³. After reviewing some of these documents it becomes clear that they deserve an external revision as a critical counterbalance to each government's self-evaluation.
- Compare the performance of each Government with the rest of the governments of Latin America and the Caribbean. The force of comparative arguments contributes

³ See www.summit-americas.org.

to highlighting the importance of national debates (“my country has a better or worse evaluation than the rest”). Both domestic and international experience of what has been called “*social reporting*”⁴ endorses the power of these comparisons as a way of drawing attention and stimulating debate on insightful themes.

The Gender Perspective

This stage of the follow-up strategy also supposed a new challenge: the incorporation of the gender perspective in the analysis. In this sense, the ***gender perspective*** sustains that, “*the power relations that involve class, race, ethnicity, age and geographic location interact with gender and produce complex and hidden inequalities*”⁵ through which women and other sexual identities hold a position that is subordinated to men. Thus, the gender perspective demanded that the project include criteria for gender equity that emerged from the definitions and mandates of the Summits, especially those of Quebec and Mar del Plata, as well as the inter-American framework of norms and standards on the human rights of women.

How was the gender perspective incorporated into the EGCI? Regarding the National Coordinators, two fundamental strategies were developed. First of all, people with experience working on the gender perspective were included on the working teams. Secondly, the *parity clause* and the *guarantee of inclusion* of expert people and organizations on gender issues were included in the Panel of Evaluation.

Based on this, ***gender expertise*** was guaranteed by the connection of the participants on the national working teams related with training in gender studies and work experience in the implementation of this analysis. The ***guarantee of inclusion of expert people and organisations on gender issues*** was sanctioned through gender equity in the formation of the Panels of Evaluation. Regarding the ***parity clause***, this was also taken under consideration in as much as the incorporation of the gender perspective into this kind of methodology was taken into account.

This initiative would not have been possible without the support of the Canadian Agency for International Development (CIDA). FOCAL, INVESP, FEMCIDI, NED, NCDI-VOCA OAS and PARTICIPA and the Hemespheric Coordinating of Andrea Sanhueze, Catalina Delpiano, Francine Jacome, Racquel Smith, Andrea Sorndo, and Andres Aranda.

Also, on the Jamaica national team, we would like to express our gratitude for the contributions of Amsale Maryam, Karen Small, Dr Caroline Gomes, Professor Neville Duncan, Keith Miller, Hermoine McKenzie, Mayanna Francis and Christine Neves Duncan. George Michael Thorney and Nicole West- Hayles.

⁴ See, for example, the UNDP Reports on Human Development or the ECLAC Social Panorama.

⁵ GEM, *Methodology of evaluation with gender perspective*, Mexico, 2005, pg. 22

3.0 Results of the “Evaluation of Government Compliance Index”

The results of the first “*Evaluation of Government Compliance Index*” (EGCI) of the “*Active Democracy*” Network call attention to the way in which 21 governments of the Americas are implementing the Summits of the Americas mandates. Beyond the political will expressed in these agreements, the rhythm of implementation during 2006-2008 has been slow, with difficulties and even worrying setbacks.

The EGCI is a tool especially designed for civil society follow-up on the Summits of the Americas process. This index summarizes the opinion of a wide network of experts as well as representatives of civil society organizations (more than 600 people in 21 countries). Each one of these was asked to judge to what degree their own government had progressed or experienced difficulties regarding the fulfilment of four mandates that are fundamental for the strengthening of democracy.

The mandates evaluated refer to commitments to: access to public information, decentralization and local governments, freedom of expression and the strengthening of civil society participation. These obligations are of a permanent nature, and entrust the governments to carry out constant actions in the context of public policies geared towards the fulfilment of the established objectives. To the contrary, governments also must permanently abstain from taking actions against or detrimental to compliance with the mandates.

It is important to point out that the Index seeks to determine how much the governments have progressed or seen setback on their fulfilment of the mandates assumed at the Summits of the Americas, during the period 2006-2008, based on the information that they themselves provided as well as official sources consulted by national research teams. For example, a country could have a decentralized operational structure that is internationally recognized, but if during the period 2006-2008 the government performed no substantial activities in this area, it would have a negative evaluation from the EGCI.

Considering the total of opinions gathered throughout the region, the total EGCI reaches a value of 0.01 (on a theoretical range between +3 and -3). It must be taken into account that in the EGCI, positive numbers (+) indicate a perception of progress on the fulfilment of these commitments. Negative numbers (-) indicate a perception of difficulty or setbacks. As a result this value, quite close to zero, shows that in the opinion of this group of civil society organizations of the Americas, the 21 governments evaluated in the region have made little progress and have even experienced setbacks during this period towards fulfilling the commitments made during the Summits.

Of the 21 countries analyzed, 57% (12) have an average index lower than 0. The results of the countries as far as their progress and difficulties/setbacks in the

implementation of the commitments acquired at the Summits during 2006-2008, ordered alphabetically, are the following:

Countries that present progress

Country	Average
Barbados	0.59
Bolivia	0.24
Chile	0.59
Colombia	0.26
Grenada	0.14
Guatemala	0.72
Jamaica	0.53
Dominican Republic	0.24
Uruguay	0.86

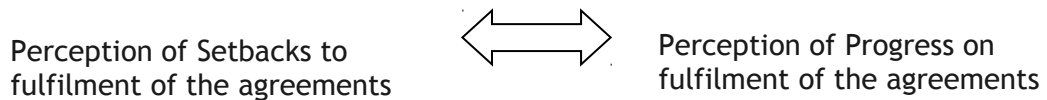
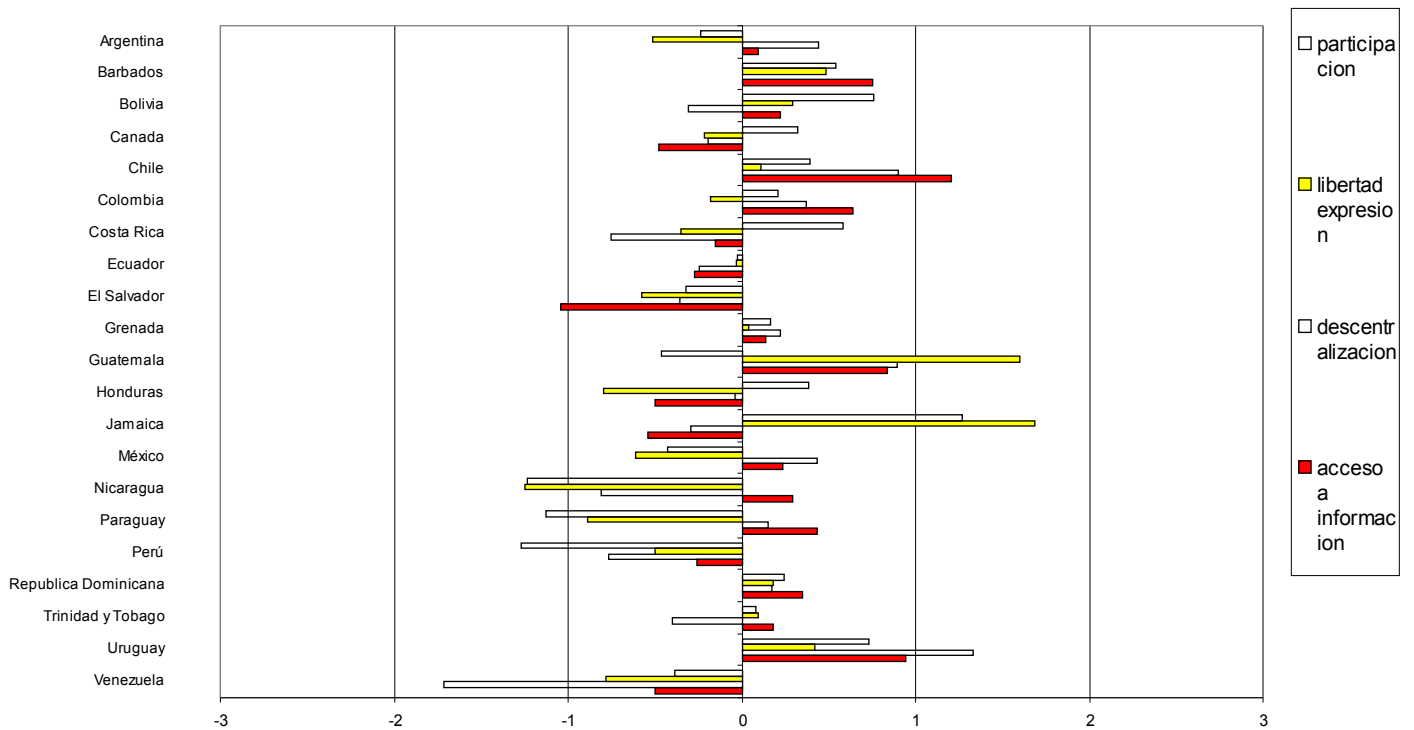
Countries that present difficulties and setbacks

Country	Average
Argentina	-0.05
Canada	-0.14
Costa Rica	-0.17
Ecuador	-0.14
El Salvador	-0.57
Honduras	-0.24
Mexico	-0.09
Nicaragua	-0.75
Paraguay	-0.36
Peru	-0.70
Trinidad & Tobago	-0.01
Venezuela	-0.85

The following graph compares the situations between the participating countries for each of the four areas of the mandates evaluated.

Mandates ECGI Country Results

Resultados evaluación de mandatos del IECG según países:



The government of Uruguay showed the most progress on fulfilment with the mandates (+0.86). The government of Venezuela was graded as having the largest amount of setbacks and difficulties (-0.85). In considering the total value of the

EGCI, only 9 countries displayed some degree of progress, while in 12 it was perceived that there were setbacks and difficulties.

As can be seen in the graph, the government of Uruguay set forth policies that meant progress in the four areas. Specifically in the area of access to information, the Law of Access to Public Information and the National Archives Law were passed, and the CEIBAL Plan was put into effect. The second allows for all children enrolled in public schools to have access to a laptop computer. As for freedom of expression, the most recognizable undertaking was that the Executive branch negotiated with civil society on a reform that restricts the interpretation of what is to be considered as reports and information that are

illegal. Regarding decentralization, the government established the National Agriculture Council, Departmental Agriculture Councils and the Rural Development Committee. At the same time Public Attention Centers were installed in rural areas. Regarding the strengthening of civil society participation, it is considered that the government has extended its backing of these organizations, including financial support.

In contrast, the Venezuelan government undertook actions that lead to setbacks in the four areas of analysis. Specifically in the area of access to information, websites were modified in order to diminish the information available to the public; a Law of Access to Public Information has not been passed, and the access of the media to government sources of information, such as press conferences, is limited. As for freedom of expression, the PROVEA report records 134 cases of violations against freedom of expression and access to information during 2006-2007; practices of self-censorship were detected as well as media restrictions. In the area of decentralization, Communal Councils were created. They have a direct relation with the Executive, thus cutting out the city halls and state governments and diminishing the powers of local institutions. Setbacks also include reduced resources for local and state governments, as well as the transfer of tasks from local and regional governments to the central organ. In the strengthening of civil society participation, discussions began on the Law of International Cooperation, the contents of which would limit foreign funding for SCO's, and there were signs of a governmental campaign to discredit civil society.

In breaking down this general scoring according to the dimensions of the EGCI, it can be said that in the majority of the countries (13 of 21) there was progress in some areas, but at the same time setbacks in others. As such, it can be seen that within this panorama of scarce general progress, the “access to public information” dimension stands out, which is the most commonly mentioned as being the best evaluated of all the dimensions among all the different countries. On the other hand, the “freedom of expression” dimension many times, appears with negative evaluations among the different countries involved in the study.

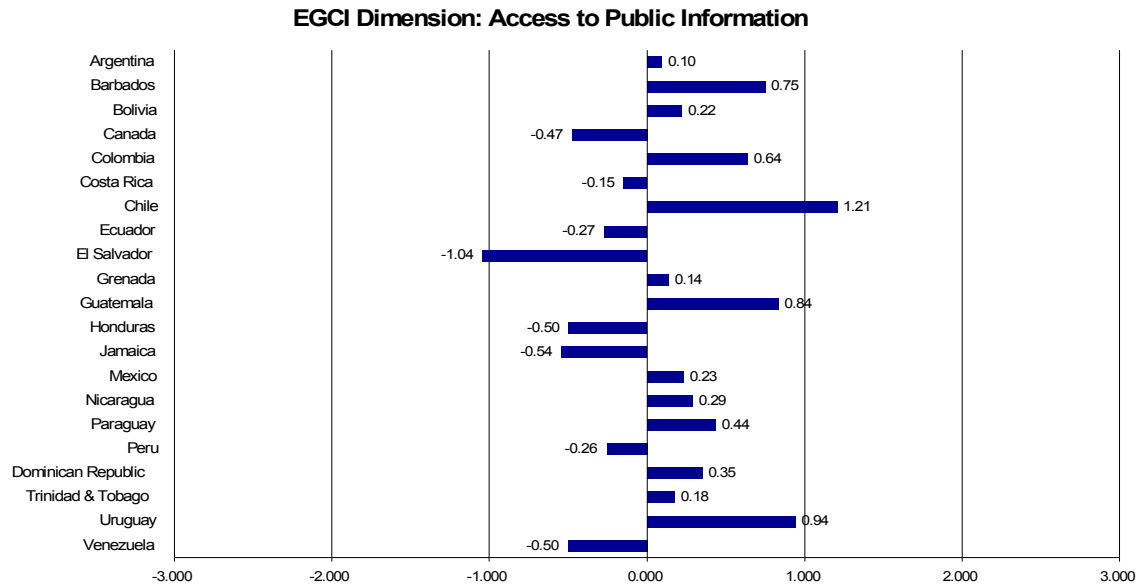
With these results, a group of civil society organizations from the Americas is expressing an important criticism regarding what is not being done by their governments to comply with binding commitments.

Countries that stand out in each of the four dimensions that makes up the EGCI

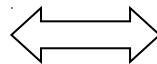
COUNTRIES WITH THE MOST PROGRESS	DIMENSION OF THE EGCI EVALUATED	COUNTRIES WITH THE MOST SETBACKS AND DIFFICULTIES
Chile, Guatemala y Uruguay	Access to public information	El Salvador, Jamaica y Venezuela
Chile, Guatemala y Jamaica	Freedom of expression	Honduras, Nicaragua y Paraguay
Chile, Guatemala y Uruguay	Decentralization and Local Governments	Nicaragua, Peru y Venezuela.
Bolivia, Jamaica y Uruguay	Strengthening of Civil Society participation	Nicaragua, Paraguay y Peru

An analysis of each area shows that it is possible to identify examples of best practices for the fulfilment of the Summits mandates by some governments, as well as examples of difficulties and setbacks experienced by others.

Results for Access to Public Information



Perception of Setbacks to fulfilment of the agreements



Perception of Progress on fulfilment of the agreements

A fundamental factor that guarantees the right of access to public information is having a legal framework that protects this right. Regarding actions that show that progress has been made as far as a legal framework that guarantees this right, 9 of the 21 countries evaluated have laws that refer specifically to access to public information (Chile, Ecuador, Grenada, Guatemala, Honduras, Mexico, Dominican Republic, Trinidad and Tobago and Uruguay), which represents 42.85% of all the countries evaluated. In Chile and Guatemala, these laws were passed in 2008. However, the cases of Ecuador and Honduras demonstrate that a law is not enough, and that such proceedings have to be institutionalized.

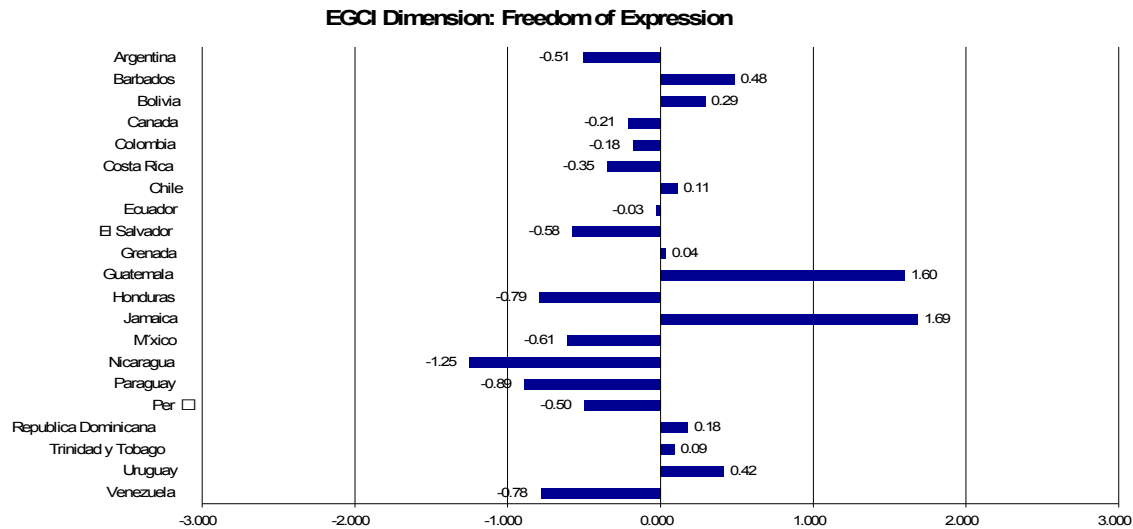
The majority of the countries have constitutional guarantees and several laws that protect the right to access public information, but personal decisions on the part of public officials persists when the public requires access to public documents. In some countries, for example

Canada and Honduras, laws or norms have been passed that go so far as to restrict the information that can be accessed, extending the procedures necessary to request information and making them longer.

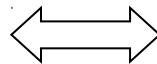
In most countries, government agencies have web sites that allow for access to information regarding public services and certain official documents -e-government. However, in many cases it was also found that difficulties or setbacks persist due to the fact that the information available is not relevant or updated, and in some cases, such as in Venezuela, the information available has been limited. These restrictions can also be found in other countries such as Costa Rica, where the provision of information is repeatedly conditioned, such as in the case when the President of the Republic and the Minister of the Environment emitted a decree in 2008 establishing that in cases of environmental damage, only those who are directly affected can have access to the relevant environmental information. In addition, in order to receive answers to their requests for information cases have had to be presented at the Constitutional Chamber of the Supreme Court

Finally, the lack of transparency and access to information on public finances and electoral expenditures is evident in all of the countries evaluated.

Results for Freedom of Expression



Perception of Setbacks to fulfilment of the agreements



Perception of Progress on the fulfilment of the agreements

In this area it was very difficult to identify coherent examples of best practices in the 21 countries. In this way, it can be appreciated that in 12 of the 21 countries, which is 57% of the total, setbacks or difficulties were reported for this item. No country reported progress for this period in terms of laws that contribute to guaranteeing or extending this right. However, some governments took actions that either reverted or limited freedom of expression. In the case of Uruguay, the fact that the Executive Power passed a reform to reduce the classification of illegal report or information was positively evaluated. In Chile, the widening of the possibilities of the right to rebuttal also stood out.

In some cases, such as in Grenada, one aspect that has contributed to compliance with this area is the opening of new media and the establishment of public forums that allow for a higher level of public participation in the discussions held on budgets and projects to be implemented by the government. In the same way, in Bolivia, one best practice has been the extension of telecommunications services, especially in rural areas.

However, difficulties and challenges persist in the region on this matter. In Mexico, for example, the fact that laws have been passed that contributes towards limiting this right

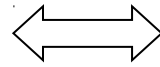
stands out. There are also other difficulties throughout the Americas. In the first place, there is the monopoly of ownership of the media. It was even shown that this is associated with economic and political interests, such as in the cases of Honduras, Mexico and Paraguay. Second of all, in some countries there are still serious cases of threats, persecution, trials, incarceration and even assassination of journalists. Countries in which these situations were reported include: Argentina, Colombia, El Salvador, Grenada, Honduras, Mexico and Venezuela.

It was also disclosed that there is an important setback as far as the use by national governments of several mechanisms for applying pressure, which lead to censorship or self-censorship, such as in the cases of Argentina, Colombia, Honduras and Venezuela. Among such mechanisms is the removal or non-allocation of advertising spaces to media organizations that do not respond to the government's interests.

Results for Decentralization and Local Governments⁶

6

Perception of Setbacks to fulfilment of the agreements



Perception of Progress on fulfilment of the agreements

In the area of decentralization and local governments, results were divided. In 9 of the 21 countries, almost 43%, it is perceived that there has been progress in this area. In those countries where the civil society recognizes progress on the fulfilment of the mandates, governmental actions towards the transfer of tasks and resources from the central government to local governments were valued. This is because such actions strengthen a more decentralized and autonomous management for local governments. It was also recognized that laws have been passed that allow local governments to have a certain degree of autonomy for obtaining financial resources, so that they do not depend exclusively on the central government for such resources. These best practices were found to take place in countries like Argentina, Colombia, Paraguay, Dominican Republic and Uruguay.

As a positive aspect, the assessment included the establishment of programs by the central government that contributed to strengthening local government's technical capacities and their modernization. In some countries, such as Chile, new regions were created, widening

the coverage of local governments. In the same way, the strengthening of local and regional leaderships was also positively evaluated in Guatemala.

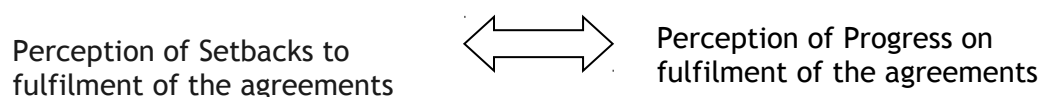
The setting up of Public Attention Centers or the inclusion of public participation in rural areas are counted as an expression of political will to decentralize management and increase connections with the public, such as in Uruguay. The establishment of spaces for consultation and discussion with local communities on budgets and public policies in the case of Grenada was also evaluated as an example of best practices.

On the other hand, the setbacks in this area that took place in 12 countries were related to various kinds of policies that are detrimental to decentralization. First of all, there is the transfer of tasks from local governments to the central government, as in Trinidad and Tobago as well as Venezuela. In the same way, there is evidence of insufficient funding or budget cuts for local governments, as in the cases of Canada, Costa Rica and Venezuela. Another setback is represented by the creation by the central government of institutions that operate parallel to local governments, which delegitimizes them and makes their functioning much more difficult, as in the case of Venezuela.

In other cases, such as Peru, instances that would have allowed for a higher degree of coordination between local and national governments have been eliminated, leading to a higher degree of centralization of decision-making processes, and

reverting a fundamental aspect of the processes for decentralization. It was also estimated that there are countries in which the functions of local, regional and national governments are not clearly defined, which leads to conflicts over the powers of each one. This creates obstacles to the formation and execution of public policies on a local level.

Results for the Strengthening of Civil Society Participation



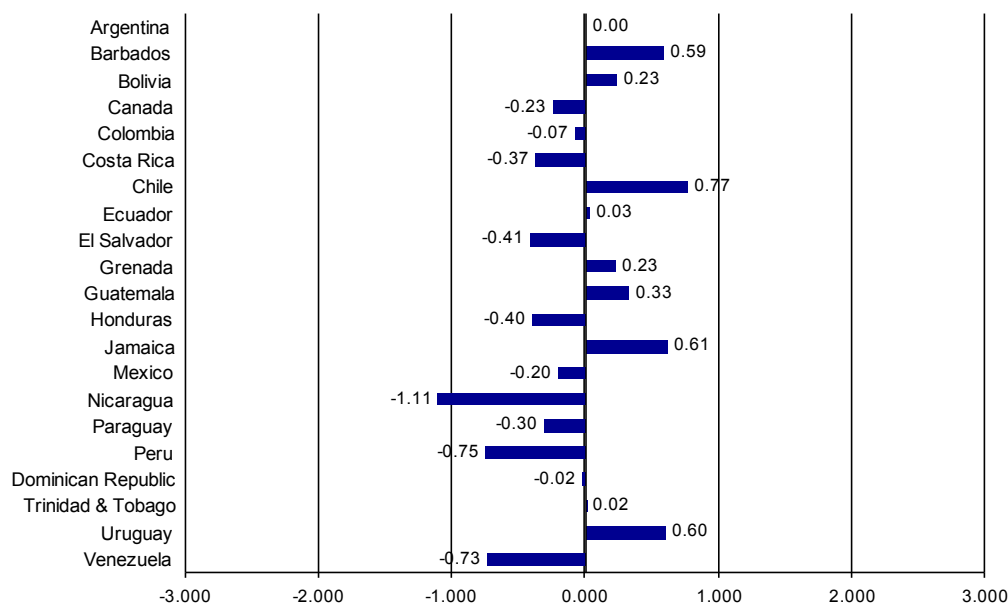
The strengthening of public participation is, just like access to public information, another of the EGCI dimensions with higher levels of progress in the region. In this way, in 12 of the 21 countries (57%), it is perceived that there is progress in this area. Among the best practices, one of the most significant one includes the passing of laws that strengthen civil society organizations participation, such as in the cases of Bolivia, Honduras and the Dominican Republic. There is also the creation of spaces for consultation and dialogue with civil society for the discussion of bills and other matters, in countries such as Costa Rica and Guatemala. Another aspect that was positively evaluated was the provision of resources to finance the initiatives of civil society organizations, such as in Chile. Some countries also value the parliamentary discussion of bills that would facilitate the emergence and constitution of civil society organizations and the existence of public audiences and accountability as examples of participation on a local level.

Regarding participation in the Inter-American system, in Canada one best practice has been the country's support for civil society organizations to be able to participate in different forums and spaces, especially those connected to the processes of the Summits of the Americas and the General Assemblies of the OAS. In other cases, such as Guatemala, the participation of civil society organizations in

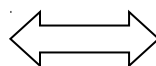
the elaboration of reports to be presented by the government at OAS events also stands out.

The difficulties in this area are shown by insufficient legislation on public participation in public affairs, and in some countries such as El Salvador and Paraguay, there is not even a legal framework that guarantees or promotes the participation of civil society organizations. As for the lack of compliance with the mandates from the Summits process, in this area the fact that situations that promote dialogue between governments and SCO's have not been put into practice stand out, such as that which was shown from the evaluations of Barbados and Peru. In other cases, restrictions have been placed on non-violent protest by the citizenry, and in many examples there are only spaces for participation in those projects in which it is demanded by agencies of international cooperation, with no governmental initiative.

EGCI Average for Gender Sub-Dimensions



Perception of Setbacks to fulfilment of the agreements



Perception of Progress on fulfilment of the agreements

The gender perspective and that of women’s human rights is explicitly considered within each of the four thematic areas covered by the EGCI. In this way, women’s human rights are analyzed in each country as the interaction between the specifically “women’s” public policies and the public policies and institutions regarding the other four areas mentioned. This analysis is based on the verification of the existence or inexistence of certain objective elements (the existence of laws, programs, among others) and on opinions regarding the progress or setbacks that this implies for the Summits mandates.

As far as access to information, modest progress is detected as far as laws that remove legal barriers, and the incorporation of measures that promote the access to information for women and women’s rights in general. This modest progress is overshadowed by the scant production of information on women’s human rights and the scarce promotion and dissemination of fundamental information for women, which puts their rights at risk.

The information available via web sites is insignificant. This is either because of the precariousness of such information, or as a result of the negative effects of the

digital divide on women. Information is fundamental to be able to exercise women's rights, particularly those dealing with sexual and reproductive health, as well as intra-familial violence. However, very little information is produced and its circulation is insufficient.

The panorama regarding freedom of expression for women is no more encouraging. In general terms, in the majority of the countries there are no laws or specific government measures towards progress on fulfilment with the mandates referring to gender equity and women's human rights and their freedom of expression. Censorship of sexual and reproductive rights stands out, in particular regarding access to abortion. Also, the absence of government financing for activities concerning women's freedom of expression and women's rights is notable.

Gender equity is not promoted in property of media or their programs. The use of mass media for the expression of women's rights is scarce, and there is no control over the media's use of sexist language or the reproduction of sexist stereotypes. Any governmental measures designed to extend the objective possibilities for women to express themselves freely are the exception instead of the rule.

In the area of gender related to decentralization, there is a positive record that the majority of legislation in the countries analyzed incorporate quotas in favour of women taking on public positions, as well as consciousness of the difficulties involved in the effective implementation of such measures. However, there are no specific measures for the promotion of political participation by indigenous or rural women, or for women of African descent. On the other hand, progress on gender equity and the modernization of the state have been recorded, as far as government regulations and administrative measures that include the gender perspective. Nonetheless, there is also a distinct stagnation in public hiring and equal promotion by gender.

Some progress has been detected on laws that recognize women's rights and that establish some programs to assure their enforcement on a local level. However, funding is still too

scarce to note any substantial progress on the fulfilment of this mandate. Despite this, budgets are not set with the gender perspective taken into consideration. Instead, in the existing cases of progress, the funds channelled through thematic institutions and specific programs have increased. Also, inaction and setbacks have been recorded as far as gender and cultural diversity, which characterizes non-compliance with this mandate. This is especially harmful to indigenous women, whose self-determination and other fundamental rights are affected, and limit their progress in overcoming the poverty that affects the majority of such women.

Public participation is evaluated similarly, with some progress but also some setbacks and deficits. Regarding the removal of legal barriers and the incorporation of positive measures that promote the participation of women and women's rights

organizations, the panorama with respect to compliance with this mandate points to progress in a significant number of countries.

However, the persistence of deficits is also perceived, in particular having to do with the participation of rural and indigenous women, and those of African descent. On the other hand, progress has been detected on increasing the budget for coalitions between governments and civil society organizations, in particular for the provision of services oriented towards women. Finally, the participation of women in the inter-American system has experienced an increase, but there has not necessarily been an increase in the effects that women's organizations that defend women's rights have on the inter-American system. Government support for such participation is still scarce and insufficient.

4.0 Fulfilment of Mandates on a National Level

4.1 Decentralisation and Local Governments

4.1.1 Strengthening of Regional-Local Democracy

The concept of local democracy in Jamaica is one that allows the active participation of citizens in the local decision-making activities of Government. Members of Parliament are elected in 60 constituencies across the island. In each constituency there are Mayors, Councillors, parish council offices and community development representatives. This represents the hierarchy or channel through which information is transferred from members of a community to local authorities or even parliament if the situation requires so.

The design of the system is a good one. However, democracy and autonomy in decision making at the regional level are sometimes hampered by a number of factors. In general Jamaica is a country where involvement in even non-representational politics may be scoffed at by the public.

Criminal elements are often rumored to be linked with a political party and as a result, some communities (because of fear), neglect their responsibility to be a part of the decision making process of the country. Arising from the CSO workshops, CSOs did not believe that most persons understood their rights and responsibilities to know about the decisions being made by the Government in their country and how these will in turn affect their community. Civil Society Organisations also expressed that they did not feel the Government was doing enough to enable them to participate in local politics.

The results from the CSO panel indicate that 50% of CSOs generally believed that the government slightly violated the principles set out in the mandate. While 16.6 % agreed that in some important way the Government had violated principles set out in the mandate. The majority of the experts, 66% believed that the government made no significant advancement towards the mandates in the time period specified. One expert believed that the Government made some moderate advancement towards the achievement of the mandate.

There are also citizens whose level of awareness is very low. Increasing the level of awareness of communities has been a focus of many Civil Society Organisations who use the Access to Information Act implemented by the Government in 2005 to empower community members. This has been done with some success.

On the other hand, experts from the National Workshop in the area of Decentralisation and Local Government commended the Government for embarking on Local Government Reform (LGR). The consensus was that this gives prominence to autonomy of localities and communities. The model supports the meaningful participation of CSO in local government and in wider terms, sustainable development. In addition some sectors of civil society seemed to have greater awareness of local government reform.

The disparity between the Civil Society Organisations and the experts from the panel and workshops clearly identifies a problem of education and awareness among the citizens of Jamaica and that the government has the task of expand

their activities as it relates to participation in Regional- Local Democracy. This will support the strengthening of the communities' cohesiveness and sense of identity.

4.1.2 Modernisation and Improvement of the regional-local public management
Modernisation is a low scoring area in Jamaica. In general CSOs believe that the Government has slightly violated the principles set out in the mandate. There was no apparent satisfaction with the technical capacity of the Regional-local public offices. Technical and physical infrastructure is needed to simplify work and ensure transparency.

It was an agreed consensus arising from the workshops that much improvement is needed which will support strengthening of regional-local democracy and facilitate the advancement of the Local Government reform process through transfer of competencies from Central Government. Few regional offices have been upgraded and modernised during the period January 2006 to December 2007. One chief complaint is that the process of modernisation has become stagnant and has become a "cog in the wheel" for the entire process of decentralization.

Poor public management seems to be the case at the local offices. Workers seem de-motivated and hence the community does not feel their support or enthusiasm as it relates to matters which may be of concern. Employees need to be equipped with the necessary skills they need to be effective and to exhibit professional behaviour in the workplace. Appropriate training will also be needed to facilitate this process of change - "The Local Government Reform"

4.1.3 Transfer of competences from central level for decentralisation

Central and local Government are two separate areas of Government where Central Government appears to have most if not all the autonomy, thus negatively impacting the process of decentralisation. Civil Society Organisations are often displeased when faced with disadvantages associated with an issue of this nature. A concern of citizens is that decisions, actions or services are sometimes undertaken by persons who are not sensitive to local problems.

It is impossible to have an effective local government system with a lack of the necessary capabilities, skills and competencies. The comprehensive needs of the local government system resonating from the workshops can be summarised as the need for dissemination and distribution of power from central government to local government and a system for ensuring transparency and accountability. This will foster the development of community participation and awareness, political responsibility and more effective administration at the local government level.

4.1.4 Funding for the regional and local administration

Lack of a strong financial administration at the Local Government level contributes to some of its inefficiencies. It is one of the constraints which limits the power or authority of the Local Government to make decisions or take appropriate and effective actions when necessary. The citizens also recognise that Local Government lacks financial resources and often times disregard them and try to

direct their needs or concerns at central government. This creates a bottle neck condition and will result in some of the citizen's needs being neglected or rejected. CSOs agree that the government needs to improve funding for Local Government so that they may be better equipped with the financial resources to carry out their work more effectively.

4.1.5 Respect and valuation of the regional-local cultural diversity

Cultural diversity is a major part of our natural heritage and history in Jamaica. Jamaica has very diverse culture which takes root from different origins, all blending together in one melting pot. Our motto alone "out of many, one people" speaks to the high degree of cultural diversity in our communities. This also forms a major part of the tourism industry which is major income earner for the government.

Rastafarians are one group of individuals which may be prominent in any community because of their different cultural beliefs and their rejection of certain elements of modernism. These persons have equal opportunity to participate in Local Government. In fact they may even assume more responsibility for their role in governance than other citizens.

4.1.6 Electronic government and access to information technology at local-regional level

Information technology at the regional level is way below standard. Most offices are equipped with computers but not all have internet access. The number of computers tends to be inadequate to support the staff complement. Internet access is inadequate and some staff need to be trained so that they can take advantage of the benefits which may be had from information technology.

With the advent of the Access to Information Act, Local Government is one point where persons will go to request information. The information may be requested in printed or digital format. This demonstrates a shift towards electronic information.

Websites where citizens can get information or participate in governance at the local level are lacking. CSOs agreed that Government should utilise modern electronic and information technology systems. This will promote greater efficiency in public administration foster effective communication and a more speedy exaction of tasks.

4.1.7 Gender Perspective

The Bureau of Women's Affairs is the state agency with responsibility for women's affairs and gender issues. In order to reach its objectives the Bureau conducts and creates research and policy development, educate women by means of public education, training and creating and implementing project planning and monitoring.

Women in Jamaica are involved in Government and politics at all levels. The following will show women's activity in the different aspects of governance:

- Had first female Prime Minister - Honourable Portia Simpson Miller, an achievement for Jamaica 2006-7
- Political Office - numbers disproportionately low (F-23% previous administration vs. 12% in the current administration)
- Boards - Public Sector (33%) and lower in Private Sector (16%) and in traditionally male dominated fields (transportation & agriculture) and absent from Boards - on economic development, financial management & investment)
- Trade Unions - Male Preserve (F-39%)
- Juridical - More females/balanced (F -63% - RM/43% - High & Supreme Court Judges)
- Chief Justice, Attorney General and DPP - Females

Outside of the examples above women can be found at all levels of Government. It is evident that men and women in Jamaica have equal access and the freedom to participate in political institutions.

4.1.8 Proposals to strengthening the decentralisation and Local Government process

1. Educate citizens about their rights and how they can participate in local democracy
2. Mandatory modernisation (including technical and communication technologies) of regional-local offices
3. Set a timeline for certain departments/competencies to be transferred to regional/Local Government
4. Give autonomy to the spending of allocated funds at the regional/Local Government level
5. Educate and invest more in the promotion of cultural activities held island wide
6. Make cultural education and fun activities as a vital part of education system
7. Mandatory training of staff at regional-local levels
8. Development of strong community relationships - thus promoting citizen's involvement
9. Community Development - A cooperative arrangement with Central Government to involve Local Government in the actual planning & administration of community development programmes
10. Improve Communication - Development of a Public Relations Unit within the Local Authorities, to: communicate community needs to the Council, provide a channel for citizen complaints and representation and draw on citizens' resources for cooperative action
11. Develop relationship with Jamaica Information Service to increase reporting on Local Government activities
12. Maintain contact with media
13. Develop collection of literature on broad Local Government affairs
14. Develop data for planning and management of communities
15. Distribution of annual reports by each local authorities
16. Employ qualified consultants to initiate public relations programme

17. Should be a statutory requirement for Local Authorities to produce annual reports to be tabled in Parliament
18. Foster positive international relationship
19. Strengthen citizen participation

4.2 Access to Public Information

4.2.1 Legislation on freedom of access to information and other norms

The Access to Information (ATI) Act was passed in Parliament in 2002 and an Access to Information Unit formed to oversee and guide the implementation of the Act. The following outlines the activities of the Access to Information Unit since its inception.

- Access to Information Act passed in 2002
- Appointment of Tribunal in 2003
- Amendment of the Act to allow phased implementation in 2004
- Applied to all Government Ministries 2005
- Lost its Executive Director 2005
- Selection of Joint Committee in February, 2006
- Preliminary report submitted 2006
- Prime Minister changed March 2006, new Minister reviews preliminary report and asks Government ministries to submit report based on issues raised
- Minister resigns November, 2006
- Government changed August 2007
- New Executive Director appointed **March, 2008**
- New joint select committee **not re-appointed**
- No statistics or updates published **prior to mid 2008**
- Review still **not completed**

There was very little progress and even to date a review of the implementation of the act has not taken place. This is clearly demonstrated by the EGCI score of -0.54.

4.2.2 Effective access to public information

Access to public information in Jamaica can be said to be effective if information is readily available and citizens begin to understand and exercise their right to access information. This should also be complimented by the process of Local Government Reform so that the information required by the people is readily available and can be delivered in a shorter time frame. This will in effect lead to a society where the people are well informed and become a part of the process of good governance.

In Jamaica, there is a culture of secrecy and citizens generally do not recognise that they do in fact have a right and a responsibility to “know”. Thirty-one access to information requests were filed in 2006 and 28 in 2007. Most of these requests were filed through civil society organisations that focus on access to information, media involvement and public awareness. On average, approximately 48% of these were completed which means they either got full access, partial access, denied, or transferred to the appropriate department.

Approximately 23% of all requests were cancelled by the requester and 6% denied. It is uncertain whether this 6% of requests fell within article 14-23, Part III which lists documents exempted from the ATI Act.

We see that the citizens of Jamaica have not been utilising or benefiting from the Access to Information Act. Awareness and public education is certainly lacking. An all encompassing approach ought to be taken to enable citizens to gain valuable information which will play a role in determining their participation in governance.

4.2.3 Use of new information and communication technologies to facilitate access to public information

The Access to Information Unit boasts a website which gives information and guidelines to the Access to Information Act, the implementation process and contact information (including email address). However, some of the information was noted to be outdated. The application form may also be downloaded from this site. Upon requesting a copy of official documents you may choose to receive printed or digital copies or you may simply view the files. One constraint though is that many documents are not available electronically and it may be costly to copy the document requested.

The main website for any public government information is www.jis.gov.jm. This is operated by the Jamaica Information Service (JIS) and gives current news bulletins, information, notices and updates of recent activities of the Government. The site is well maintained and all the ministries and most agencies of Government have websites which can be accessed directly from this site. The Government ministries and websites provide general information including contact information. Some provide job vacancies, tender documents, green papers etc. The JIS, also airs a Government information magazine program on local television and radio stations.

The challenge in Jamaica is that internet access and competency in computer technology is low to average so a significant sector of society is excluded from information which may be available on the websites. One concern which arose from the CSO workshop was that even if internet access was possible through libraries the low competency in computer technology of the person would be a deterrent to access of public information on websites.

4.2.4 Electoral expenditures

The electoral expenses of the Government are not published and there is no act which dictates that this must be done. However, this information should be available if requested through the Access to Information Act.

4.2.5 Gender Perspective

More women made applications to the ATI than men. It was difficult to ascertain an accurate percentage because most applications came through a CSO. Women and men have equal rights as it relates to the accessing public information.

4.2.6 Proposals to Strengthening the Right to Access to Public Information

1. Re-appoint a Joint Select Committee to complete review
2. Strengthen ATI Unit

3. Reform and strengthen ATI Tribunal
4. Reformation of new publication
5. Acquire mandate within the act
6. Encourage full civil society participation
7. Encourage public education and general awareness building

4.3 Freedom of Expression

4.3.1 Legislation on Freedom of Expression

The fundamental human rights and freedoms are entrenched in the Jamaican constitution. Section 22 of the Jamaican constitution explains: "Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, and for the purposes of this section, the said freedom includes the freedom to hold opinions and to receive and impart ideas and information without interference with his correspondence and other means of communication."

Citizens are cognisant of the fact that they have the freedom to express themselves. It has become a part of our culture, in the upbringing of children, lifestyle and even sexuality. In general Jamaicans are known for extroverted expressions of opinions, dance, music culture and sexuality. Both men and women recognise the equanimity in these respects.

CSOs agree that freedom of expression for both males and females is evident in the Jamaican society and that the Government did not need to make significant changes to promote freedom of expression among men or women in general.

Of particular importance though are persons with disabilities. There is currently a lobby for a policy for persons with disabilities to be passed as an act in Parliament. This would include protection for persons with disabilities from certain abuses in the workplace and in the home as well as to facilitate an expression of self without fear of discrimination. Of special interest are persons who are speech or hearing impaired as they face difficulties in communication but lack the appropriate avenues through which they may express themselves. This then in turn limits their access to public information.

Youths are particularly challenged as it relates to freedom of expression in the area of sexuality. They feel free to express themselves among their peers and get advice from the same. Often times this leads to the acceptance of myths and misguided approaches to sexuality. They are afraid to consult an adult on matters relating to sex, contraception, HIV/AIDS and other sexually transmitted diseases (STD), pregnancy and abortion.

As a result of their fear of ridicule, rejection, or feelings of guilt and shame, they become victims of STDs, teenage pregnancy, and death through unsafe abortions. A point to note is that abortions are illegal in Jamaica and that, girls aged 15-19 years are at high risk for contracting HIV. CSOs advocate for freedom of expression, improved public education and awareness among youths in order to clarify misconceptions and myths as well as with the aim of reducing the incidence of HIV/AIDS and teenage pregnancy.

4.3.2 Censorship, limitations and sanctions

CSOs agree that the tragedy lies where Jamaicans abuse their freedoms and disregard their responsibilities as it relates to freedom of expression. This perpetrates criminal elements in society. The Constitution limits the right to

freedom of expression in a number of ways. Public defence, public safety, public order, public morality and public health must be upheld even when an individual is expressing him/herself in whatever way he/she chooses. Persons with disabilities, homosexuals and other minority groups are `protected under the law from abuse and discrimination from others through the responsibility to protect the reputations, rights and freedoms of other persons or the private lives of persons concerned.

Unfortunately many Jamaicans neglect their responsibility to use their freedom in respect to the guidelines provided by the constitution. Hence we notice high levels of discrimination against persons with disabilities, and violence against homosexuals. For this reasons persons with disabilities are requiring laws which specifically addresses the rights and freedoms of persons with disabilities as well as sanctions for discriminatory treatment.

According to the Honourable Bruce Golding, Prime Minister of Jamaica, the libel and slander laws of Jamaica has to be reviewed in order to ensure that's people's rights and reputation are protected from unjustified abuse. A 12-member committee was appointed to carry out this review so that the private lives of public officials were protected from unjustified abuse and the media houses would have increased freedom to report on matters corruption and the rights of persons to a private life may be protected.

The Obscene Publications (Suppression of) Act of 1927 states that the distribution, exhibition, production or ownership of "any obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematographic films" is illegal. According to the constitution there is no requirement for a licence to publish newspapers, newsletters or magazines but licences are necessary to operate radio or television stations and for cable distribution facilities. Recently the Broadcasting Commission executed a ban on lyrics with lewd and obscene content that is aired on television or radio. This was to the appreciation of many but others maintained it is a suppression of our cultural expression.

4.3.4 New Technologies

The emergence of new communication technologies presents an opportunity to foster communities and individuals to express themselves more directly and clearly. In addition, it presents an avenue through which they may take part in governance. For this to be effective it was pointed out during workshops that technological literacy as well as universal access need o be addressed.

For surveys, effective sampling, public forums or any other use it is easy to see how inclusive and representational an internet survey may be. Measures to limit duplication will however need to be considered in order to make the sample valid.

Technological advances in Jamaica may have had the greatest advantage in terms of freedom of expression for the media. The media now has varied avenues of imparting information to the public. It is easy to see how this may increases their coverage or reach. The Government has the task of finding appropriate ways which

still fall within the context of the law to apply sanctions or censorship. As well as to constantly review laws and make sure they are up to date and can be applied to technological changes.

Citizens can be seen expressing themselves through demonstrations, media, voicing of opinion on public or private issues, blatant statements of agreements or disagreements with actions taken or not taken by the government and in their cultural and sexual expressions.

4.3.5 Gender Perspective

Traditionally Jamaican women are thought to be at risk to domestic violence. The Jamaican culture is one where there is an open display of aggression even in casual conversations. Men who inflict violence against women assert their confidence and ownership by 'making the women show respect'. Women are thought to need discipline in order to function in a particular way; usually one which glorifies the man as the 'king' of his household. Sometimes the women accept this as the norm and continues to suffer (sometimes in secret) from this assault.

In more recent times domestic violence occurs as a result of the independence and liberalisation of women. Women have moved away from traditional roles and are expressing themselves about violence against women through the various government and non- government support organisations. They are even more expressive about the way they want to be treated and refuse to settle for mediocrity in their relationships. Sometimes this results in conflicts which end in violence against either man or woman. Situations arising from accused infidelity may also result in violence against gender.

Interestingly there has been somewhat of a slight shift in terms of gender issues. Men are now being marginalised. They feel incompetent especially in the face of their well accomplished female counterpart. This sometimes can lead to violence against women but it also perpetrates violence and discrimination against men. Support groups for men are limited so the avenues for expression are considerably less than those for women. The culture of the Jamaican man also dictates that he shuns any expression of guilt, tears, sorrow, and even joy because those are not "manly behaviours".

Evidently freedom of expression and gender relations in Jamaica are complicated by the differences in traditional roles for men and women, the change in the societal fabric from one which dictates roles to one which conforms to new roles and the sea in which our men are left to sink or swim because their avenues for expression are significantly less and the culture does not support male expression in regards to feelings and emotions.

Discrimination against women in the workplace occurs especially when men feel threatened or hold strongly to their traditional beliefs regarding the roles of women. Over years significant improvement has been made in terms of legislation and giving women a voice in the workplace. It will be impossible to say how many women face sexual abuse or discrimination at the workplace because most will refuse to talk for fear of losing their only source of income. Disabled women in the

workplace in particular speech and hearing impaired are most at risk and is a continued concern for CSOs.

4.3.6 Proposals to strengthening the right to freedom of expression

- Public education to create awareness about the censorship, limitations and sanctions
- Support for youth in regards to answering critical questions about sexuality and well as demystifying their current misconceptions
- Facilitate freedom of expression without fear from discrimination or rejection for persons with disabilities
- Foster use of technology to assure good governance and the inclusion of citizen governance
- Foster new opportunities for communities to participate in national, regional and local activities
- Implement sanctions, and censorship to protect the privacy, reputation and moral fabric of citizens
- Attend to the marginalisation of men through provision of various avenues of expression as well as positive re-socialisation.
- Enforce the laws which protect women in the workplace from discrimination and abuse.

4.4 Strengthening of Civil Society Organisations

4.4.1 Legal changes which weaken or strengthen civil society participation

The removal of legal barriers and incorporation of measures that promote civil society participation promotes constitutional changes that create new mechanisms of citizens' participation.

The establishment of Civil Society Organisations (CSOs) does not mean that the State will surrender the responsibilities for social welfare and development. What will happen is a co-integration with Local Government and community organisations. Benefits of this will include all groups having one collective objective, which is the improvement of the quality of life of civil society, more will be achieved within shorter period, less financial constraints, etc.

CSOs have a direct legitimate basis through their activities and their familiarity with all decision-makers, globally and internally, which will provide invaluable lessons vital for conceiving development interventions.

Previously done surveys have shown that there has been a rapid growth of civil society organisations and increasing demand for revitalisation of Local Government institutions. However, some of these organisations had failed due to gangs, drug culture, prostitution, protection gangs among other unfortunate happenings. Regardless, there have been the emergence of new fields of socio-political activities, negative and positive. Necessary measures are being put in place for their establishment.

Negativities include casino gambling, reform of public education, poverty eradication, demands for the reintroduction of hanging among other factors.

4.4.2 National Government-CSO relation in practice

All is not lost as Local Government and civil society organisations are merging to rebuild the society. This merger will be based on cooperation, trust and mutual understanding among the pluri-sector social partners. In order for this to become a

reality, a cohesive decision must be made by the group to create a multiple



partnership to find workable answers leading to a new and better form of governance.

Such a merger would also encourage liberalisation, privatisation, deregulation, decentralisation, de-concentration, community participation and democratisation which would enable a stronger voice for the people.

Advantages which may derived from this are:

1. The adducting of special lessons in each category instructive for a new governing relationship
2. Quasi-international non-Government organisations
3. Empower or build sustainable institutional capacity
4. Internationalisation of welfare period
5. Administrative re-colonisation
6. Network of organisations of national and regional NGOs
7. Creation of an overarching network of networks

The advantages for civil society and can only be realised if a more structured approach is taken in incorporating the beneficiaries and their organisations, as well as branches of de-centralised ministries and local government.

Disadvantages of its establishment would include:

1. Powerless in sustaining the capacity to address pervasive poverty and dispossession.
2. Unable to offer a sustained and integrated assault thus lacking thus lacking institutional and financial connectedness to central government and insufficient base in representative elections.

4.4.3 Gender Perspective

It is proposed that the legislative review of laws covering sexual offences, abortion, and others that affect women be endorsed. To increase the participation of women in the decision-making process, from peasant, indigenous, African-origin and migrant groups in policies of budget, culture, sexual and reproductive health among others.

4.4.4 Proposals to strengthen the participation of CSOs within the framework of both national and Inter-American systems

1. Creation of a legislated framework; proper channel for registering of these companies thus easy and proper monitoring can be done by Government bodies for transparency
2. Provision of needed resources
3. Building of strong partnership between local and community structures
4. Deliberate fostering of a communal citizenry
5. Build and maintain global partnerships
6. Implementation of a consultation code
7. Establishment of judicial decisions at the national, sub-national and/or local level

8. Inclusion of specific judicial decisions on gender equality, women's participation and positive actions in favour of the participation of women and other discriminated groups

Documento datos de respaldo
Foro de Washington preparatorio de la Cumbre de las Américas en Trinidad y Tobago.
2 de marzo 2009

COUNTRY: Jamaica

Ranking: 0.67

Points:

General Conclusion:

Theme	EGCI Point	EGCI Ranking	Main issues which explain the ranking (advances and challenges)
Access to public information	-1	-0.40	
Freedom of expression	0	1.69	
Decentralisation	0	0.29	
Strengthening of civil society participation		1.27	
Women's rights and gender		0.51	

EGCI Dimension – International

Ranking	Country	EGCI Score
1	Uruguay	0.86
2	Guatemala	0.72
3	Barbados	0.59
4	Chile	0.59
5	Jamaica	0.53
6	Colombia	0.26
7	Bolivia	0.24
8	Dominican Republic	0.24
9	Grenada	0.14
10	Trinidad and Tobago	-0.01
11	Argentina	-0.05
12	Mexico	-0.09
13	Canada	-0.14
14	Ecuador	-0.14
15	Costa Rica	-0.17
16	Honduras	-0.24
17	Paraguay	-0.36
18	El Salvador	-0.57
19	Peru	-0.70
20	Nicaragua	-0.75
21	Venezuela	-0.85

5.0 CONCLUSION/PROPOSAL

In 2008, ADA once again Partner with PARTICIPA, INVESP, FOCAL and the OAS to conduct survey on each thematic area and other situations at the national level.

We were given another opportunity to conduct this joint survey looking at and reviewing the mandate of government's compliance.

In order to ascertain an accurate data of the survey an evaluation of government fulfilment was fashioned in keeping in line with the requirements of the Inter-American System.

These findings will be passed in National Report at the fifth Summit scheduled to be held in Trinidad & Tobago on April 17-19, 2009 under the theme "Securing our Citizens future by promoting human prosperity, energy security and environmental sustainability."

Main findings affecting the region will be discussed and solutions put in place for the continued development and betterment of civil society.

ADA will continue to support joint research carried out on topics, with the aim of increasing the knowledge base, building strengthen the capacity of Civil Society.

The new focus surrounding these thematic areas should seek to address the practical ways in which the governance and management of funders, CSO's, public/private actors tackle the requirements of Legitimacy, Transparency and Accountability of Governments.

Given that these stakeholders may have quite different expectations and indeed may understand these terms very differently

In conclusion ADA urges all the partners how have participated and supported this process to continue doing an excellent job for the continued development and betterment of our society. Thus building strong community relationships and promoting a positive and vibrant civil society.

6.0 Evaluation Members Panel References

#	Place Name	Occupation	Telephone	E-Mail
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5	Damehon Thompson CDC	Assistant Early Childhood Teacher		
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8	Delesco Morgan TEADC/JAS	Farmer/Home Maker		
10	Doreen Rodriquez Clarendon Group For The Disabled	Community Relations Therapist		
11	Dornet Campbell TEADC/JAS	Kitchen Assistance		
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