

## FREEDOM IN THE WORLD

# Jamaica

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### OVERVIEW:

In August 2011, Jamaican drug lord Christopher “Dudus” Coke pled guilty in the United States to drug trafficking charges. The following month, Jamaican prime minister Bruce Golding resigned, likely as a result of public anger over his handling of the Coke situation. Golding was replaced as prime minister and leader of the Jamaica Labour Party (JLP) by Andrew Holness, who called for early elections in December. The People’s National Party (PNP) won a strong parliamentary majority, and PNP leader Portia Simpson Miller became prime minister.

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, after police crackdowns on gang violence; according to police statistics, the murder rate during the first three months of the year fell 44 percent from their rate over the same period in 2010. The government also established a commission, the Independent Investigation of Commissions, to investigate incidents of civilian shootings, though local human rights organizations have expressed doubt whether the organization 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 over 70 civilians and several police personnel 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 and faced up to 21 years in prison under a plea bargain. Coke had not been sentenced by year’s end.

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Prime Minister 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 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 was overwhelmingly victorious in those elections, winning 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.

## **POLITICAL RIGHTS AND CIVIL LIBERTIES:**

Jamaica is an electoral democracy. 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. Following legislative elections, the leader of the party or coalition holding a majority in the lower house is appointed as prime minister by the governor general. 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.

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. Jamaica was ranked 86 out of 183 countries surveyed in Transparency International's 2011 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 became the highest appellate court for Jamaica in 2005. A growing backlog of cases and a shortage of court staff at all levels continue to undermine the justice system.

Extrajudicial killings by police are 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 \$400 million (US\$4.4 million). Ill-treatment by prison guards has also been reported, and conditions in detention centers and prisons are abysmal.

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.

Violence against gay, lesbian, and transgendered individuals remains a major concern. Amnesty International has identified homosexuals in Jamaica as a marginalized group, openly targeted for extreme harassment and violence. Same-sex intercourse is punishable by 10 years in prison with hard labor. The continuing existence of such laws is considered a violation against the right to equal protection under the International Covenant for Civil and Political Rights, to which Jamaica is a party. Violence against homosexuals is frequently ignored by the police, who fail to make arrests in such cases. The antigay lyrics of Jamaican entertainers, particularly dancehall singers, remain a source of contention.

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

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