

A modern defamation bill, which seeks to protect journalists in the execution of their duties, is to go before Parliament shortly.

Minister with responsibility for Information, Senator the Hon. Sandra Falconer, told journalists at a Jamaica House press briefing on Wednesday, March 20, that Cabinet had approved the tabling of the bill to correct inadequacies in the present defamation laws.

She explained that the legislation includes provisions relating to: the abolition of the distinction between libel and slander, and the establishment of a single cause, known as defamation; and the abolition of the law relating to criminal libel.

There are also measures for the swift resolution of disputes, outside of the court, over the publication of defamatory information.

“This means that no journalist can be locked up for defamation once this law is passed and come into force,” Mrs. Falconer stated.

The legislation also makes provisions for the reduction of the limitation period for actions in defamation from six to two years; and the replacement of the defence of justification with the defence of truth.

According to the Information Minister, this bill represents a major step in the promotion of freedom of expression in Jamaica. She said the Cabinet is of the strong view that journalists should never have to face the threat of prosecution when carrying out their duties.

“A free and vigorous and ethical press is a critical ingredient of a modern and striving democracy,” Ms. Falconer stated.

She noted however, that the “removal of criminal libel and defamation from the books does not mean that journalists can impugn people’s character and destroy peoples’ reputation”.

“You have to remember that with increased freedom, there must be increased responsibility, and you have to be responsible for your actions,” she stated.

In 2008 a committee chaired by Justice Hugh Small reviewed the law of defamation and made recommendations for changes to ensure transparency and accountability.

The resulting report, which contained 16 recommendations, including a proposal to abolish the offence of criminal libel, was presented to Parliament.

A joint select committee was convened to consider the recommendations. The House of Representatives, in 2011, approved the committee’s report.

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