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Action Plan Review: Jamaica 2021–2023

Introduction

Starting in January 2021 the IRM began rolling out the new products that resulted from the IRM Refresh process.[1] The new approach builds on the lessons after more than 350 independent, evidence-based and robust assessments conducted by the IRM and the inputs from the OGP community. The IRM seeks to put forth simple, timely, fit for purpose and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

The new IRM products are:

1. **Co-creation brief** - brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design. This product is scheduled to roll out in late 2021, beginning with countries co-creating 2022-2024 action plans.
2. **Action Plan Review** - an independent, quick, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This product is scheduled to roll out in early 2021 beginning with 2020-2022 action plans. Action Plan Reviews are delivered 3-4 months after the action plan is submitted.
3. **Results report** - an overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product is scheduled to roll out in a transition phase in early 2022, beginning with 2019-2021 Action Plans ending implementation on August 31, 2021. Results Reports are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of Jamaica's 2021–2023 action plan. The action plan is made up of 7 of commitments, 4 of which the IRM has filtered and clustered into 2. This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For the commitment-by-commitment data see Annex 1. For details regarding the methodology and indicators used by the IRM for this Action Plan Review, see section III. Methodology and IRM Indicators.

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[1] For more details regarding the IRM Refresh visit
https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/

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Section I: Overview of the 2021–2023 Action Plan

Jamaica's first action plan includes promising commitments to modernize the existing access-to-information legal framework, strengthen civic participation in environmental matters, and enhance the implementation of polices specific to Jamaica's youth. Among other things, the Independent Reporting Mechanism (IRM) recommends expanding use of public consultations and fostering ratification of the Escazu agreement.

Jamaica's 2021–2023 Action Plan is its first within the Open Government Partnership (OGP). It consists of 7 commitments that have the potential to modernize the existing legal framework and mechanisms for access to information (Commitments 2 and 3), strengthen civic participation and access to information concerning environmental matters (Commitment 5), and enhance the implementation of policies aimed at the youth (Commitment 7). The action plan is aligned with Jamaica's 2030 strategic development plan and the United Nations' 2030 Sustainable Development Agenda. It addresses several strategic areas that the Government of Jamaica (GOJ) and the country's civil society organizations (CSOs) and stakeholders have jointly identified as priorities. Citizens' input was also considered, with nearly 700 participants voting online.

AT A GLANCE
Participating since: 2016
Action plan under review: 2021–2023
IRM product: Action Plan Review
Number of commitments: 7
Overview of commitments:
• Commitments with an open gov lens: 7 (100%)
• Commitments with substantial potential for results: 3 (43%)
• Promising commitments: 4 (57%)
Policy areas emerging in this action plan:
• Justice and human rights
• Access to information
• Natural resources
• Environment and climate
• Youth
Compliance with OGP minimum requirements for Co-creation:
• Acted according to OGP process: Yes

The IRM considers most commitments in this action plan promising as they demonstrate robust designs to tackle key areas for the country, such as access to information, the environment, and the country's youth. Three of them fall short, however, in describing clearly and in detail how they could make the government more open. Commitment 1, for example, proposes including stakeholders in future implementation, monitoring, and evaluation of the National Anti-Corruption Strategy (NAS). However, the nature of this stakeholder involvement is neither clear nor predefined as being binding or relevant. Meanwhile, Commitment 4 proposes delivering a judicial information portal and a human rights education program, 2 products that share the same overall goals but are aimed at different audiences and delivered through different means. Moreover, given that the information portal will replicate information already published through other platforms and that the education program's sole open government

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mechanism is the inclusion of stakeholder consultations during its preparatory phase, this commitment is likely to have only a modest impact on opening the government. Commitment 6 foresees updating the Climate Change Policy Framework by adding a public participation element to certain milestones of the drafting process. As with Commitment 1, however, Commitment 6 mentions stakeholder and public consultations but does not provide specifics about how these consultations will be implemented or how their input will add value to the final draft.

Finally, on 10 January 2022 there was a cabinet reshuffle that affected the assignment of implementing agencies for some OGP commitments. Moreover, according to the Director of the Economic Reform Monitoring Unit, one of the challenges for the implementation of the Action Plan will relate to funding and staffing constraints from the implementing agencies, which may impact the timely execution of some milestone activities.[1]

Section II: Promising Commitments in Jamaica's 2021–2023 Action Plan

The following review looks at the four commitments that the IRM identified as having the potential to realize the most promising results. Four of these have been organized into two clusters. This review will inform the IRM's research approach to assess implementation in the Results Report. The IRM Results Report will build on the early identification of potential results from this review to contrast with the outcomes at the end of the implementation period of the action plan. This review also provides an analysis of challenges, opportunities and recommendations to contribute to the learning and implementation process of this action plan.

The result of online voting that took place between June and July 2021, the Multi-Stakeholder Forum (MSF) agreed on the development of commitments in four thematic areas: (1) justice and human rights; (2) natural resources, the environment, and climate; (3) access to information; and (4) youth. The point of contact (POC) explained in an interview with the IRM researcher that the action plan focuses on themes and commitments that can deliver realistic and tangible results rather than pursuing overambitious goals.[2] In fact, most commitments in this action plan build on existing policies and regulations that would benefit from being updated and revamped through the inclusion of an open government perspective.

The IRM considers Commitments 2, 3, 6, and 7 promising (see table 1) because of their potential to renew and bolster existing policies through the addition of new elements and milestones that reflect open government values (notably, civic participation and access to information). Commitments 2 and 3 seek to reinvigorate Jamaicans' access to public information by aligning access with the recently enacted national Open Data Policy. Although Commitment 2 focuses on the development of the required data systems and infrastructure to implement this policy, Commitment 3 seeks to renew the institutional and normative layout to guarantee citizens' right to access to information. In the same line, Commitment 6 aims to adjust existing environmental regulations governing impact assessments to make them more participatory and transparent. Commitment 7 would increase the impact of the revised National Youth Policy (2017–2030) by fostering participation and access to relevant information among youth. The IRM considers this commitment to be modest in terms of its potential for results, but it is also

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promising because the policy it would amend was the result of a collaborative process involving multiple stakeholders, including nongovernmental, community, and faith-based organizations; academia; youth clubs; and other civil society groups.

Three commitments could potentially affect key aspects of government, but their design as written is insufficient to signal significant change in those important policy areas. Commitment 1 proposes embedding a two-step stakeholder consultation session into the process for developing the NAS. This consultation could provide the GOJ with a structured framework for agencies and relevant stakeholders to take part in completing and implementing the NAS. Although the Terms of Reference of the consultancy that will deliver the new draft of the NAS foresee the adoption of consultations and other participatory methodologies as well as a Responsibility Matrix,[3] the commitment lacks an assurance that civil society will have a binding role in the elaboration, execution, and evaluation of the strategy, which could undermine the quality of participation in the process.

Commitment 4 foresees the delivery of two products: the Jamaica Legal Information Portal (JLIP) and a Human Rights Education Programme (HREDP). According to the POC and a civil society member of the MSF, this commitment generated the most interest among stakeholders.[4] The JLIP intends to offer a consolidated space that serves as a repository for all sources of law. Existing access to legislation is fragmented, and current repositories are not user friendly, only support narrow search terms, do not include old legislation and do not include applicable common law. Regarding the HREDP, the Ministry of Justice has, since 2007, championed a progressive program of justice sector reform which has included the introduction of alternative dispute resolution (ADR) justice services, which continues to be stymied by poor information flow and inadequate understanding of ADR processes. The HREDP would serve to accelerate the uptake of and improve awareness of existing programs and services which offer viable alternatives to the Courts and which in most instances are free to the public. However, per the written text and design of the commitment, it is still unclear how the JLIP and HREDP will complement each other, and the value they set out to add to open the GOJ appears modest. Regarding the creation of the JLIP, although it aims to simplify access to judicial information and provide an opportunity to flag information gaps, it does not aim to open any new data sources.[5] Meanwhile, although the development of the JLIP will require several internal administrative and resource allocation changes,[6] the commitment's design includes no details on these actions. For example, although the HREDP provides more details about multi-stakeholder consultations,[7] it does not mention the inclusion of any further civic collaboration, transparency, or public accountability mechanisms throughout its implementation and evaluation processes.

Commitment 6 proposes delivering on key aspects of a renewed version of the Climate Change Policy Framework[8] as the result of stakeholder and public consultations. This Policy Framework was first adopted in 2015 to outline the objectives, principles, and strategies by which the country would respond to the impacts and challenges of climate change. This commitment aims to align the Framework with what the GOJ calls "new realities"[9]—most notably, the Paris Agreement.[10] The preliminary green paper[11] mentions the adoption of a consultative and collaborative approach as well as the need to support the participation and engagement of youth in relation to climate action. Yet, it establishes no specific mechanisms for how these ideas will materialize. Similarly, it does not explain how to make sure that the interests and needs of those potentially more strongly affected by climate change's effects are not overlooked.

Table 1. Promising commitments

Promising Commitments
2. Upgrade and strengthen the open data system in Jamaica: This commitment will add to the implementation of the new Open Data Policy by relaunching the national Open Data Portal and increasing the level of involvement of civil society and public officials in making the portal more relevant and user centred.
3. Amend the Access to Information (ATI) Act and strengthen the ATI system in Jamaica: This commitment will strengthen Jamaica's current AIT legal framework by amending the 2002 ATI Act. The new version of the ATI Act will consider the societal and technological changes that have taken place since enactment of the original version of the Act as well as Jamaica's recently enacted Open Data Policy.
5. Complete environmental impact assessment (EIA) regulations: This commitment will create the necessary regulation on EIAs to foster public participation and transparency in the process. These changes could make an often opaque and technical process more open to the public, especially to more strongly affected populations.
7. Strengthen youth participation and access to services: This commitment plans to strengthen youth participation and access to relevant services by adding an open government stance to key implementation aspects of the National Youth Policy. This commitment plans to strengthen the delivery of key public services by establishing a new inter-sectorial body that will coordinate and monitor the implementation of the National Youth Policy and an online directory of available services. This change could help ensure that programs that target the youth population meet those users' needs, producing a positive impact in various aspects of youth development.

Commitment 2: Upgrade and strengthen the open data system in Jamaica
(Ministry of Science, Energy and Technology)
For a complete description of this commitment, see commitment 2 in the action plan.

Context and objectives
Jamaica's new Open Data Policy,[12] approved by the Cabinet in July 2021, sets a new strategic framework that underpins the national Open Data Portal[13] as the country's core access-to-information platform and commits to amending the ATI Act to include the proactive release of open government data (Strategy 1.1.1).

Commitment 2, an initiative of the GOJ, relaunches the national Open Data Portal as part of the policy's deployment. This relaunch encompasses an expansion of the role of civil society in shaping the open data offer through a more significant presence on the Open Data Committee and a comprehensive survey on data demand across the public and private sectors and civil society. This commitment is intended to increase the involvement of state institutions and officials in policy implementation by mapping relevant data sets across the public sector and executing the necessary technology transfer and training.

Potential for results: Substantial
In 2014, research by the Caribbean Policy Research Institute showed how open data could potentially contribute to the overall development of the Jamaican economy, especially of the local tourism industry.[14] The same year, a report on open data readiness in Jamaica considered that the country already had most of the key elements to develop a successful open data

policy.[15] The national Open Data Portal was launched in 2016,[16] while the 2017 (4th edition) of the Open Data Barometer placed the country as a regional leader on open data.[17] Despite this promising scenario, however, work to maintain current data on the Open Data Portal has lagged since 2018, diminishing the portal's potential to inform citizens so that they can act on the information.

As the POC expressed, because of institutional changes, the Office of the Prime Minister is currently the lead agency responsible for implementation of this commitment. (Previously, it had been the responsibility of the Ministry of Science, Energy & Technology.[18])

A complete, updated, and automated Open Data Portal, as envisioned in this commitment, could help the GOJ achieve the three main policy goals the Open Data Policy sets—namely, an informed and participatory citizenry, an increase in governmental efficiency through open data use, and an increase in the socioeconomic value of government data. Meanwhile, a more prominent role for civil society (as reflected in milestones 2 and 3) could steer the data offer to meet data user demand, adding to the Portal's usefulness and sustainability over time.

Opportunities, challenges and recommendations during implementation
Three key aspects of this commitment must be achieved to realize the commitment's potential for making the provision of open data sustainable, useful, and citizen oriented. These aspects go hand in hand with the mechanisms this commitment will put in place to implement the Open Data Portal after its overhaul. As the current state of the Portal shows (i.e., no new data sets or updates to existing data sets since mid-2018), readiness for open data and an awareness of the potential value of data for the economy do not ensure success. Data users must be given a key role in shaping the data offered, and mechanisms must be put in place to make data publication a cross-cutting, routine effort for institutions and state officials. To that end, the IRM makes the following recommendations:

- **Make sure that the needs of vulnerable groups are considered:** Open data and access to information are vital for enforcing the rights of people from disadvantaged or vulnerable groups. Implementation of the Open Data Policy should address the specific data needs of women and people from the Lesbian, Gay, Bisexual, Pansexual, Transgender, Genderqueer, Queer, Intersex, Agender, Asexual and other queer-identifying community (LGBTQIA+), among other vulnerable populations. Because adding their perspective to the publication of data could help provide better response to their needs, these groups should be represented across the stakeholder input process for both commitments.

- **Help public organizations and officials understand why they should maintain public, open data:** Once this commitment is implemented, it will be important to update and provide new, quality data continuously to maximize possibilities for data reuse. In this vein, public organizations and officials must understand why the data they publish matter and how they add to the creation of shared public value by government and citizens alike. In this way, the portal reboot would not be a one-time effort but rather part of a daily, internalized work routine.

- **Work on public officials' data literacy:** Although the Open Data Policy includes efforts to improve data literacy among citizens, government officials should also receive

training as part of the envisioned transition to a culture of openness in the Jamaican public sector. Multi-stakeholder training could help achieve the Open Data Policy goal of increasing governmental efficiency through open data use while also raising awareness among officials of the relevance and usefulness of open data beyond their duty to make data available. For example, Argentina's National Public Administration Institute offers training on data analytics for public servants.[19]

Commitment 3: Amend the ATI Act and Strengthen the ATI System in Jamaica
(Office of the Prime Minister, ATI Advisory Stakeholder Committee)
For a complete description of this commitment see commitment 3 in the action plan.

Context and objectives
In 2021, civil society chose access to information as a priority thematic area for this action plan. Commitment 3 of this action plan proposes amending Jamaica's 2002 ATI Act[20] and enhance public participation through stakeholder consultations and the re-establishment of a permanent ATI Advisory Stakeholder Committee. This commitment also foresees the creation of an online platform intended to allow tracking of access to information requests.

As for the Act, two decades of social and technological changes have passed since its enactment in 2002—a long time in terms of technological capacities and possibilities for data reuse and the evolution of the very nature and value of data and information. In 2008, a Joint Select Committee was appointed to make recommendations to amend the Act,[21] but these recommendations were not implemented. The Global Right to Information Rating, which assesses the quality of access to information regulations, gives Jamaica a score of 89 out of 150 points. According to this assessment, one of the main problems of the ATI Act is the limited measures to promote public officials' observance of the law.[22]

Potential for results: Substantial
Per this commitment, an updated ATI Act could take account of the new reality set by open data reuse in big data, civic tech, artificial intelligence (AI), and public innovation in general. In alignment with the recently enacted Open Data Policy, the new version of the ATI Act should establish an "open by default" provision for government data. Thus, the Open Data Portal could become an integral part of the Open Data Policy, which could foster the portal's sustainability in time. Furthermore, the envisioned platform for making and tracking access-to-information requests (milestone 10) could contribute to making government institutions more accountable regarding the implementation of this law. According to the POC, a cabinet reshuffle in January 2022 shifted the responsibility for implementing this commitment from the Ministry of Education, Youth and Information to the Office of the Prime Minister,[23] which could eventually lend the necessary political clout for its completion.

Opportunities, challenges and recommendations during implementation
The revised ATI Act should create a renewed legal framework to make access to information in Jamaica easier for the people and more aligned with their demands and needs. Defining what the actual role of civil society will be throughout as well as after the amendment process will be key to assessing whether this commitment delivers the results it envisions. To make this happen, the IRM makes the following recommendations:

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- **Expand the civic participation element in the amendment of the ATI Act:** Although public participation is present in Commitment 3 for the amendment of the ATI Act, it is limited to generic "stakeholder consultations" and the re-establishment of the ATI Advisory Stakeholder Committee. Further consideration should be given to how these consultations will take place and how stakeholder input will be used to better shape the law. In addition, although Commitment 3 includes a review of the draft amended bill by the ATI Advisory Stakeholder Committee before sending the bill to Parliament, this review could be expanded to civil society at large through an open validation process.

- **Include the judiciary in the new version of the ATI Act:** The GOJ could seize this opportunity to make the amended ATI Act the cornerstone of an open state. The current version of the ATI Act establishes that, besides government agencies, governing bodies, and government-owned companies, every "body or organization which provides services of a public nature which are essential to the welfare of the Jamaican society"[24] can potentially become an obliged subject to this law. Beyond embedding the open-by-default philosophy in the new version of the law, which is essential for the deployment of the Open Data Policy, the new coding should therefore specifically include the judiciary among the obliged subjects under the Act. This change could help the Jamaican judiciary comply with the principle of open justice as well as adopt a more people-centred approach.

Commitment 5: Complete EIA Regulations

(Ministry of Economic Growth and Job Creation)
For a complete description of the commitment see [Commitment 5 in the action plan](#).
Note: *As of January 2022, this commitment remains under the Ministry of Economic Growth and Job Creation.*

Context and objectives

The Natural Resources Conservation Authority (NRCA) was instituted in 1991 as the primary authority for environmental management in Jamaica. Created by the NRCA Act,[25] it has the mandate to promote public awareness of Jamaica's ecological systems, among other substantial provisions linked to the management of the island's physical environment. Jamaica's Climate Change Policy Framework,[26] currently under review, includes an amendment of the NRCA Act to include the regulation of EIA as an indicator for policy objective 1.2 (Adaptation) within Goal 1, "Strengthening of Jamaica's adaptive capacity and resilience to reduce its vulnerability to climate change."

Commitment 5 is a state-led commitment that proposes further amending the NRCA Act to foster the participation of relevant stakeholders and access to public information regarding the approval of relevant projects and activities within the EIA process.

Potential for results: Substantial

Although the NRCA has a mandate to request that EIAs be conducted as part of application for a permit, the National Environment and Planning Agency (NEPA) ultimately determines whether such an assessment is required. NEPA is an executive agency of the Ministry of Economic Growth & Job Creation that carries out the technical and administrative mandate of the NRCA.

According to the current EIA guidelines, public involvement can take place in the assessment process through in-person participation by the affected communities during technical consultations.[27] Nevertheless, lack of significant participation by and awareness amongst citizens is identified as an issue in the commitment and has raised judicial controversies in the past.[28,29] Although NEPA currently publishes relevant documents on the conduct of EIAs,[30] this information is not enough for affected people and civil society to be aware of and conduct an effective follow-up on those projects NEPA evaluates and their potential environmental impact.

As written, this commitment could potentially make EIA more participative and accountable by engaging civil society and other interested parties, at both the national and local levels. It could also help bridge the gap in citizen participation and awareness regarding how EIAs are conducted before greenlighting projects and activities that can have irreversible effects on the environment and the lives of people living in environmentally sensitive areas.

Opportunities, challenges and recommendations during implementation
This commitment intends to turn the EIA process—typically a technical process that can have huge consequences for people's living conditions—into an open, participative, public procedure. To achieve this goal, the IRM makes the following suggestions:

- **Include all voices, and open consultations to the public:** This commitment currently focuses on stakeholder consultations without specifying who will be invited to attend and what the pre-requisites for their participation will be. Although stakeholder consultations are envisioned in milestones 1 and 3 for drafting the amended Act, no details are provided regarding how these consultations will happen. The IRM recommends that specific mechanisms be put in place so that the interests and needs of those more affected by climate change are not overlooked during stakeholder input sessions. Also, as expressed by the CSO representatives the IRM researcher interviewed, it is important that consultations be open to the public to avoid any discretionary or arbitrary selection of participants.[31]
- **Make the consultation processes accessible:** NEPA currently makes documents on the EIA process available online, but these documents are often long, technical reports that may be difficult for the public to understand. In contrast, town hall meetings and Zoom calls are a common way to gather citizen feedback and are widely used in participatory processes, such as those these commitments envisage. The content of these exchanges, however, is often not available online afterward or get lost, making it difficult for non-attendees to follow up on these debates. To make EIAs more transparent, all records of meetings and exchanges within the participation process could be made fully available and accessible. This material should include technical documents and evidence involved parties provide in plain language, with clear figures to maximize readability.

- **Foster the ratification of the Escazú Agreement:** in 2019, Jamaica signed the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (also known as the Escazú Agreement[32]), although it has not yet ratified it. This international treaty fosters access to information, public participation in the decision-making process, and access to justice regarding environmental issues. Adopting this Agreement (which would require its ratification by the GOJ) might provide a bold opportunity to achieve the purposes of this

cluster of commitments. However, the action plan makes no reference to the treaty, which is a missed opportunity. According to the POC, although there is interest in the Agreement's ratification, it was not included in the action plan because it would require significant effort on the part of the government.[33] Ecuador[34] and Panama[35] included commitments to implement this Agreement in their recent action plans. These commitments on public participation and access to information in environmental matters could provide the impetus for Jamaica to finally ratify and implement the Agreement in future action plans.

Commitment 7: Strengthen Youth Participation and Access to Services
(Ministry of Education and Youth and Information; National Youth Council of Jamaica; Youth Advisory Council of Jamaica)
For a complete description of this commitment see the action plan.
Note: As of January 2022, this commitment remains under the Ministry of Education and Youth and Information.

Context and objectives
Jamaica's National Youth Policy 2017–2030 (NYP)[36] offers a set of strategies and goals to promote collaboration and coordinated action among key partners (i.e., government agencies, civil society, the private sector, development partners) that seek to provide a multi-sectoral approach to youth development. The NYP adopts a positive development model that "recognizes youth as having the characteristics, talents and potential relevant to be the architects of their own lives"[37] and aims to connect and coordinate several policy initiatives targeted at the portion of the population aged 15 to 29 years. The NYP identifies six priority areas linked to specific goals and strategic objectives that the policy should meet. These areas are (1) education and training; (2) health and well-being; (3) employment and entrepreneurship; (4) youth participation; (5) social inclusion and re-integration; and (6) institutional and youth sector arrangements. The implementation of the NYP is set to occur within public sector ministries and agencies through the establishment of an inter-ministerial committee to oversee its implementation, monitored by the Youth and Adolescents Policy Division of the Ministry of Education and Youth and Information.[38]

Commitment 7 is a state-led commitment that aims to establish an Intersectoral Technical Working Group that would provide oversight and operational coordination for NYP implementation and monitoring (milestone 2) as well as to raise awareness of programs and services aimed at youth through an online National Youth Programmatic Inventory (milestone 5).

Potential for results: Modest
According to recent official figures, 40 per cent of known murder offenders in Jamaica are young men, aged 15 to 24 years.[39] Meanwhile, Jamaica currently has the third-highest adolescent pregnancy rate in Latin America and the Caribbean.[40] The NYP recognises the many issues Jamaican youth face in fully developing their potential and seeks to provide a framework that establishes specific goals and objectives for a coordinated, cross-cutting effort amongst government agencies. Before its enactment, this policy went through review by stakeholders that included youth and student associations and CSOs, among others.[41]

This commitment proposes creating a technical body that includes youth representatives to implement and monitor the NYP, carry out a comprehensive survey of youth programs and services across the public sector, update the Youth and Adolescents Policy Division website, and post online a directory of available programs and services. This work could facilitate deployment of the NYP by adding a stakeholder perspective in its implementation and monitoring while also creating a single window from which youth could access relevant information about their interests and rights. The approval by the Jamaican Government in March 2022 of a Service Excellence Policy and the continued work being undertaken through the Office of the Cabinet's Public Sector Modernization Division (PSMD) will contribute to the implementation of this commitment. For instance, beyond the "technical body to implement and monitor the NYP" which is to be convened, the Office of the Cabinet, through the establishment of a dedicated Service Excellence Function within the PSMD, has been mandated with the responsibility of monitoring and evaluating the performance of ministries in implementing these service improvements. Also, annual Ministry level and whole of Government satisfaction surveys to be done by the Office of the Cabinet will also seek to hold all Ministries accountable for the level of service and inclusion provided to the youth.

Opportunities, challenges and recommendations during implementation
Although these initiatives could be interpreted as fostering public participation (by including youth representatives in the technical working group) and access to information (by creating an online directory of services), their impact in terms of adding an open government lens to the implementation of the NYP is modest. Similar to the previously reviewed commitments in this action plan, this commitment does not discuss what the inclusion of youth representatives will add to the implementation of this policy, the nature of that inclusion, or how it will be implemented. Regarding the National Youth Programmatic Inventory, there is a risk that it becomes just another informative website unless further open government value is added to the data it houses. To help this commitment generate greater impact, the IRM makes the following recommends:

- **Make stakeholder consultations embrace different realities:** To improve its efficacy, the addition of youth representatives to the technical working group charged with implementing and monitoring the NYP should reflect the realities of vulnerable populations. Gender, LGBTQIA+, and other minority advocacy representatives could be given a seat at the table to discuss the provision of services and policies that affect their rights. Their input could be weighed equally to that provided by civil servants and other civil society representatives.

- **Provide open data on issues and policies that affect the youth:** Open data can contribute to fostering citizen participation and transparency as well as facilitate provision of better services. For the National Youth Programmatic Inventory to become more than an informative website, it should engage civil society and government innovators by providing data on issues that affect youth (e.g., the incidence of crime among youth, adolescent pregnancy, the effects of gender inequalities in youth development). Moreover, the IRM recommends publishing this data using open, machine-readable formats.

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[1] Richard Lumsden (director of the Economic Reform Monitoring Unit, Ministry of Finance), correspondence with the IRM, 28 April 2022.

[2] Lorris Jarrett (government POC, Ministry of Finance, and Public Service deputy financial secretary) and Richard Lumsden (director of the Economic Reform Monitoring Unit, Ministry of Finance), interview by the IRM, 28 February 2022.

[3] Maurice Barrett (manager of Anti-Corruption Policy & Strategic Engagement, Integrity Commission), correspondence with the IRM, 21 April 2022.

[4] Jarrett and Lumsden, correspondence; and Danielle Andrade (Member of Jamaica's OGP Civil Society Working Group) interview by the IRM, 28 March 2022.

[5] The Ministry of Legal and Constitutional Affairs (MLCA) was created in January 2022 by the GOJ, with direct oversight of legislative and constitutional reform. The MLCA is responsible for advancing the creation of the JLIP.

[6] Sharicca Brandford (coordinator of Criminal Justice Reform, Ministry of Justice), correspondence with the IRM, 4 March 2022.

[7] Brandford, correspondence.

[8] Government of Jamaica, *Climate Change Policy Framework for Jamaica* (July 2021), https://forestry.gov.jm/resourcedocs/FINAL_15_07_21_Updated_Climate_Change_Policy_Framework____002_.pdf.

[9] Charnele Henry, "Updated Climate Change Policy to Be Aligned with New Realities," Jamaica Information Service, posted 25 February 2022, https://jis.gov.jm/updated-climate-change-policy-to-be-aligned-with-new-realities/.

[10] "The Paris Agreement," United Nations Climate Change, accessed 9 June 2022, https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement.

[11] Sherika Hall, "Positive Feedback from Emissions and Updated Climate Change Policy Frameworks," Jamaica Information Service, posted 28 February 2022, https://jis.gov.jm/positive-feedback-from-emissions-and-updated-climate-change-policy-frameworks/.

[12] Ministry of Science, Energy and Technology, *The Government of Jamaica Open Data Policy* (2021), https://drive.google.com/file/d/1AcDwwmNFAoPFJGInJxshmPRmEifT0iWK/view?usp=sharing.

[13] "Welcome to Jamaica's Open Data Catalog," Jamaica Open Data, accessed 9 June 2022, https://data.gov.jm/.

[14] Caribbean Policy Research Institute, *Open Government Data: A Catalyst for Jamaica's Growth and Innovation Agenda* (2014), https://www.capricaribbean.org/documents/open-government-data-catalyst-jamaicas-growth-and-innovation-agenda.

[15] "Open Data Readiness Assessment," Jamaica Open Data, accessed 9 June 2022, https://data.gov.jm/story/open-data-readiness-assessment.

[16] Latonya Linton, "Open Data Portal to Be Launched June 24," Jamaica Information Service, posted 22 June 2016, https://jis.gov.jm/open-data-portal-launched-june-24/.

[17] "The Caribbean," Open Data Barometer, Accessed 2017, https://opendatabarometer.org/4thedition/regional-snapshot/caribbean/.

[18] The original implementing agency for Commitment 2 was the Ministry of Science, Energy and Technology, while the implementing agency for Commitment 3 used to be the Ministry of Education, Youth and Information. Jarrett and Lumsden, interview.

[19] https://capacitacion.inap.gob.ar/actividad/data-analytics/

[20] "Access to Information Act," Jamaica Ministry of Justice, 5 January 2004, https://moj.gov.jm/laws/access-information-act.

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[34] "Escazu Implementation (ED0004)" (Ecuador Action Plan 2019–2022," Open Government Partnership, accessed 9 June 2022, https://www.opengovpartnership.org/members/ecuador/commitments/EC0004/.

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[38] "Youth and Adolescents Policy Division," Ministry of Education and Youth, accessed 9 June 2022, https://moey.gov.jm/youth-and-adolescents-policy-division/.

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[40] Tanesha Mundle, "Focus on Adolescent Pregnancy Prevention—Dr. Chevannes," Jamaica Information Service, posted 29 November, 2020, https://jis.gov.jm/focus-on-adolescent-pregnancy-prevention-dr-chevannes/.

[41] A list of reviewing bodies and the composition of the technical policy oversight committee can be found at the end of the NYP document, in Annex 1.

Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation as former IRM reports. It is intended as an independent quick technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This approach allows the IRM to highlight the strongest and most promising commitments in the action plan based on an assessment of the commitment per the key IRM indicators, particularly commitments with the highest potential for results, the priority of the commitment for country stakeholders and the priorities in the national open government context.

To determine which reforms or commitments the IRM identifies as promising the IRM follows a filtering and clustering process:

> **Step 1:** determine what is reviewable and what is not based on the <u>verifiability</u> of the commitment as written in the action plan.
> **Step 2:** determine if the commitment has an <u>open government lens</u>. Is it relevant to OGP values?
> **Step 3:** Commitments that are verifiable and have an open government lens are reviewed to identify if certain commitments need to be clustered. Commitments that have a common policy objective or commitments that contribute to the same reform or policy issue should be clustered and its "potential for results" should be reviewed as a whole. The clustering process is conducted by IRM staff, following the steps below:
> > a. Determine overarching themes. They may be as stated in the action plan or if the action plan is not already grouped by themes, IRM staff may use as reference the thematic tagging done by OGP.
> > b. Review objectives of commitments to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
> > c. Organize commitments by clusters as needed. Commitments may already be organized in the Action Plan under specific policy or government reforms or may be standalone and therefore not clustered.
>
> **Step 4:** assess the <u>potential for results</u> of the cluster or standalone commitment.

The filtering process is an internal process and data for individual commitments is available in Annex I below. In addition, during the internal review process of this product the IRM verifies the accuracy of findings and collects further input through peer review, the OGP Support Unit feedback as needed, interviews and validation with country-stakeholders, and oversight by the IRM's International Experts Panel (IEP).

As described in the filtering process above, the IRM relies on **three key indicators** for this review:

I. Verifiability
- "Yes" Specific enough to review. As written in the action plan the objectives stated and actions proposed are sufficiently clear and include objectively verifiable activities to assess implementation.

- "No": Not specific enough to review. As written in the action plan the objectives stated and proposed actions lack clarity and do not include explicit verifiable activities to assess implementation.

    *Commitments that are not verifiable will be considered "not reviewable," and further assessment will not be carried out.

II.   Does it have an open government lens? (Relevant)

This indicator determines if the commitment relates to open government values of transparency, civic participation or public accountability as defined by the Open Government Declaration, the OGP Articles of Governance and by responding to the guiding questions below.

Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:
- **Yes/No:** Does the commitment set out to make a policy area, institutions or decision-making process more transparent, participatory or accountable to the public?

The IRM uses the OGP Values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:
- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will government create or improve opportunities, processes or mechanisms for the public to inform or influence decisions? Will the government create, enable or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable a legal, policy or institutional frameworks to foster accountability of public officials?

III.   Potential for results
Formerly known as the "potential impact" indicator, it was adjusted taking into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, this indicator was modified so that in this first review it laid out the expected results and potential that would later be verified in the IRM Results Report, after implementation. Given the purpose of this Action Plan Review, the assessment of "potential for results" is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** the commitment is aimed at continuing ongoing practices in line with existing legislation, requirements or policies without indication of the added value or enhanced open government approach in contrast with existing practice.
- **Modest:** a positive but standalone initiative or changes to process, practice or policies. Commitments that do not generate binding or institutionalized changes across government or institutions that govern a policy area. For example, tools like websites, or data release, training, pilot projects
- **Substantial:** a possible game changer to the rules of the game (or the creation of new ones), practices, policies or institutions that govern a policy area, public sector and/or relationship between citizens and state. The commitment generates binding and institutionalized changes across government

This review was prepared by the IRM in collaboration with María Soledad Gattoni and was externally expert reviewed by Andy McDevitt. The IRM methodology, quality of IRM products and review process is overseen by the IRM's IEP.

For more information about the IRM refer to the **"About IRM" section of the OGP website** available [here](#).

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Annex 1. Commitment by Commitment Data[42]

Commitment 1: Complete the National Anti-Corruption Strategy
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 2: Upgrade and Strengthen the Open Data System in Jamaica
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Substantial

Commitment 3: Amend the ATI Act and Strengthen the ATI System in Jamaica
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Substantial

Commitment 4: Increase Access to Information on and Public Awareness of the Justice System and Human Rights
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 5: Complete EIA Regulations
- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as "Public participation in environment"
- Potential for results: Substantial

Commitment 6: Update and Implement the Climate Change Policy Framework
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 7: Strengthen Youth Participation and Access to Services
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

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[42] *Editorial notes:*
1. *For commitments that are clustered: The assessment of potential for results is conducted at the cluster level rather than the individual commitments.*
2. *Commitment short titles may have been edited for brevity. For the complete text of commitments, please see Jamaica's action plan: https://www.opengovpartnership.org/documents/jamaica-action-plan-2021-2023/.*

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Annex 2: Minimum Requirements for Acting According to OGP Process

According to OGP's Procedural Review Policy, during development of an action plan, OGP participating countries must meet the "Involve" level of public influence per the IRM's assessment of the co-creation process.

To determine whether a country falls within the category of "involve" on the spectrum, the IRM assesses different elements from OGP's Participation & Co-creation Standards. The IRM will assess whether the country complied with the following aspects of the standards during the development of the action plan, which constitute the minimum threshold:

1. **A forum exists:** there is a forum to oversee the OGP process.
2. **The forum is multi-stakeholder:** Both government and civil society participate in it.
3. **Reasoned response:** The government or multi-stakeholder forum documents or is able to demonstrate how they provided feedback during the co-creation process. This may include a summary of major categories and/or themes proposed for inclusion, amendment or rejection.

The table below summarizes the IRM assessment of the three standards that apply for purposes of the procedural review. The purpose of this summary is to verify compliance with procedural review minimum requirements, and it is not a full assessment of performance under OGP's Co-creation and Participation Standards. A full assessment of co-creation and participation throughout the OGP cycle will be provided in the Results Report.

Table 2. Summary of minimum requirements to act according to OGP Process

OGP Standard	Was the standard met?
A forum exists.	**Green:** The government collaborated closely with the OGP Civil Society Working Group to establish the MSF, which provides oversight and guidance throughout every phase of the NAP process. However, the forum's mandate is not public.
The forum is multi-stakeholder.	**Green:** The MSF is composed of 6 government and 6 CSO representatives (of whom the latter were chosen through an online election with approximately 700 participants), with a government co-chair and a civil society co-chair.[43]
The government provided a reasoned	**Green:** Despite there being no formal

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response on how the public's feedback was used to shape the action plan.	publication of a reasoned response because the Ministry of Finance and the Public Service website is currently being revamped, according to a CSO representative and member of the MSF, the government communicated through emails and calls. The representative explained the reasons why some of the proposed commitments were not carried forward.[44] Moreover, the four priority thematic areas featured in this NAP (i.e., justice and human rights; natural resources, environment and climate; access to information; youth) were established through the same online election used to select the CSO representatives for the MSF.

[43] Jarrett and Lumsden, interview; Andrade, interview.
[44] Jarrett and Lumsden, interview; Andrade, interview.

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