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FREEDOM IN THE WORLD

Jamaica

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OVERVIEW:

In 2012, two gay Jamaicans initiated a legal challenge with the Inter-American Commission on Human Rights to laws discriminating against members of the country's LGBT (lesbian, gay, bisexual, and transgender) community. Meanwhile, the economy continued to stagnate during the year as the country struggled with high rates of inflation and unemployment.

Jamaica achieved independence from Britain in 1962. Since then, power has alternated between the social democratic People's National Party (PNP) and the more conservative Jamaica Labour Party (JLP). In September 2007, the JLP won a majority of seats in the House of Representatives, ending 18 years in power for the PNP. JLP leader Bruce Golding became the new prime minister.

Under Golding, Jamaica struggled with high levels of crime, sluggish economic growth, and a public sector in need of major reform. In 2009, an all-time high of 1,682 homicides were reported. Over half of these were gang related, and only 21 percent were resolved in court. The situation improved slightly in 2011 following police crackdowns on gang violence. According to police statistics, the murder rate during the first three months of the year fell 44 percent over the same period in 2010. The government also established a commission to investigate incidents of civilian shootings, though local human rights organizations have expressed doubt whether it will have the resources it needs to function effectively.

Long-standing relationships between elected representatives and organized crime, in which criminal gangs guaranteed voter turnout in certain neighborhoods in exchange for political favors and protection, received special scrutiny in recent years as the U.S. government pressed for the extradition of alleged drug trafficker Christopher "Dudus" Coke. The gang Coke reputedly led, the Shower Posse, was based in Tivoli Gardens, an area of Kingston that Golding represented in Parliament. In April 2010, the *Washington Post* reported that a JLP government official had signed a \$400,000 contract with the U.S. lobbying firm Manatt, Phelps & Phillips to fight Coke's extradition. The public outcry in the United States and Jamaica forced Golding in May 2010 to order Jamaican security forces into Tivoli Gardens to arrest Coke, leading to days of violence in which 73 civilians and several police officers were killed. Coke was finally apprehended in late June, reportedly on his way to surrender at the U.S. embassy. In August 2011, after being extradited to the United States, he pled guilty to drug trafficking and assault charges under a plea bargain; he was sentenced to 23 years in prison in June 2012.

Golding suddenly announced his resignation in September 2011, a move widely interpreted as fallout from the Coke affair, which had caused Golding to lose support within his own party and among the electorate. Observers speculated

2013 SCORES

STATUS

Free

FREEDOM RATING

2.5

CIVIL LIBERTIES

3

POLITICAL RIGHTS

2

that the managed transition to a successor was a preemptive political maneuver to keep the JLP as a viable political contender. In October, the JLP elected Minister of Education Andrew Holness to become Golding's successor as party leader and prime minister. The transition to Holness, who was 39 years old, was seen by some as marking a generational shift within the JLP, and possibly within Jamaican party politics in general.

Holness called for early general elections at the end of the year. On December 29, the PNP captured 41 seats in Parliament, while the JLP took only 22. Portia Simpson Miller became prime minister; she had previously held the position in 2006 and 2007.

Despite continued success in the tourism industry and a surge in the real estate sector, the Jamaican economy continued to stagnate in 2012, struggling with high inflation and unemployment exacerbated by high debt levels and the implementation of government austerity plans.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Jamaica is an electoral democracy. The bicameral Parliament consists of the 60-member House of Representatives, elected for five years, and the 21-member Senate, with 13 senators appointed on the advice of the prime minister and 8 on the advice of the opposition leader. The leader of the party or coalition holding a majority in the House of Representatives is appointed as prime minister by the governor general. The British monarch is represented as head of state by a governor general, who is nominated by the prime minister and approved by the monarch.

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.

Corruption remains a serious problem in Jamaica. 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. Implementation of the 2002 Corruption Prevention Act has been problematic. Opposition leaders have accused the government of having connections to scams originating in Jamaica in which victims are told they have won the lottery, only to have their personal information stolen. The government has addressed the matter by amending a handful of laws, including the Evidence Act in November 2012. Jamaica was ranked 83 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

The constitutional right to free expression is generally respected. While newspapers are independent and free of government control, circulation is generally low. Broadcast media are largely state owned but are open to pluralistic points of view. Journalists occasionally face intimidation in the run-up to elections. The country enacted an access to information law in 2002.

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 hinder academic freedom.

Freedoms of association and assembly are generally respected. Jamaica has a small but robust civil society and active community groups. Approximately 20 percent of the workforce is unionized. Labor unions are politically influential and have the right to strike.

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.

Extrajudicial killings by police remain a major problem in Jamaica, accounting for 12 percent of murders each year, according to Amnesty International. Since 2006, the government has paid an estimated J\$365 million (US\$3.8 million) to victims of such violence, and it reportedly owes an additional J\$400 million (US\$4.4 million). Jamaican police killed 21 people—including a 13-year-old girl

caught in the crossfire of a shootout between police and criminals—over six days in early March 2012, prompting calls for authorities to mount an investigation into police operations. In October, the Jamaica Civil Society Coalition and the human-rights lobby Jamaicans for Justice criticized the lack of a preliminary report in the public investigation into the 2010 Tivoli Garden riots that led to the killing of dozens of civilians. Ill-treatment by prison guards has also been reported, and conditions in detention centers and prisons are abysmal. Vigilante violence remains a common occurrence in Jamaica. Jamaican Police Commissioner Owen Ellington in October condemned mob killings in Kingston and other parts of the island. According to recent reports, children from abusive homes are routinely placed into police custody together with common criminals for periods of up to two weeks.

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 known as posses. Contributing factors include the deportation of Jamaican-born criminals from the United States and an illegal weapons trade.

Harassment and violence against members of the LGBT (lesbian, gay, bisexual, and transgender) community remains a major concern and is frequently ignored by the police. Sodomy is punishable by 10 years in prison with hard labor. Although Prime Minister Portia Simpson Miller stated that she would hire a gay man or lesbian to serve in her cabinet, her administration has made no attempts to repeal the country's anti-gay laws. In October 2012, two gay Jamaicans initiated a legal challenge to these laws with the Inter-American Commission on Human Rights. According to the Jamaican Forum of Lesbians, All-Sexuals and Gays in 2012, nine gay men were killed in 2012.

Legal protections for women are poorly enforced, and violence and discrimination remain widespread. A number of highly publicized rape cases of young girls have led to public protests and a renewed debate about prevention and punishment of the crime. Women are underrepresented in government, holding just seven seats in the House of Representatives.

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