

## **JAMAICA: REMAINS FAIRLY STRONG FOR FREE SPEECH AND FREEDOM OF THE PRESS DESPITE FALL ON INDEX**

### **Executive Summary**

Jamaica dropped from third to fifth place on the 2023/2024 Chapultepec Index which measures press freedom and freedom of expression in the Americas. The country scored 66.89 points, almost 10 points below the 76.78 it scored in 2022 /2023. This is the country's worst performance on the index since 2020/21, when it scored 78.36 points, and jumped to 80.40 points in 2021/2022.

Despite the fall Jamaica continues to be a democracy where government respects freedom of expression and freedom of the press. However, outside of government third party threats remain.

### **Introduction**

Jamaica, unlike the 1970s when journalists and media entities themselves were the target of government and opposition, enjoy relative freedom of the press.

During the year under review -- August 2023 to August 2024 -- there have been four cases in which journalists were threatened, which I will detail later.

Over the years big businesses have also used the withholding of advertisements if they feel threatened by a specific medium. No such report has been made in 2023/24 unless such entities have decided to keep it confidential.

In addition, no media entity has reported receiving lawsuits for information deemed a defamation. In fact, you only know of these lawsuits when they are mentioned in court.

Physical attacks are rare, but they do happen. A gunman opened fire in the parking lot of *Nationwide Radio's Kingston* offices in September 2023, fortunately nobody from the radio station was hurt.

However, while it happened in the parking lot of the radio station, there was no evidence that the shooting was aimed at any of the journalists employed to *Nationwide News Network*, which is headed by Cliff Hughes, a respected veteran journalist who host a daily daytime call-in talk show where listeners are allowed to freely express their opinions, including criticism of politicians of both the governing and opposition parties.

Three incidents involving the opposition People's National Party (PNP), directly affected freedom of the press. In one case, a reporter was abused verbally for wearing a green blouse while covering a press event at the party's headquarters. Green is the color of the ruling Jamaica Labor Party (JLP).

In the two other events, the PNP called out *Nationwide News* at a political rally, accusing the radio station of being an incubator for the governing Jamaica Labor Party (JLP) when a senior reporter from the station was appointed a government senator. In the other incident the PNP accused the radio station of politicizing its reporting on crime.

The worst episode for the period under review, however, was the threat against *Television Jamaica* journalist Giovanni Dennis, who has covered a series on illegal drag racing. He received threats from the public on his social media accounts, telephone calls and text messages. There was no report of Dennis was hurt in any way, but threats from third parties are getting worse.

## **Results Analysis**

### **Environment: Diagnosis of Institution Action**

#### **Executive**

The Executive, with a slight influence in situations unfavorable to freedom of expression, headed by Prime Minister Andrew Holness, has been accommodating to journalists and has openly expressed its support for freedom of the press.

Holness, in October 2023, condemned 'inflammatory statements' by the opposition which threatens press. The government said highly divisive statements emanating from the political platform of the opposition had caused unease, consternation and significant fear among members of the media, which he said have no place in modern Jamaica. Holness said the government had observed several incidents, including the verbal assault on members of the media for a particular color at the headquarters of the opposition, which at the time was green, color of the governing JLP. He said succession of incidents and verbal assaults displayed by the opposition have shown that the PNP constantly feeds a rhetoric aimed at destabilizing Jamaica's media landscape and threatens the safety of individuals.

The government also blamed the opposition's 'unwarranted and unmerited' statements that has caused Jamaica to fall on the world press freedom index.

## **Legislative**

The Houses of Parliament, which were assessed as having no influence in situations unfavorable to freedom of expression, approved the Data Protection Law, which came into full force on December 1, 2023.

First drafted in June 2020 and then passed on December 1, 2021, the Jamaica Data Protection Act governs all aspects of data processing, including collection, storage transmission disclosure, and erasure. Its foundation is based on “data protection principles spanning fairness and transparency to integrity and accountability and acts to protect the personal data and sensitive personal data of data subjects.”

The Data Protection Act provides greater safeguards for the handling of Jamaicans’ personal information held in physical or electronic form.

On an individual level, the law applies to organizations in the public and private sectors and covers identifiable natural persons and those who have died less than 30 years ago; The time limit was implemented to recognize that certain data about deceased persons may remain relevant and is therefore subject to protection for a considerable period after their death.

## **Judiciary**

It was also assessed as having a slight influence in situations adverse to freedom of expression and the press. Apart from one case where reporters were asked to clear the room justice at the Supreme Court during the appearance of a former member of parliament on murder and gun charges, there were no reports of intimidation from journalists covering the parish and high courts during the period under review. The judge who had asked reporters to leave the courtroom used the Gun Court Act to justify her action, saying matters involving firearm use are to be held in camera.

## **Realm Citizens Free to Express Themselves**

### **Sub Realms: Information Flow; Free Speech; Government Action against Disinformation**

In the Dimension of Active Citizenship and Free Expression, Jamaica obtained 17.50 points, placing it in the range of nations with restrictions in this regard. The constitution provides for freedom of expression, including for members of the press and other media, and the government generally respected this right.

Citizens of Jamaica freely express themselves in letters to the editor in the nation’s two morning dailies – the *Jamaica Observer* and *The Gleaner*, as well on daytime talk shows. Editors and producers, however, look and listen for defamatory statements which could land the newspapers and radio stations before the court in what is considered a very litigious society.

What can be termed the abuse of social media to spread false and malicious information by several users forced Prime Minister Andrew to issue a warning, saying new legislation is needed to create a safe online space where the freedom and rights of all Jamaicans can be respected, and the integrity of information and transactions are secure.

Holness, declaration after a meeting of the National Security Council, followed an earlier declaration that his government would be taking actions to begin clamping down on the proliferation of false information on social media platforms.

The prime minister said the council discussed the legislative gaps relating to cybercrimes and the misuse of social media platforms which has created new threats and challenges to the safety and security of citizens and the state.

Acknowledging the positive and powerful transformational impact of cyber, artificial intelligence and social media on the economy and society, Holness said the National Security Council members were equally seized of the potential for misuse of the technology by intentional malicious actors, as well as inadvertently by misguided users.

He noted that there has been an alarming increase in cyber threats targeting critical infrastructure, businesses, and individuals. The prime minister said the threats range from public mischief, reputational damage, harassment and bullying, and extortion, to attacks on the banking and financial systems, and state entities.

“I underscored to the National Security Council the importance of striking a balance between protecting freedom of expression and ensuring the responsible and ethical use of technology,” Holness said.

The prime minister said the council also noted the need for an intense public relations campaign where the public can be informed of the dangers as well as the good use of social media and technology for their personal benefit. Despite the concern no action was taken by the government to clampdown on social media use.

There were 2.40 million internet users in Jamaica at the start of 2024, when internet penetration stood at 85.1 percent.

Jamaica was home to 1.61 million social media users in January 2024, equating to 56.9 percent of the total population.

A total of 3.27 million cellular mobile connections were active in Jamaica in early 2024, with this figure equivalent to 115.9 percent of the total population.

### **Realm Violence and Impunity against Journalists and Media**

Jamaica was located, with 26.89 points out of a maximum of 40, in the low restriction zone for this dimension. As of 1 January 2024, the population of Jamaica was estimated to be 2,999,446 people. This is an increase of 0.38 % (11,236 people) compared to the population of

2,988,210 the year before. In 2023 the natural increase was positive, as the number of births exceeded the number of deaths by 32,183. Due to external migration, the population declined by 20,947. The sex ratio of the total population was 0.969 (969 males per 1,000 females) which is lower than global sex ratio. The global sex ratio in the world was approximately 1,016 males to 1,000 females as of 2023.

Society remains a highly violent one, with 1,393 murders recorded in 2023, down from 1,498 in 2022. Most of these murders and other violent crimes were classified by the police as domestic, mainly gang related.

No journalist was hurt during the period under review. But, as we already mentioned, the incident that occurred in September 2023 was unfortunate, when an armed man fired shots in the parking lot of the *Nationwide Radio Kingston* offices, fortunately, without leaving any victims.

### **Realm Control Over the Media and Journalists**

This realm was assessed in Jamaica in the low restriction range, with 22.50 points out of a theoretical maximum of 30. The media in Jamaica and journalists operate without direct control of government, which uses the State-owned Jamaica Information Service to promote its programmes and activities. Radio and TV stations are monitored by the Broadcasting Commission, an independent statutory agency established in June 1986.

The commission, among other things, is specifically mandated to administer the radio and television broadcasting regulations, evaluate applications and make recommendations to the information minister for the grant and renewal of licenses, and that licensees meet the standards set out in law or the terms and conditions of licenses. If a radio or television is shown to be non-compliant, the commission may either direct the entity to issue an apology at times of the day agreed or recommend to the minister that the license of the entity be suspended or revoked.

No radio or television station has had licenses revoked or suspended.

Jamaica has three free-to air television stations – *Television Jamaica*, *CVM* and *Love TV*; approximately 29 radio stations, and several cable broadcasting services.

### **Conclusion**

The fifth place on the index put Jamaica below the Dominican Republic, 79.65 points; Chile, 77.25 points; Canada, 75.78; and the United States, 66.89.

The media in Jamaica, despite the drop on the index, continue to enjoy freedom of the press although the level of crime island wide remains high. This could be compared to the peaceful environment that visitors to the island enjoy, which is responsible for more than four million people visiting Jamaica for vacation annually.

At the same time, the Press Association of Jamaica (PAJ) as well as the Media Association of Jamaica remains watchful to ensure journalists are able to operate freely, and unlike many other countries where the State is responsible for making it difficult for journalists to operate freely, it is the government that is usually at the forefront when, especially the opposition do or say anything to suppress freedom of the press.

On World Press Freedom Day of May 3, 2024, Prime Minister Holness said Jamaica's improvement in the country's ranking was a testament to the nation's commitment to creating a safe and open environment for journalists. Also, the minister in charge of information, Robert Morgan, said government's proactive policies and initiatives to enrich information ecosystems for public benefit had part to play in the nation's press freedom ranking.

There have, however, been complaints that information sought from some government ministries and agencies through the Access to Information Act is not supplied within the one-month period specified under the act.

The PAJ in May 2024 called on the government to ensure that the Data Protection Act is not used to deny journalists critical information for their work.

Minister Morgan, in September 2023, told Parliament that the Access to Information (ATI) Unit was undertaking pivotal initiatives aimed at elevating its services.

"There is an upgrade taking place, currently, of the ATI website, as well as aligning it to modern accessibility standards," he said

Morgan said the vision was to create a website through which all ATI requests can be submitted and tracked. "This site is to be a precursor to the [upgrading of the] ATI Act, which is now before the Attorney General's Department," he said.

If the government is serious about freedom of information it will need to push its ministries and agencies to promptly respond to relevant requests submitted to the ATI, provided such requests do not affect national security or breach the Data Protect Act.

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