

IFLA/FAIFE World Report: Libraries and Intellectual Freedom



Jamaica

18-06-1999

Jamaica is a small independent island state with a population of approximately 2.5 million. A former British colony, it gained independence in 1962 but maintains cultural and historical links with the Commonwealth Caribbean and the wider British Commonwealth family of nations.

Population:	2,491,000 (1996)
GNP per capita:	\$ 4,860 (1996)
Government / Constitution:	Republic
Main languages:	English
Main religions:	Protestantism - Catholicism, Rastafarism
Literacy:	85% (1995)
Online:	2,26% (April 2000)

Jamaica has over the years maintained a respectable record in its approach to libraries and matters related to intellectual freedom and freedom of expression.

General Situation Concerning Libraries

Through the Jamaica Library Service established in 1948 the Island is served by a well developed public library system with over 600 service points including bookmobile stops. This public library service is funded by Government through the Ministry of Education and Culture. The Island is also served by special libraries in the private and public sectors and libraries in educational institutions including schools, colleges and universities.

At a recent conference of Special Librarians, Dr. Elaine Wallace, Director of the Information Unit in the Office of the Prime Minister stated the following:

"Over the next 5 years the Ministry of Education will seek to improve the technological levels and service in the public library system. This should include the creation of an electronic network among parish libraries, computerisation of the operational systems in the libraries and the creation of a database of library catalogues. There are also plans to extend the library services with the construction of more branch libraries, expansion of bookmobile service and the service to the house bound persons."

It is true to say that over the years successive governments have been supportive of the public library service, however the government's financial contribution for the development of library services is usually constrained by the prevailing economic conditions. This is particularly noticeable in the modern information environment where access to digital information using the World Wide Web is severely limited within the public library system.

Freedom of Access to Information

Jamaica is in the process of refining legislation to ensure greater access to information.

In 1996, a report was tabled in Parliament entitled: "Freedom of Information: a Door to Open Government." The recommendations made in that report were largely based on Freedom of Information legislation enacted in Australia in 1982 and in Belize in 1994.

Cabinet approved proposals in November 1998 for the enactment by the Jamaican Legislature of a Freedom of Information Act to implement the recommendations made in this report. The Prime Minister in a statement to Parliament on February 25, 1999, outlined that the proposed Freedom of Information Act is intended to reflect fundamental principles of accountability, openness and public participation. Its implementation is set to signal a decisive break:

"...with the culture of secrecy, largely engendered in the administration of Government by the Official Secrets Act of 1911, a piece of war time legislation enacted in the United Kingdom and extended to Jamaica."(1)

The basic purpose of the proposed legislation is to confer on all Jamaican citizens and persons resident in Jamaica, a right to the disclosure of documents held by Central or Local Government.

Freedom of Expression

There is no requirement for a licence to publish newspapers, newsletters or magazines. However, licences are required to operate radio or television stations and for cable distribution facilities. It has been argued that the withholding of such licences could have the effect of limiting freedom of expression and that there is nothing to prevent the government from making it difficult, if not impossible for newspaper publishers to import newsprint or other materials required. However there is no record of this having happened.

The Jamaica Library Association

The Jamaica Library Association represents the views of Librarians in Jamaica.

Library Association statement and policies: Although the policy documents of the Jamaica Library association do not explicitly address intellectual freedom, its Strategic Plan for 1996-1999 and its Code of Ethics implicitly support freedom of expression and freedom of access to information. The Strategic Plan includes the following statements:

Vision

"To create an awareness in society of the primacy of up-to-date information in personal, commercial and national life, and to promote the delivery of quality service."

Mission

"To provide leadership in the development, promotion and mobilisation of personnel, institutions and resources in the information field in order to encourage learning, and facilitate access to information."

Strategies

"Support the NATIS concept that Information is an essential part of a nation's resources and access to it is one of the basic human rights"

The [code of ethics](#) of the Jamaica Library Association in providing basic guidelines for conduct and performance of its members, states that every member of the Association has a responsibility to among other things:

"...ensure that access to accurate, up-to-date and impartial information is easily available to every citizen of the country."

It further states that:

"Every genuine user of the library has the right of access to all recorded information through collections acquired by the library or through interlibrary co-operation. It is the responsibility of the librarian to make information easily available, in keeping with the institution's stated procedures, without any form of bias. The librarian should respect the confidentiality of any information revealed by the user in the course of research"

Relevant legislation

Intellectual Freedom and freedom of expression are both guaranteed in the constitution of Jamaica. Section 22 of the Jamaican Constitution states:

"Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, and for the purposes of this section, the said freedom includes the freedom to hold opinions and to receive and impart ideas and information without interference with his correspondence and other means of communication."

However the Constitution limits this right to the extent that it impinges on public defence, public safety, public order, public morality or public health. It is also defined with a view to protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned.

Under the Obscene Publications (Suppression of Act) of 1927 the distribution, exhibition, production or ownership of "any obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematographic films" is illegal. Also illegal under The Obeah Act of 1898 are "any pamphlet or printed matter calculated to promote superstition of obeah." In addition the Undesirable Publications (Prohibition of Importation) Law, the Amendment Order of 1967 listed over 80 prohibited titles dealing primarily with witchcraft and communism.

There have been anecdotal reports of attempts at censorship during the late 1960s based on this list, but there have been no reports since of any such occurrence. The ban on literature originating in communist countries has since been repealed but literature on witchcraft is still banned.

Notes

1. Patterson, P, J. – Statements on Proposal for the Enactment of a Freedom of Information Act, 1999.

Sources

- Barnett, Lloyd: *The Jamaican Constitution: Basic Facts and Questions*. Kingston, Jamaica: Sangsters, 1992
- Henry, Martin: "The Media and Public Confidence". *Daily Gleaner*, 22 April, 1999: A4
- Jamaica. Laws, Statutes, etc. *Laws of Jamaica*. 20 Vols.
- Jamaica Constitution: *The Jamaica (Constitution) Order in Council 1962*. Kingston: Government Printers, 1962.
- Jamaica Library Association: *Constitution Rules and Regulations Code of Ethics (as revised 1991)*.
- Jamaica Library Association: *Strategic Plan 1996 – 1999*. Kingston, Jamaica, 1996.
- Jamaica. Office of the Prime Minister: *Ministry Paper No. 28*. Tabled May 25, 1999.
- Patterson, P. J.: "*Statement on Proposals for the Enactment of a Freedom of Information Act.*" Prime Minister's address to Parliament, 23 Nov. 1998.
- Wallace, Elaine: "*Information Policy and Special Libraries in Jamaica*". Conference on Special Libraries in the Caribbean on the Threshold of the New Millennium, Alhambra Inn, Kingston Jamaica, 10 Feb. 1999.
- Wint, Carl: "Freedom of Information" *Daily Gleaner*. 27 Oct. 1995: A8.