

JAMAICA: FREEDOM OF EXPRESSION, PRESS THRIVING

Executive Summary

Jamaica has continued to score highly on the Chapultepec Index for Freedom of the Press and Freedom of Expression, achieving 78.36 points, and marking a respectable improvement on its 65 score on last year's Index. This reflects the country's long spell of freedom of the press, sporadically interrupted by minor incidents that have been speedily extinguished by a robust response from the news media.

Introduction

The period under review covers the Administration of the Jamaica Labour Party (JLP), led by Prime Minister Andrew Holness, that came to power in 2016 and was re-elected to office in 2020. After many years of fraudulent elections, Jamaica has been enjoying free and fair voting, notably since 2002. The country has a free press under the rubric of freedom of expression which is guaranteed in the Constitution and continues to be respected across the spectrum. There are no systemic or institutional impediments on the media or on freedom of expression.

Under Jamaica's Access to Information legislation enacted in 2002, the media has generally wide access to government information. However, requests from the media for information from State agencies can take a long time to be granted. It is to be noted that the Ministry of Information this year committed to responding more speedily to these requests, as well as other changes in the law.

Last year, the government introduced measures to restrict freedom of movement, in order to contain the spread of the COVID-19 disease. The press was among the institutions restricted from free movement. Whether it was deliberate or an oversight by the Government, the Press Association of Jamaica and media houses protested and the decision was quickly reversed.

Access to government officials increased exponentially during this period, possibly because of the weekly press briefings to update the country on the COVID-19 pandemic and its effects on Jamaica. Journalists took advantage of the opportunity to seek other information while the government officials were accessible.

There were no physical attacks or arrests of journalists, and there was a marked drop in defamation suits. However, journalists continue to be concerned about the high crime rate – murder being 47/100,000 - which largely makes some areas of the country difficult for journalists to carry out their work.

The print, online and broadcast media are owned privately, with the exception of the State-owned Jamaica Information Service. The broadcast media is regulated 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 provide the government with policy advice.

Highlights

Jamaica is a small English-speaking island in the Northern Caribbean, with a population of 2.9 million people and a per capita income of US\$4,650. In January 2021, there were 1,194,800 employed persons, a fall of 74,300, or 5.9% when compared to January 2020. The unemployment rate was 8.9 per cent, 1.5 percentage points higher than the rate in January 2020. This was partly attributable to the adverse impact of the COVID-19 pandemic on the economy.

It is noteworthy that while joblessness among males and females increased, the impact was worse on females in the labour force, with a loss of 40,200 (6.9%) to 538,600 females in January 2021.

The main source of revenue for Jamaica is services which account for 70% of Gross Domestic Product (GDP). The primary sources of foreign exchange are tourism, remittances and bauxite/alumina, all of which suffered big hits from the pandemic.

Report

Environments:

Freedom of Expression on healthy trajectory

With 78.36 points out of a possible total of 100, Jamaica enjoyed an impressive level of press freedom and freedom of expression during the period under review. This was largely reflective of the scant interventions by the executive branch, and none by the judicial and legislative branches in matters related to freedom of expression which is entrenched in the country's Constitution.

Freedom of expression is also fiercely guarded by a watchful media industry and the journalists' association against any indications of unwarranted intervention by the judicial, legislative and executive branches. This is backed up by a generally supportive public.

Robust and rapid response by the media forced the government in 2020 to include the press among entities exempted from freedom of movement restrictions related to the COVID-19 pandemic. Media houses, the Media Association Jamaica representing owners and publishers and the Press Association of Jamaica representing journalists, strongly demanded that the media be removed from the entities which were being deprived of freedom of movement, ostensibly to reduce the spread of the novel coronavirus, on what the government declared to be No-Movement days.

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 audiences. There are seven television stations, three of which broadcast free to air, while the others deliver content through cable channels. The public has wide access to hundreds of cable channels, the Internet and social media. 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 and no endorsement of political parties. Opinions are delivered through editorials and signed columns in print and online platforms. In addition to the delivery of news content, there are 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 unencumbered

With a score of 8.86 points out of 10, the exercise of journalism in Jamaica is 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 is too often a delay in the approval of the request. It is to

be noted that the government has promised changes to the Access to Information legislation to speed up delivery of information, among other improvements.

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.

According to the president of the Press Association of Jamaica, George Davis: "There are several impediments in the environment that the Press Association of Jamaica moved swiftly to remove. I must say that, for the most part, the government has been cooperative; they are listening. And most of the time when we appeal to them for the removal of those obstacles, they often oblige.

"That is very important because many of our counterparts in other parts of the world see the impediments and ask for them to be removed and their pleas fall on deaf ears. Thankfully we have a government that is listening... and that bodes well for journalism in Jamaica."

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.

For the Government's part, the Junior Minister for Information, Nesta Morgan said: "The Government, civil society and the media have partnered over the years to ensure that we have freedom of the press and that members of the media, and journalists, are able to carry out their work without restrictions so that we can ensure that our democracy remains strong.

“The fact of the matter is that there have been occasions where challenges have come forward but the good thing about our relationship with the leadership of the media is that we are able to have conversations and we are able to resolve any concerns they may have.”

Realm D: Media significantly free of official control

As reflected in the score of 22 out of 25, the media operated 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 licensing, so there is no agency 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 provides the government with policy advice.

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, resulting in fewer lawsuits and a smaller number of complaints to media houses, according to Khara East, a leading defamation lawyer who works for the Jamaica Observer.

The environment for freedom of the press and freedom of expression in Jamaica has remained stable over a long period, certainly over the last decade. Individual criticisms of the press have never amounted to anything of substance and so not regarded as a threat. There is no immediate indication that this environment will change any time soon. However, the Press Association of Jamaica says it will seek to get freedom of the press enshrined in the Constitution as a separate right from the broader right of freedom of expression.

Conclusion

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 one instance of executive action that they claim would affect press freedom. This was a move which excluded the media from entities allowed freedom of movement on “No-Movement days” meant to help reduce the spread of COVID-19 disease. Quick and robust response from the media led the government to correct what might have been an oversight.

The media are free of official control, being privately owned and 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.

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.

References

Trading Economics (2021). Jamaica GDP per capita 2021. Retrieved from <http://www.tradingeconomics.com>

What is the main source of revenue for Jamaica (2021) Statistical Institute of Jamaica. Retrieved from <https://www.economy.com>

George Davis (2021). Position of pride April 22, 2021 Jamaica Observer. Retrieved from <https://www.jamaicaobserver.com>

Nesta Morgan (2021). Position of Pride 22.4.21. Retrieved from <https://www.jamaicaobserver.com>

George Davis (2021). PAJ to press for constitutional recognition of press freedom January 31, 2021. Retrieved from <https://jamaica-gleaner.com>

JAMAICA (CONSTITUTION) ORDER IN COUNCIL (1962). Retrieved from <https://moj.gov.jm/sites/default/files/laws/Ja%20%28Constitution%29%20Order%20in%20Council%201962.pdf>

World Population Review. (2020). Murder Rate By Country 2020. <https://worldpopulationreview.com/country-rankings/murder-rate-by-country>