

Jamaica

Country:

Jamaica

Year:

2016

Freedom Status:

Free

Political Rights:

2

Civil Liberties:

3

Aggregate Score:

75

Freedom Rating:

2.5

Overview:

In 2015, Jamaica continued to grapple with persistent gang violence and abusive police practices, both of which are major deterrents to domestic commercial activity and foreign investment. However, a gradual strengthening of the legislative environment has led to improvements in recent years, as the government took steps to implement the Corruption Prevention Act, and the independent Commission of Investigations (INDECOM) intensified its efforts to hold police accountable for wrongdoing.

Nevertheless, Jamaica continues to struggle with a long backlog of court cases and a shortage of staff at all levels of the judicial system. The provisions of the Jury (Amendment) Act, passed by Parliament in December 2015, are intended to address these problems; among other things it expands the pool of potential jurors and allows for trials by a judge only, in certain cases where the prosecution and defense agree to permit such a procedure.

Political Rights and Civil Liberties:

Political Rights: 34 / 40 [Key]

A. Electoral Process: 12 / 12

Jamaica's bicameral Parliament consists of a 63-member House of Representatives, elected for five years, and a 21-member Senate, with 13 senators appointed on the advice of the prime minister and 8 on the advice of the opposition leader. Senators also serve five-year terms. The leader of the party or coalition holding a majority in the House of Representatives is appointed as prime minister by the governor general, who represents the British monarch as head of state. The governor general is nominated by the prime minister and approved by the monarch.

In September 2011, Jamaica Labour Party (JLP) leader and prime minister Bruce Golding abruptly announced his resignation, a move widely interpreted to have stemmed from his involvement with alleged drug trafficker Christopher “Dudus” Coke, which had caused Golding to lose support within his own party and among the electorate. The following month, the JLP elected Minister of Education Andrew Holness to become Golding’s successor as party leader and prime minister. Holness called for early general elections at the end of the year. In December 2011 elections, the People’s National Party (PNP) captured 41 seats in Parliament, while the JLP took only 22. PNP chief Portia Simpson-Miller became prime minister in January 2012; she had previously held the position in 2006 and 2007.

B. Political Pluralism and Participation: 13 / 16

Since achieving independence from Britain in 1962, political power has alternated between the social democratic PNP and the more conservative JLP. In the 2007 elections, the JLP’s majority victory in the House of Representatives ended the 18-year reign of the PNP, which subsequently returned to power in 2011. Although various smaller parties are active, politics at the national level is dominated by these two parties, and no other groups hold seats in the House of Representatives.

Powerful criminal gangs in some urban neighborhoods maintain influence over voter turnout in return for political favors, which has called into question the legitimacy of election results in those areas. None of the major political parties identify on religious, ethnic, or cultural grounds.

C. Functioning of Government: 9 / 12

Corruption remains a serious problem in Jamaica. Long-standing relationships between officials and organized crime figures are thought to persist. Various government bodies continue to pursue corruption investigations, and cases frequently end in convictions. However, the public prosecutor has faced criticism in the media and from nongovernmental organizations (NGOs) for a reluctance to pursue some cases, and implementation of the 2000 Corruption Prevention Act remains problematic. Government whistleblowers who object to official acts of waste, fraud, or abuse of power are not well protected by Jamaican law, as is required under the Inter-American Convention against Corruption. In 2015, the legislature debated a new Integrity Commission Act which, among other steps, sought to create a single body to monitor corruption. The new legislation had not yet been passed at year’s end.

An access to information law has been in effect in the country since 2004. In December 2015, the House of Representatives passed the Representation of the People (Amendment) Act, which provides for the regulation of campaign finances in the country; the bill had yet to go before the Senate at year’s end. Jamaica was ranked 69 out of 168 countries and territories surveyed in Transparency International’s 2015 Corruption Perceptions Index.

Civil Liberties: 41 / 60 (+1)

D. Freedom of Expression and Belief: 15 / 16

The constitutional right to free expression is generally respected. Most newspapers are privately owned, and express a variety of views. Broadcast media are largely state-owned but are open to pluralistic points of view. Journalists occasionally face intimidation, especially in the run-up to elections, and both media workers and outlets occasionally face threats from state and nonstate

actors. In August 2015, Everaldo Warmington, a lawmaker from the JLP, assaulted a female intern with the *Gleaner* newspaper, drawing condemnation from the Press Association of Jamaica (PAJ). Jamaica decriminalized defamation in 2013.

Freedom of religion is constitutionally protected and generally respected in practice. While laws banning Obeah—an Afro-Caribbean shamanistic religion—remain on the books, they are not actively enforced.

The government does not generally hinder academic freedom. Authorities do not restrict access to the internet and are not known to engage in unlawful online surveillance.

E. Associational and Organizational Rights: 9 / 12

Freedoms of association and assembly are generally respected. Jamaica has a small but robust civil society and active community groups. In August 2015, the Jamaica Forum for Lesbians, All-Sexuals, and Gays (J-FLAG) organized a week-long gay pride celebration during the country's independence holidays, the first such public event in the English-speaking Caribbean.

Approximately 20 percent of the workforce is unionized. Labor unions are politically influential and have the right to strike.

F. Rule of Law: 7 / 16 (+1)

The judicial system is headed by the Supreme Court and includes a court of appeals and several magistrates' courts. The Trinidad-based Caribbean Court of Justice is the highest appellate court. A growing backlog of cases and a shortage of court staff at all levels continue to undermine the justice system. In December 2015, Parliament passed the Jury (Amendment) Act, designed to enhance the efficiency of the court system. Its provisions expand the pool of potential jurors, limit the number of peremptory challenges allowed, and permit trials by a judge only, in certain cases where the prosecution and defense agree to allow such a format.

Extrajudicial killings by police remain a serious problem in Jamaica, although they continued to decline in 2015. INDECOM has vigorously pursued cases of police violence. According to the body, 93 individuals were killed by security personnel in roughly the first 11 months of 2015, compared to a total of 150 people killed by security personnel in 2014. Several new human rights projects have been recently initiated for the rehabilitation of prison inmates, to reduce impunity among the country's security forces, and to provide legal assistance to people who were not accorded their rights.

A Commission of Enquiry was finally appointed and began deliberations in 2014 to provide an objective review of the state of emergency declared in 2010 in response to violence in the Tivoli Gardens neighborhood of Kingston. Its deliberations were ongoing at the end of 2015. During the state of emergency, more than 70 civilians were killed in an operation aimed at arresting Coke, who was extradited to the U.S. after his surrender in 2010 and in 2012 was sentenced by a U.S. court to 23 years in prison.

Gang and vigilante violence remains a common occurrence. Kingston's insular "garrison" communities remain the epicenter of most violence and serve as safe havens for gangs. Jamaica is a transit point for cocaine shipped from Colombia to U.S. markets, and much of the island's violence

is the result of warfare between drug gangs. In 2014, the government of Jamaica passed antigang legislation that makes membership in such groups illegal and criminalizes certain gang-related activities, such as recruiting. By August 2015, nearly 170 persons had been charged under the law. Given the slow pace of judicial proceedings in Jamaica, none of those charged had yet been prosecuted by the year's end.

Harassment of and violence against LGBT (lesbian, gay, bisexual, and transgender) people remains a major concern and is frequently ignored by the police. Legislation against sodomy, which is punishable by 10 years in prison with hard labor, was challenged in court in 2014; however, the case was withdrawn that year after death threats were made against the claimant and his family. As a modest step forward, in 2014 the government added a provision to the Offences Against the Person Act; the amendment criminalizes the production, recording, or distribution of any audio or visual materials that promote violence against any category of persons, including LGBT individuals.

G. Personal Autonomy and Individual Rights: 10 / 16

Although there are constitutional guarantees of freedom of movement, political and communal violence frequently precludes the full enjoyment of this right.

Jamaica has an active private sector and a powerful pro-business lobby, the Private Sector Organisation of Jamaica (PSOJ). Individuals are free to establish businesses subject to legal requirements, which are not onerous.

Legal protections for women are poorly enforced, and violence and discrimination remain widespread. Women are underrepresented in government, holding just seven seats in the House of Representatives.

Residents of neighborhoods where criminal groups are influential are at a heightened risk of becoming victims of human traffickers. Child sex tourism is present in some of Jamaica's resort areas, according to local NGOs.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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