

Jamaica: Vigilant in Retaining High Level of Freedom

Executive summary

Jamaica is ranked among the highest levels of the Chapultepec Free Speech & Press Index, scoring 65 points. The media have been free for several years, despite the occasional indications of efforts by the Executive branch to impose restrictions on access to some information. These are rejected strongly by the journalists' organisation and media companies, giving the country a high level of freedom of expression.

Introduction

The study period covers the administration of the Jamaica Labour Party that retained office in 2016, and which saw Andrew Holness continuing as prime minister with executive authority. Elections in Jamaica have been generally free and fair, with questions mainly about administrative efficiency rather than attempts at fraud. The press remains generally free and freedom of expression, as guaranteed in the Constitution, is respected by the authorities, media owners and journalists. There are no systemic or institutional impediments on the media or on freedom of expression.

The media benefit from access to information legislation that allows requests for information to be considered. However, media houses speak often about the length of time it takes between a request for information and the granting of access. In the period under review the government withdrew a plan to increase from 20 to 70 years the period for which cabinet documents would be banned from public access. Data Protection legislation was attacked by media houses and the journalists' organisation as a threat to freedom of expression.

Journalists continue to be free of physical attacks, arrests, and are open to court action relating to defamation legislation. However, the country suffers from a high rate of violent crime, with a murder rate of 47/100,000. The media and journalists are no longer subject to criminal defamation. Most complaints concern the regularity of access to officials, and the length of time it takes for responses to requests under the country's access to information legislation.

The print, online and broadcast media are owned privately, except for the government's information arm. Broadcast media regulation is by the Broadcasting Commission whose primary role is to monitor and regulate the broadcast media, evaluate licence applications, monitor the operations of licensees, receive and investigate complaints and advise government of policy.

The country's central bank reports that the economy slowed in 2019, with growth of 0.9% following expansion of 1.9% in 2018. Inflation was 6.2% in 2019, with unemployment at 7.2pc. The estimated expansion for 2019 largely reflected a faster

pace of growth in manufacturing and tourism, the impact of which was partly offset by declines in mining and construction.

Growth in manufacturing was buoyed by a rise in food production and a significant increase in petroleum refining activities. The island's utilities are generally reliable, troubled by occasional blackouts caused by power plant failures and the downing of transmission lines. However, the supply of water is irregular in many parts of the island between May and October. Public transportation is delivered by a mix of private and public entities. Life expectancy is 73.7 years with 72.1 years for males and 75.4 years for females.

Report

Environments: Freedom of Expression is Untrammelled

With 65 points out of a maximum possible of 100, Jamaica represents a high level of press freedom and freedom of expression. This is significantly the result of rare interventions by the executive branch, and none by the judicial and legislative branches in matters relative to freedom of expression. Freedom of expression is a right that is written into the country's constitution.

Freedom of expression is also protected by an active and vigilant media industry and the journalists' association that address any indications of unwarranted intervention by the judicial, legislative and executive branches. It was a strong and immediate response by the media that forced the government in 2019 into withdrawing its proposal to extend deny of access to cabinet documents from 20 years to 70 years.

Media houses and journalists' association also reacted negatively to the legislature's inclusion of journalism content in new data protection laws. It was regarded the by the media and journalists as an impediment to the work of journalists, particularly for the protection of sources of information.

The Data Protection Legislation was a matter of significant discussion in the period under review. It empowers the head of a data protection agency to demand information from data sources including journalists and provides guidelines on how personal data should be collected, processed, stored, used and disclosed in physical or electronic form.

The federation of media companies - the MAJ - said while it supports the right to data privacy, it advocated changes up to and including complete exemption of media from the legislation based on press freedom principles. It said the legislation allows confidential sources to be exposed, the confiscation of journalistic records, potentially compromising investigative projects, revealing sources and/or putting journalists in danger.

The Press Association said a virtual fiefdom created by the data protection authority in decision-making means that tremendous power lies in the hands of a single individual. It suggested the government should revise the legislation. The government

said it would address the concerns raised about the legislation locally and internationally.

Realm A: Jamaica is a well informed and open society

Jamaicans have open access to all media and are kept well informed by the content of the print, online and broadcast media. The island has 36 radio stations, some of which broadcast nationally while others serve specific communities. There are seven television stations, three of which broadcast free to air, while the others deliver content through cable. The island has three daily newspapers - two morning and one afternoon - and several community publications. All the media have digital platforms that carry repurposed or frequently updated information. The media are privately owned, except for the government's information arm.

The news content of media is balanced, with little indication of party political preferences. Opinions are delivered through editorials and signed columns in print and online platforms. In addition to the delivery of news content, radio allows several talk shows in which people can express themselves with impunity on a range of current matters.

Freedom of expression is constrained only by the defamation legislation that allows media houses and journalists to be taken before the court. Recent changes in legislation have removed the penalty of criminal defamation, but media companies and journalists can be subject to severe financial penalties if the defamation laws are violated.

Realm B: The exercise of journalism is free

With a score of 8.8 points out of 10, the exercise of journalism in Jamaica freely done in an environment in which privately owned media operate as competitive commercial entities. The print, online and broadcast media are marginally affected by influences from the legislative, judicial and executive branches. The public has a voice in the media through correspondence with editors, and through radio talk shows.

Access to information legislation allows the media and journalists, and people in general, to make requests for information. The media and journalists say while the provisions allow access, there are occasions when there is a delay in the approval of the request. Media houses and journalists have also expressed concern about aspects of the Data Protection legislation and argued for the exclusion of journalism content from the legislation. The media and journalists argued that the law was dangerous to the pursuit of freedom of expression as it empowers the data protection agency to demand information from data sources including journalists. These efforts were not successful as the government argued that the legislation supports the fundamental right of every citizen to have their privacy protected.

Media houses, journalists and journalists' organisations have moved quickly to address any indications of a threat to the freedom of the press and freedom of

expression. This was indicated through a strong negative reaction to a government attempt to extend from 20 years to 70 years to period during which access to cabinet documents is denied. "The period of secrecy asked for is extortionate and bears little relationship to the principle of access to information and freedom of information which are enshrined in our laws, indeed in our Constitution," the Press Association of Jamaica said. The government withdrew the proposal.

Realm C: Violence against journalists is rare

As reflected in the scores, there are no legislative, judicial or executive actions that allow or treat with impunity any acts of violence against journalists. Jamaica suffers from a high rate of violent crime, with a murder rate of 47/100,000. However, despite this, there have been no violent acts committed against journalists in connection with their work in the period under review. There has been no indication of systemic or institutionalised violence against the media or against journalists. The Press Association of Jamaica that represents the interests of journalists says there have been no reports by journalists of threats of violence as a consequence of their work. There is no overt harassment of journalists or pressure on media houses that suggests violence, and which could condition the content they produce.

There have also been no attacks on the physical infrastructure of media houses. Occasional executive criticism of the media and the work of journalists has not led to legislative or judicial action that could encourage violent action against the media in the island's often highly party political atmosphere. These criticisms are addressed through engagement between the executive, media houses and the journalists' organisation.

The federation of media companies - Media Association Jamaica - is vigilant in the protection of journalists from acts of violence. It says it has a duty as citizens "to ensure that we hold to account those who have the ability to create the environment" in which violence could be perpetrated on journalists and the media. "Jamaica is indeed one of the safest places to practise journalism," says the Press Association that represents the interests of journalists, and which is vigilant in highlighting any indications of threats to journalists and to press freedom.

Realm D: Media significantly free of official control

As reflected in the score, the media operate with a high level of freedom in the period under review. The island's media - 36 radio stations, seven television stations, three daily newspapers and several community and parochial media - are privately owned and are free of official control. The government's news agency is the only state-directed medium, providing print, online and broadcast content.

Journalists do not require official licencing, so there is no body that controls the approval of who can be hired by the media. Independence from official control is guarded by the media companies' federation - the Media Association Jamaica - and by the Press Association of Jamaica that represents the interests of journalists. The

Broadcasting Commission regulates the broadcast media, evaluates license applications, monitors the operations of licensees, receives and investigates complaints and advises government of policy.

The media are constrained by defamation legislation that penalises publishers, broadcasters and journalists from relaying content that falsely or without reason damages reputations or exposes people to embarrassment. Defamation is no longer a criminal offence, and media and journalists guilty of this are required to pay financial damages. During the period under review, media have operated in the main with respect for the legislation.

Conclusions

As reflected in the score, Jamaica's media have remained essentially free in the period under review. The media are mainly unaffected by actions of the Legislative, Executive and Judicial branches. Media houses and journalists have been vigilant in protecting this freedom and have contested two instances of legislative action that they claim would affect press freedom. One was a plan to extend the period from 20 years to 70 years in which there could be access to cabinet documents. The pressure from media led the government to withdraw the proposal.

The media also requested changes to aspects of the Data Protection legislation, based on concerns that journalism content should be excluded as the law was dangerous to the pursuit of freedom of expression as it empowers the data protection agency to demand information from data sources including journalists. This aspect was not changed, and the legislation was passed. However, the government has offered to re-examine the law, considering the concerns if media.

The media are free of official control, being privately owned, competitive businesses. The executive, legislative and judicial branches do not have control over the editorial policies of the media houses and cannot determine these policies. One media entity that is government-owned is the state news agency Jamaica Information Service that is not a commercial venture.

Journalists are not the subject of violence related to their work, and there is no overt harassment of journalists or pressure on media houses that will condition the content they produce. Media are required to work within the confines of defamation legislation that levies financial damages on offending broadcasters, publishers and journalists. There have been no instances of systemic or institutional pressure on the media in the period under review.

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