

REPORTERS WITHOUT BORDERS

FOR FREEDOM OF INFORMATION

November 22, 2019

Prime Minister Andrew Holness
Office of the Prime Minister
Devon Road
St Andrew

Dear Prime Minister Holness,

Reporters Without Borders, an international organization that advances press freedom, is deeply concerned about an amendment introduced to Section 33 of Jamaica's Criminal Justice and Administration Act that would have a chilling effect on journalists' rights to report on information of the public interest. We are calling for the repeal of Section 33 of this law in its entirety.

The proposed amendment to Section 33, which was approved by the Senate and House of Representatives in September and awaits the Governor-general's signature, introduces draconian penalties for any "person [who] shall (a) take, or attempt to take in any court, any photograph, or with a view to publication, make or attempt to make in court, any portrait or sketch of any prisoner." If this new amendment were passed into law, carrying out one of these acts, which are the professional duties of court reporters or courtroom sketch artists, would be punishable by a fine of up to \$1 million or one year in prison. This is a significant escalation to existing penalties for these acts under Jamaican law today, which are already problematic, and punishable by a fine of up to \$20 and one month in prison. This provision has a chilling effect on press freedom as protected under Chapter Three of the Jamaican Constitution and freedom of expression under Article 19 of the International Covenant on Civil and Political Rights, as ratified by Jamaica.

While Jamaica currently ranks eighth out of 180 countries in RSF's 2019 World Press Freedom Index, which is considered a "good situation" for journalists, the penalties outlined in Section 33 are oppressive to a free press and exhibit a disregard for the Constitutional rights of the Jamaican people. Taking photographs or sketching criminal defendants in or outside of courtrooms should never warrant criminal punishments.

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It is the State's responsibility to protect journalists and media and to promote a safe and enabling environment for journalists to perform their work independently and without undue interference. As Head of State, it is also your excellency's responsibility to ensure that your country's legal framework is in compliance with its international commitments regarding press freedom.

We respectfully request that you repeal Section 33 of Jamaica's Criminal Justice and Administration Act.

Sincerely,

Dokhi Fassihian

Executive Director

North America Bureau