

Media Development

4/2019

WACC

Communication Pirates of the Caribbean



+plus Reporting femicide: A failure of Latin American journalism
In memoriam Antonio Pasquali

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Media Development is published quarterly by the
World Association for Christian Communication
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Toronto, Ontario M4C 4X7, Canada.
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www.waccglobal.org

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Subscriptions to *Media Development*

Individuals worldwide US\$40.

Libraries and institutions in North America and Europe US\$75.

Libraries and institutions elsewhere in the world US\$50.

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Cover design: Brad Collicott

Published in Canada

ISSN 0143-5558

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Media Development is an international quarterly journal dedicated to the theory and practice of communication around the world. Many contributors write from the perspective of the South, highlighting social, cultural, and spiritual values.

In preparing this issue of *Media Development*, WACC gratefully received advice and support from Dr Corinne Barnes, Lecturer, Caribbean School of Media and Communication (CARIMAC), University of the West Indies, Jamaica. Any errors remain those of the editor and publisher.

In the Next Issue

The 1/2020 issue of *Media Development* will take the theme "Gender & Media" in the light of Beijing+25 - the anniversary of the Fourth World Conference on Women and adoption of the Beijing Declaration and Platform for Action (1995).



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actalliance

This issue of *Media Development* is not the first in which the journal has turned its attention to the Caribbean. In 1998, with contributions by communication stalwarts such as Aggrey Brown, Lawrence D. Carrington, and Patrick A.B. Anthony, we published “Communication Issues in the Caribbean”. It looked in particular at the resurgence of national and cultural identities expressed through independent media.

That issue asked, “What, in the long run, is the future of such independent efforts in an environment that is resolutely market-driven? What are the prospects for the ‘third sector’ in a climate in which subsidies are in short supply? How can this sector make its peace with market imperatives while continuing to champion the communication rights of the people who are most in need? What are the challenges that are specifically related to advances in new technologies and how can their benefits be socialised?”

Just over 20 years later, with globalization and digitization seizing the high ground of political economies, those questions remain profoundly relevant. And the title of the 4/2019 issue, “Communication Pirates of the Caribbean”, referencing a popular series of films, underlines the fact that justice and ethics are often absent from decision-making about communication policies that have significant impact on ordinary people.

With globalization, it is easy to forget that the Caribbean is a convergence of identities, languages, cultures, histories, and enslavements that are still struggling to surface. As far back as 1996, we find the Caribbean scholar Ralph R. Premdas writing:

“The Caribbean as an unified region that confers a sense of common citizenship and community is a figment of the imagination. To be sure, there is a geographical expression called ‘the Caribbean’ often associated with a site, a sea, and several islands. There are also many people

who describe themselves as Caribbean persons, claiming an unique identity which has its own cohering characteristics that distinguish them from others. And there are many tourists and other foreigners who can swear that they went to this Caribbean place and met real Caribbean persons. They will all convincingly attest to a Caribbean reality. The truth, however, is that the Caribbean even as a geographical expression is a very imprecise place that is difficult to define... It is not only an imaginary region but one that is arbitrarily appointed to its designation. It will be difficult to pinpoint precisely where this Caribbean place is, for no country carries the name Caribbean either separately or in hyphenated form.”¹

In a sense, the problem of unity is aggravated by the digital era, where communication time and space have been annihilated, and by social media, which offer instant camaraderie and a diluted sharing of identity. At the same time, as articles in this issue of *Media Development* demonstrate, to the uncritical eye many trans-Caribbean media infrastructures imply a certain level of regional coherence.

In short, the Caribbean (pace Professor Premdas) is a complex region presenting a diversity of challenges that demand a diversity of approaches and solutions. In this scenario, global and regional governmental and corporate interests are likely to be the pirates, seizing what belongs to others, especially in matters of digital data and surveillance.

If there is to be a happy ending, civil society must play the role of Jack Sparrow, parlaying in support of the communication rights of individuals and communities. As the gallant captain once remarked, “The problem is not the problem. The problem is your attitude about the problem. Do you understand?” ■

Note

1. “Ethnicity and Identity in the Caribbean: Decentering a Myth” by Ralph R. Premdas. Helen Kellogg Institute for International Studies. Working Paper #234, December 1996.

From little brown boxes to mediated interpersonal communication

Kimiko Scott

In the early days of broadcast media, people gathered around “little brown radio boxes” (Re-diffusion boxes) (Jamaica Gleaner, 2001) to stay connected to what was happening around the world and to be entertained by audio dramas and music countdowns. The content aired was provided by foreign outlets, presented by journalists or hosts from faraway lands who did not sound anything like the listeners, and who may have only seen the countries in the Caribbean on a map. Throughout the English-speaking Caribbean while print media has had a long history of private ownership, broadcasting, with the exception of the private British firm, Reinfusion, was owned and controlled by the state until the last two decades of the 20th Century

In the present broadcast media landscape in the region, despite the existence of numerous radio and television channels, people are still calling for representation on the airwaves. It was in the early 1940s that the impact of Caribbean people having their own platform was first apparent with the advent of the BBC World Service programme, *Caribbean Voices* which was aired on a Sunday evening. The programme ran from 1943

to 1958, and evolved to become an international platform for Caribbean writers to showcase their work and receive critiques and encouragement.

In 1955, *The Times Literary Supplement* noted, “West Indian writers freely acknowledge their debt to the BBC for its encouragement, financial and aesthetic.” A major part of the appeal was that writers whose submissions were read on-air and those who read the material received financial compensation, which by the standards of the day was lucrative. The producer for the show, Henry Swanzy, made it known that he wanted the programme to be filled with “authenticity” and “local colour”. This meant that stories, expressions and dialect that were uniquely Caribbean were placed on the airwaves across the world.

The willingness to acknowledge the role that the BBC World Service played in exposing the talent of Caribbean writers did not dull the calls for national radio stations to be established in each country. As part of the clamour across the region for independence from colonial powers in the 1960s and 1970s, having broadcast media, that reflected the people, played their music and discussed their issues became a goal that appeared in the manifestos of the political parties vying for leadership.

Leaders at the time, such as Eric Williams in Trinidad and Tobago, Alexander Bustamante in Jamaica, and Grantley Adams in Barbados, stressed that as an essential part of self-governance, establishing national broadcasting outlets would symbolise self-sufficiency in a way that few other things could. Journalism – both print and broadcast – held a mandate for being nation-builders.

In individual states, as a result of mid-20th Century political changes, “broadcasting became a significant medium for transmitting culture, mediating politics and economics, selling products and services, and extending communication capabilities. After independence, merchants and politicians paid more attention to radio’s ability to reach a large audience simultaneously with the same message. Listeners became more interested

as the quantity and quality of programmes increased after 1950.” (Storr, 2016).

Although Caribbean radio programmes still had much foreign content, particularly from Britain and the United States, there was a significant increase in local input. “Music programmes became more entertaining; radio personalities became more endearing; and news programmes were more informative and interesting. Government agencies and departments began to use radio and television to disseminate information to the public, particularly on education and public health”. (Storr, 2016)

Leaders also saw radio as a means to support the development of the West Indian Federation as proximity meant that radio broadcasts went beyond the confines of one island. The federation fizzled out early in its evolution and at the time, so too did the idea of regional broadcast media.

Public and private

By the late 1980s and early 1990s and over the course of the next 20 years, Caribbean broadcast media evolved into a combination of private and public entities. Deregulation, liberalisation, and privatisation policies were implemented, opening those markets to intense competition. State broadcasting entities were retained, some in the shape of public service broadcasting with few countries opting out of broadcasting completely.

The number of radio broadcasters in each territory increased exponentially. In Trinidad and Tobago, radio frequencies on the FM band went from three in the early 1990s to 36 in the 2000s. Despite the increase in media channels and the obvious rise in profits, commercialisation was blamed for a decline in the quality of broadcast content. Analysts throughout the region lamented the rise of sensationalism and more entertainment-oriented reporting, as well as the blurring of boundaries between news and advertising.

Convergence also caused concern among media scholars, (McChesney, 1999; McChesney and Nichols, 2010; Schudson, 2008). They noted that democracy suffers when citizens are pre-

sented with content that is less diverse, informative and educational. In the regional landscape, media convergence was blatant as publishing companies that already owned newspapers invested in radio and television frequencies.

In the current radio broadcast arena, the predictions of Aggarwal and Gupta ring true, that “smaller and specific listener groups will be the micro-concept of future radio” (2001, p.191). Radio stations are identifying as brands and as such they are integrating listeners into groups, making them feel members of a unique community. Corderio (2012) adds to the thinking by arguing that stations invest in “celebrities and well-known presenters” as this increases the feeling that community listeners experience.

According to Caribbean scholar, Janet Morrison, this situation has eroded from being positive, where a community of listeners is established as a result of radio formats, to the media now being used to keep people apart instead of bringing them together. She added that, despite all the options available, the media in the Caribbean have been niche-marketed into a culture of separatism (Morrison, 2015). Essentially, what has happened over the past several decades is that the notion that local broadcast media should be used to address national development needs has been negated for commercialism. Popular music sanctioned by foreign charts is in heavy rotation and broadcasters have been fashioning their way of speaking to be similar to announcers heard abroad (with an accent included).

Concerns regarding the quality and appropriateness of the content being broadcast occasionally appear in newspaper articles and letters to the editor, or can be heard in conversations on street corners, or in taxis. Thinly veiled lewd jokes, songs with lyrics not suitable for children, opinionated, careless commentary that is not supported by a professional viewpoint, or in some cases even supported by facts, are some of the major every day complaints.

Broadcasting Authorities which exist in each territory are ill-equipped to monitor the number of stations and have instead become re-

actionary bodies rather than regulatory. Investigations, sanctions, fines are only conducted and issued if a complaint is received from a member of the public. In the case of Trinidad and Tobago, a privately owned company that records content has to be paid to retrieve offensive content that was broadcast before an investigation can even begin, as the authority is ill-equipped to record and play-back all broadcast content.

Artistes and activists continue to call for more airplay and representation after all this time. Despite a mass of talent in various genres and more recorded content than ever before, one or two stations in each Caribbean country could be said to play 50 per cent or more of local content throughout the year, usually on 5-10 per cent of the radio stations. Most broadcasters showcase local content in a seasonal way and take pride in it. As carnivals and festivals draw near in each territory, radio frequencies turn sharply inwards and spend a few weeks or months a year with certain songs on repeat.

An interactive forum

Talk radio offers a mediated interpersonal communication experience for its audience. It provides listeners with a sense of personal contact and a forum to discuss and to learn about societal issues (Rubin & Step, 2000). The “two-way”, “call in”, or “talk back” format is especially effective because this interactive forum meets specific health, agricultural and educational needs, involve the community and encourage discussion of development issues. (Higgins & Moss, 1982; Jamison & McAnany, 1978; O’Sullivan-Ryan & Kaplun, 1980; White, 1983).

In the regional talk-show arena, when discussing issues of national concern, a shock-jock style of attacking politicians, arguing and rehashing problems rather than discussing solutions seems to permeate regional airwaves. A shock jock is defined as a radio disc jockey who tests the boundaries of language use and good taste (Delta, 2009). Telephone calls are taken from the public, which usually degenerate into a litany of complaints about the performance of govern-

ment officials and agencies. Analytical, informed commentary can only be found on a select few frequencies and the people hosting the discussion are at times affiliated with a political party or have not revealed that they may have a biased viewpoint. Instead, they are viewed as journalists, when in fact, they are citizens with a platform, not meaning to uphold journalistic ethics or practices.

Lule (2012) suggests that radio was crucially involved with the upheavals of globalisation during the twentieth century. The adaptation in the Caribbean of the shock jock personality could be said to be the result of globalisation. Perhaps the adopting of this radio style could be more aptly attributed to Americanisation, a phenomenon described as becoming American in character; to assimilate to the customs and institutions of the United States of America. As the majority of shock-jock personalities are American, this perspective may be closer to the truth.

Corbridge (2000) suggests that some Caribbean nations have been passive victims of Americanisation due to the “forces of cultural imperialism”. The theme is also discussed extensively in the work of novelist, V.S Naipaul’s *Mimic Men* (1967) in which he posits that Trinidad and Tobago’s culture was quickly diluted during the US Army occupation of the Chaguaramas airbase.

The Power of Radio- Basic Skills Manual suggests that, even if not a journalist by training, a good radio host requires “cultural sensitivity and accurate knowledge about an audience from what style of programs listeners prefer to what topics interest them.” The text also suggests that an experienced radio professional should not make listeners feel like just a part of a crowd, or use sexist or patronising language.

Public broadcasting services run by regional governments are seen as being selective in their content and discussion, whether due to instruction or self-censorship. Within the context of a former Prime Minister entering a privately-owned radio station to complain to the announcers and calling for them to be suspended and even fired,

one can appreciate why self-censorship could be an issue among many media outlets in the region.

Constraints on investigative reporting

The small size of Caribbean states has also been blamed for the decline in the quality of journalism and broadcast content. Consider that a journalist or broadcaster may have gone to school with a sitting politician, or is a close or distant cousin of a businessman being investigated. The likelihood that the connections and the loyalty to ties that bind could hamper quality investigations and in-depth reporting is potentially higher due to the small population size of Caribbean states. Media ownership again plays a role here as owners may not want something reported, investigated, or discussed if it could possibly result in adverse effects on the businesses of their friends and relatives or affect another of their own business interests, as people/entities invested in media outlets usually own other businesses or operate as part of a conglomerate.

Other threats to broadcasting have emerged from new technologies, such as the Internet, which has provided the public with more access to content and information as well as the ability to avoid commercials and promote a customised playlist. Large retail stores have taken to creating their own playlists interrupted only by their own advertising played between popular songs to avoid information about a competitor being heard in-store over the radio and also to set the tone for the experience while shopping.

The Internet has also opened up possibilities for anyone to become a content creator. Be it an entire Internet-based radio station, pre-recorded podcasts, features, news, a talk show, drama series or any other variation of audio content, it is being produced in the Caribbean. While the reach of these productions may not match that of live on-air radio available on the FM Band in the Caribbean, the market for them continues to grow. The flexibility of choosing when we listen and watch content has become important, although not at the speed or with the availability of developed states.

Broadcasters in the region are beginning fully to explore the possibilities by recording live content and uploading to online platforms for listeners to access later. Cameras in the studio that show live footage of the DJs and presenters at work have also become commonplace and are particularly popular among the Caribbean Diaspora.

Content creators based online have also been able to transition to work in broadcast, some being recruited by radio stations to be hired as on-air personalities based on their entertaining content and large following on Facebook and Instagram. The concept of being a citizen journalist is also prevalent in the Caribbean, with broadcast

Recent issues of *Media Development*

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media outlets taking news, entertainment and other content directly from online sources.

In other cases, a story originates online and is then investigated further. The instantaneous nature of social media platforms has left some media houses grasping at straws to keep up, while some have successfully broadened their reach by adding content online throughout the day.

Radio remains the most pervasive electronic medium in the English-speaking Caribbean because it is less expensive, less technologically complex, portable and available to satisfy the needs of less literate populations. Unlike visual media, audio does not require one's full attention and can be listened to while performing other tasks, such as commuting, exercising and doing household chores (Ek, 2016). Radio's reach is also consistent among all age groups and both sexes (Arbitron, 2006). With such a persuasive medium, there are definite concerns about the possible negative effects content can have on listeners.

In 1979, Denis McQuail suggested that no matter the location, questions of whether the content which is aired is changing something, preventing something, facilitating something or reinforcing and reaffirming something, should be asked. That question is still relevant today. ■

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Reflections on the telecommunications liberalisation agenda in the Caribbean

Embert Charles

In May 2020, the small states of the Eastern Caribbean – Commonwealth of Dominica, Grenada, St. Kitts and Nevis, St. Lucia and St. Vincent and the Grenadines – will observe the 20th anniversary of the enactment of legislation to liberalise the telecommunications sector. Those countries made it legal for other companies to provide telecommunication services in a competitive environment and set up the institutions to manage the competition. For about 100 years prior to 2000, the British company, Cable and Wireless, had exclusively provided telecommunications services through a monopoly which was protected by legislation.

Between 1998 and 2013, other Caribbean jurisdictions enacted legislation to open their markets and would, therefore, be celebrating as well. The relevant legislation for liberalisation was enacted in Jamaica in 2000, leading to the creation of the Office of Utilities Regulation (OUR). Trinidad and Tobago's government established the Telecommunications Authority of Trinidad and Tobago (TATT) in 2004 following the passing of the Telecommunications Act in 2001. In 2001 in Barbados the Fair Trading Act

was passed, thus creating the Fair Trading Commission, which inter alia, would determine rates and standards of services for telecommunications. The government of Suriname provisionally established the Telecommunications Authority of Suriname (TAS) in 1998. Telecommunications liberalisation was introduced in the Bahamas in 2009 following the passage of the Communications Act (2009) and the regulator's mandate was extended under the Utilities Regulation and Competition Act of 2015, leading to the creation of the Utilities Regulation and Competition Authority (URCA). In Belize the Public Utilities Commission is the independent regulator for telecommunications, with its powers outlined in the Telecommunications Act of 2002. Regulatory bodies were established in the Turks and Caicos Islands in 2004; in the British Virgin Islands in 2006; Bermuda in 2013. The independent regulator was established in Guyana in 2018.

Telecommunications liberalisation was introduced as the central pillar in the reform of the sector in the Caribbean. When the World Bank supported that reform, it envisioned that liberalisation would lead to stimulated macro-economic growth, increased investment and employment and the decrease in prices for services. The key components of the liberalisation agenda focused on the universality of services to all populations i.e. availability, access, affordability and the provision of choice to the consumer and establishing the environment for the introduction of new technologies and services. This approach would be policed by purpose built new institutions. It is generally believed that competition would result in the efficient allocation of the resources for the production and distribution of telecommunications and electronic communications services.

The achievements

The liberalisation of the sector ushered in the convergence of technologies making it possible to deliver many services – voice telephony, data and “broadcasting” using the same infrastructure

and service provider. The widespread usage and application of digital communications today illustrates the achievement of one key goal of liberalisation – the introduction of new technologies.

Another major outcome was the creation of a regulatory space in the English-speaking Caribbean. In a population of about seven million, a group of small separate markets, there are more than 10 regulators. While most of the institutions serve a single state or country, the regulatory authority in the Eastern Caribbean (ECTEL) is unique in many ways. It is a multi-island arrangement where five sovereign states agreed to have a single regulatory system. The regulator was set up to be self-financing and has been operating successfully as a financially sustainable institution for the past two decades. The fees levied on providers in the sector funds a regional advisory body and five national regulatory implementation agencies. The establishment of those regulators highlight the importance that governments have placed on the sector as a key factor in social and economic development.

The telecommunications sector, as a subset of electronic communications, which include broadcasting and information services, provided the technologies for the exchange of information. The basic level of social communications increased by data on voice calling in the early period of liberalisation. While people are perhaps talking more to each other today, they use the Internet (voice over IP for telephony) instead of the telephone networks, hence the data published by the providers will show a decrease in calling minutes.

Table 1: Key telecommunications service indicators in the ECTEL Member States

Indicator	2002	2010	2014	2015	2016	2017
Revenue (EC\$M)	\$538	\$776	\$781	\$780	\$802	\$723
Investment (EC\$M)	\$83	\$101	\$124	\$155	\$104	\$99
Employment	1,162	1,379	938	945	1,006	857
Fixed voice service penetration	33.6%	25.3%	22.7%	22.9%	22.5%	21.6%
Mobile service ¹ penetration	8.8%	125.6%	109%	111.7%	108.6%	107.1%
Fixed broadband penetration	13.7%	13.7%	14.7%	16.6%	19.3%	20.5%
Mobile broadband penetration	n.a	n.a	7.4%	40.2%	44.6%	45.5%
Local voice minutes (millions)	696	1,376	1,092	991	874	756
International voice minutes (millions)	176	137	96	82	83	72

1. Mobile services include voice and messaging. Souce: ECTEL

There have been several achievements in the sector in the Caribbean region over the past 20 years, the primary being the rapid expansion of voice telephone and basic Internet services to the populations. In the case of ECTEL, some of the core indicators of the past five years, however, are already highlighting some reversals. The data are presented below.

Liberalisation of the sector has led to more people speaking to each other more often at the social level. There has been the rise of what can be described as citizen journalism, where social media information is broadcast extensively, and in some cases used by established media houses as sources of information for news packages. During the past five years, service providers in the ECTEL member states have reported reductions in local and international calling minutes on their networks.

The liberalisation has not spawned many local electronic communications companies in the manner envisioned by some leaders. Very few countries can boast of any significant home-grown company owning infrastructure and providing services. Where some local companies were awarded licences during the early years of liberalisation, many have ceased operations due to initial problems of interconnection with larger providers. Others have not survived the competition and some have been absorbed by multinational companies.

The availability of number portability can be viewed as another achievement of liberalisation. Number portability (porting) permits customers to move from one provider to another at no cost and yet retain their subscriber numbers.

Freedom to move was limited at the very early stage in the liberalisation due to price differentiation between services on the same network and across networks. A consumer of company A, wishing to call a family member who is a subscriber of company B, would pay more for

a call than if the family member were using the same network – ‘on-net calling’. In the Caribbean, this situation has resulted in individuals maintaining subscriptions to two different companies to take advantage of the lower prices of on-net calls. Number portability, therefore, is unlikely to have a large uptake. Companies retain customers through a combination of incentives and ‘locking in’ arrangements. Countries (jurisdictions), including the Bahamas, Jamaica, Trinidad and Tobago and the eastern Caribbean countries (ECTEL) have passed legislation that permits subscribers enjoy number portability.

Unresolved issues

While these gains can be noted, the question remains, has the full regulatory agenda been achieved after two decades of liberalisation?

Due to the inefficiencies inherent in managing these small markets in islands where the geographical characteristics present challenges to the rapid and seamless expansion of services, the provision of high-quality service to marginal groups has been slow. Governments have sought to address this problem through the introduction of universal service programmes (USF). However, many USFs are hamstrung by weak legislation and a paradigm in which the service standards and targets continue to lag the growth and expansion of technology available to consumers. Many jurisdictions are yet to redefine basic service to include broadband access at levels which are comparable with other regions in the world.

Notwithstanding the establishment of those regulators, governments in the Caribbean have not taken a very active role in setting targets for infrastructure in the same aggressive manner as other regions of the world, including some northern European and Pacific countries. The service providers in the Caribbean all privately-owned, and in the main, those non-Caribbean multinational corporations, have dictated the pace and nature of technological expansion as well as services in the sector.

The issue of net neutrality is another unresolved issue. National political leaders have

been promoting the provision for unrestricted use of the Internet by consumers. Service providers have argued that third party content providers are riding off their networks for free to get to consumers without any major investment in infrastructure or networks. There is the added concern that these third parties are not subject to the same taxes and obligations like the licenced major service providers. Formalising and legislating zero rating, where restrictions are lifted for development uses, including government services and emergencies, are among the solutions that have been posited. The issue remains unresolved in many jurisdictions, largely because the same companies or their subsidiaries are the service providers across the Caribbean region.

It is somewhat ironic that many of the countries are within sight of each other yet roaming charges apply when subscribers of the same provider move from one island or country to another. Service providers are licensed separately in each jurisdiction and, therefore, each sovereign state is a separate market. High roaming charges have caused consumers to seek creative ways to communicate while escaping those charges, invariably resulting in reduced revenues for the companies and taxes to government.

In 2016, the Caribbean telecommunications Union (CTU), which is the intergovernmental body of policy makers in the telecommunications sector, launched a project to create a single space for ICT in the Caribbean with the following goals: elimination of roaming charges; the management of spectrum resources and protocols to ensure interoperability of systems; and regionally harmonised ICT legal and regulatory systems. Above all, the CTU envisages “an ICT enabled borderless space that fosters economic, social and cultural integration for the betterment of Caribbean citizens”. For this to become a reality, from the citizens’ perspectives, roaming charges must be brought down to zero.

While the regulatory bodies have managed the competitive playing field among the service providers, the legal provisions and structures for the protection and empowerment of

the consumers have been undeveloped and weak. The management of the quality of service has been primarily left to the whim of the providers, oftentimes guided by extant quality of service standards. Consumer affairs divisions of the regulators are comparatively understaffed. In the region, non-governmental protection bodies are also weak and disorganised.

On the other hand, the producers and suppliers of electronic communications services have organised themselves into various bodies for purposes of training, coordination of positions on new legislation, policies and networking. The main body CANTO organises large trade shows and many focused training programmes in the region.

Although the region can claim to have been liberalised, it is important to note that Antigua and Barbuda is yet to amend its legislation to introduce an independent regulator. One major outstanding issue is that the government continues to be actively involved in the ownership and management of a telecommunications company while it regulates the sector through a department of a Ministry. Antigua and Barbuda remains the only country in the Organisation of Eastern Caribbean States which is not part of the independent regulatory Authority, ECTEL. This situation has implications for the introduction of a roaming free regime within the jurisdiction since any policy and legislative recommendations cannot be enforced there. Since 2018, the government was in possession of draft legislation, draft regulations and recommendations on the structure for the independent regulator.

Some of the outstanding matters require radical action. However, one must remember that there were factors which pressed governments into liberalisation. Those included the weight of the decisions of the WTO on telecommunications services, the need to dismantle monopolies and the search for new economic activities to facilitate overall development. While the challenge for development remains, the gains brought about through lower prices of basic services and the introduction of new technologies have stifled

the urgency to introduce new policy and therefore new legislation continues to lag the growth and expansion of services.

In the past five years the cases of anti-competitive behaviour by electronic service providers have increased. In other jurisdictions around the world regulators have been penalising 'Big tech' companies for breaches related to security and privacy of consumer data.

As many jurisdictions in the Caribbean region prepare to celebrate 20 years of liberalisation, a few things have become clear. First, the disruptive nature of the new technology and converged services have manifested themselves in the social, political and economic life of the people. Second, the market is drifting toward duopolies and possibly monopolies in the production and distribution of services. Thirdly, consumers will continue to find creative ways to use the technologies to make challenge the status quo.

Telecommunications liberalisation has changed the landscape in the Caribbean. The pace of expansion of infrastructure may have paved the way for service expansion, but there are many factors that are blocking the road to full digital transformation of the region. Further reflections on the telecommunications and electronic communications landscapes in the Caribbean, however, would highlight the need for focused research on key areas, including access to services, investment and employment and the impact on technologies on the sociocultural and political environments. ■

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Digital surveillance and surveillance capitalism in the Caribbean

Peter Richards

When he spoke at a Caribbean Telecommunication Union (CTU) event marking its 30th anniversary in April 2019, Grenada's Prime Minister, Dr. Keith Mitchell, who has the lead responsibility for Information, Communication and Technology (ICT) within the Caribbean Community (CARICOM) quasi cabinet, was confident that digitalization was going to save the region millions of dollars.

Mitchell said, "In this technological age, there is absolutely no justification for replicating and duplicating efforts in each of our Caribbean islands and expending already scarce resources. If there is one single problem confronting the region, it is that instead of working more together on all issues, we are working in silos. We need to collaborate while building an independent culture for pursuing our own development. We must own the process."

The Eastern Caribbean Central Bank (ECCB), which has seven full members, has already announced plans for a digital currency programme linking central banks globally. However, the ECCB has said that its "digital currency" would be different from the crypto currency – a digital asset designed to work as a medium of exchange that uses strong cryptography to secure financial transactions, control the creation of additional units and verify the transfer of assets.

ECCB Governor, Timothy Antoine, further explains that amid the global thrust towards digitization the idea of a "digital currency" is not "to alienate or exclude anyone" given that "some people [will] still want to continue to use hard physical cash".

But in doing so, the ECCB has warned the people of Antigua and Barbuda, Dominica, Grenada, St. Lucia, St. Vincent and the Grenadines, St. Kitts and Nevis and Montserrat that they would have to consider the high costs associated with continuing to use hard currencies, as well as debit and credit cards.

Cheques are also a popular form of payment, but the ECCB says "what we hope to see by 2025, [is a] 50 per cent reduction in physical cash and an 80 per cent reduction in cheques" and the proposed "digital currency" would provide the new "wallet" for fulfilling that expectation. "Those of us who are now paying our utility bills online do not want to go back to a time when we have to stand in line, unless we want to go to the line for social community engagement," Antoine argues.

Digital promise

The digital revolution began with great promise. And while Caribbean countries may not have been among those early critics who had regarded the so-called Integrated Services Digital Network (ISDN) as "innovations that subscribers did not need", they have come to understand and have sought to benefit from its error-free transmissions of information at far greater speeds than what existed with the ordinary telephone network.

ISDN, which provides the infrastructure to support a far wider range of services, such as video-conferencing and high-speed data transfer, is also improving intra-company communications with some large companies still ensuring that private networks of leased lines lock their most important sites. Today, ISDN allows users based at these remote sites to have the same facilities as those who work at head offices. The outcome is an enhanced level of communications across the

entire company and such a practice exists within many Caribbean-based firms, some of which are also multi-national with headquarters across the Atlantic.

With these developments, privacy has become a real concern. In a March 2017 paper, Professor Shawn Smallman, writing on “Digital Surveillance and Privacy”, recalled a recent discussion with his students at Portland State University in which he had asked if they were more concerned about surveillance by government or by corporations.

“Last year, my students were much more worried about how corporations tracked their activities. This year, however, many of my students say that they are not overly worried about both, but they are also ambivalent. What I realized after reading their posts was that I may have asked the wrong question. It’s not that students are worried about their online activities being tracked. Instead, they are much more concerned about the Internet of Things, and how a hacker might use the camera in their security system to observe them, or a device with a microphone to record their conversations,” he wrote.

Shoshana Zuboff, Professor Emerita at Harvard Business School, also warns in her book “The Age of Surveillance Capitalism” that the continuing advances of the digital revolution can be dazzling and that their lights, bells, and whistles “have made us blind and deaf to the ways high-tech giants exploit our personal data for their own ends”.

In an interview with the *Harvard Gazette*, Zuboff, noted that in 2002, the first generation of e-commerce was preoccupied with tracking cookies and attracting eyeballs for advertising but “as the years rolled on, I understood that this was actually a new variant of capitalism that was taking hold of the digital milieu.

“The opportunities to align supply and demand around the needs of individuals were overtaken by a new economic logic that offered a fast track to monetization,” she said, defining surveillance capitalism as the unilateral claiming of private human experience as free raw material for

translation into behavioural data.

“These data are then computed and packaged as prediction products and sold into behavioural futures markets – business customers with a commercial interest in knowing what we will do now, soon, and later. It was Google that first learned how to capture surplus behavioural data, more than what they needed for services, and used it to compute prediction products that they could sell to their business customers, in this case advertisers,” she argued.

Consumer surveillance is most commonly used for targeted marketing and advertising. Marketers combine demographic information with data about people’s online activities: searches, websites visited, posts and conversations on social media etc. to focus marketing where it is most likely to meet with success. In a more direct monetization, many companies also sell customer data gathered through various surveillance channels to partners and other third parties.

Earlier in 2019, news broke of a record-breaking US\$5 billion fine for various privacy violations imposed by the United States-based Fair Trade Commission on Facebook, another social media platform used by billions globally. The fine, though the biggest in the FTC’s history, represented a mere month of Facebook’s revenue.

Data protection

At home in the Caribbean, Trinidad and Tobago emerged as one of the regional countries embroiled in the Facebook/Cambridge Analytica data scandal in early 2018 when it was revealed that Cambridge Analytica, the British political consulting firm, had harvested the personal data of Trinidadian voters on Facebook profiles without their (voters) consent and used it for political advertising purposes.

In March 2018, the Trinidad and Tobago government said evidence before the United Kingdom House of Commons Committee detailed the project carried out by AIQ as the affiliate company of Cambridge Analytica. Attorney General, Faris Al Rawi, said that the whistleblower admitted in his testimony that he under-

stood that the data acquisition in Trinidad and Tobago was and is illegal and that there was a “total disregard for the law”.

With these concerns in mind, a number of Caribbean governments have piloted various forms of legislation, including data protection and cybercrime bills, while rubbishing suggestions that free expression would be stifled.

The government in Trinidad and Tobago has itself announced its intention to re-introduce the Cybercrime Bill 2015, immediately prompting concerns by the Media Association of Trinidad and Tobago (MATT) about the proposed hefty fines and jail terms for breaches under the draft legislation. In fact, MATT says it remains deeply troubled that the cybercrime bill has retained its potential to criminalize professional journalists working in the public interest:

“While MATT follows the argument that the redrafted Clause 8 of the Cybercrime Bill [2015] introduces layers of proof – intention-ally, without lawful excuse, justification – to be satisfied by a complainant in order to prove that an offence has been committed, we consider these to be low bars to scale and note also that these layers are to be satisfied in the Court. In other words, these ‘protections’ take effect after legal action has been taken and the matters brought before a Court.”

Over in Guyana concerns also abound after President David Granger assented in August 2018 to that country’s contentious cybercrime bill. Under the legislation, it is an offence to intentionally publish, transmit or circulate “by use of a computer system, statements or words, either spoken or written text, video, image, sign, visible representation that-encourages, incites, induces, aids, abets, counsels any person to commit, participate in the commission of, or to conspire with another person to commit any criminal offence against the President or any member of the government.”

However, the government agreed to an amendment based on the concerns raised by the

Paris-based international non-governmental organization, Reporters Without Borders (RFB) that one of the clauses in the legislation could be used to muzzle whistleblowers as well as journalists and media from publishing reports based on information from a confidential source.

“The amendment has resulted in the removal of the provision that may pose an obstacle to the freedom of the press; that is, the criminal aspect of receiving the electronic data. The type of conduct being criminalized has now been revised and is more specific. The types of electronic data to which this clause refers to have also been defined to include commercially sensitive data, a trade secret or data which relates to national security,” Attorney General Basil Williams said.

There is no such amendment in St. Vincent and the Grenadines. In fact, Prime Minister Dr. Ralph Gonsalves has stoutly defended the 2016 Cybercrime Bill saying it was a “regional effort with assistance from consultancies outside of the region” and that discussions had also taken place with local stakeholders.

In a joint statement, 25 organizations, including the Association of Caribbean Media Workers (ACM), the Committee to Protect Journalists (CPJ) and the International Press Institute (IPI), noted that “several provisions of this bill pose a serious threat to freedom of the press, the free flow of online information, and public debate”.

Governance concerns in Jamaica

The same situation is unfolding in Jamaica where the Data Protection Act has been tabled with a view to strengthening citizens’ ability to control the use of their data by third parties. The Press Association of Jamaica (PAJ) has also expressed concern about the proposed National Identification and Registration Act will hinder freedom of expression and freedom of the press. Of specific concern is that under the proposed legislation, agents of the state will be able to take decisions that negatively affect the work of journalists who are already governed by defamation laws.

RFB has also commented on the Jamaica

situation, saying the proposed legislation “does not adequately distinguish gathering ‘data’ for journalistic activities from gathering data for regular commercial purposes”.

The matter has also captured the attention of British-born blogger and social media activist, Emma Lewis, who has been living in Jamaica for nearly 30 years. She notes that several governance concerns are being aired via traditional and social media regarding the legislation. She said early alarm bells sounded with regard to the role of the all-powerful information commissioner who would monitor compliance with the Act, advise the minister and serve as the arbitrator in disputes.

“The commissioner would also appoint an ‘independent’ data protection officer. Media stakeholders were generally uncomfortable with the scope of the commissioner’s reach, as well as the role of the technology minister when it comes to freedom of the press,” she wrote in the Netherlands-based *Global Voices* in June 2018.

Fast forward to May 2019 as Jamaica’s Technology Minister, Fayval Williams, defended the proposed legislation, telling a Global Digital Marketing Summit that stronger statutes were urgently needed to protect the country as the use of technology increases. She said that with more businesses using technology to achieve growth and development, the Data Protection Bill was essential to ensuring that the digital space was not being utilized in a nefarious way.

Williams argued that while technology has improved the ease of doing business on the island, it has made Jamaicans vulnerable to cyber threats, which necessitated an Information and Communications Technology Act to provide the ICT sector with an a legislative and regulatory framework to address emerging issues around competitiveness and consumer protection.

In the meantime, the Organization of Eastern Caribbean States (OECS), as part of the full package of e-government laws, is considering a Data Protection Bill aimed at ensuring that personal information in the custody or control of an organization, whether public or private, shall not

be disclosed, processed or used other than the purpose for which it was collected, except with the consent of the individual and where exemptions are clearly defined.

“Just as electronic transactions has been taking place for several years in [member states] and, without the legal frameworks setting out default provisions and protections, so too large amounts of personal data is being collected, by the private sector and government.

“The practice of holding or using personal data is certainly not new, but when this is combined with current technology, including electronic and online transactions, it has become very easy to collect and store vast amounts of personal information. Government is undoubtedly the largest custodian of personal information. The private sector, including financial and medical institutions, is also custodian of a large amount of personal information,” the OECS noted.

For its part, the ACM has noted “with concern” continuing efforts by some countries to address legitimate issues associated with harmful online content through legislation that, in its view, “tramples on important principles associated with freedom of expression and freedom of the press”.

“There has obviously been much concern about the new challenges offered by online communication in the Caribbean and, indeed, much undue haste in addressing them. In some instances (defamation for example), offences are already covered under existing legislation and the opportunity now appears to be offered to impose greater stringency to its application,” the regional media grouping said.

While not disputing the need for greater levels of accountability and care on the part of communicators using social media in particular, practitioners are agreed that draconian and disproportionately punitive measures are likely to cause more harm than good. ■

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From smoke signals to algorithms: The evolution of media in the Caribbean

Amitabh Sharma

It all began with the smoke signals. And one might ask, why begin with this example? As efficient, accurate and reliable this mode of communication was, and is too wherever it is still practiced, we would use it as an analogy for the current scenario in the media landscape.

Smoke signals are one of the earliest methods of communication known to humans – simplistic in design and effective in delivery. From the Great Wall of China to the Greek Empire, where historian Polybius created a system where the signals were visual representations of the alphabet – this might be the inception of text messaging as we know it today.

We might also remember, the newspaper being the essential brew every morning, one had to catch up with the news and happenings, looking forward to sharing sections. News, Sports, and Entertainment were pulled out and read intently by each family member and savoured for their content. It was content sharing 101 and discussions followed.

Fast forward to the 21st Century, the Great Wall of China still stands tall, while the glory of the Greek Empire is told in carvings of the pillars in the ruins that stand in Athens and other cities across the country.

The smoke signals might find their place in the yellowing pages of history, long gone and

forgotten, and now replaced by the touch screen devices that bring information to the palms of one's hand.

More so, the rapid advances in Information Communication Technology (ICT) has changed the face of communication, especially news gathering and dissemination; add to that the advent of the social media, which has been a game changer. It is the age of real-time, tailored and customised, interactive and personal news platforms, though in their early to late teens these social media platforms are the driving force behind the new age news and information consumption.

Young media

One might also see it as “youthful exuberance”. Come to think of it, Twitter was launched in 2006, Facebook 2004, Instagram has not even reached its 10th Birthday, having been launched in 2010, but it is estimated that over three billion people access and consume information and news through those platforms combined, that is almost half of humanity right there.

The Caribbean is also in the thick of the race of this digital superhighway – and the changes in the media and communication space are quite evident. As much as the social media platforms allow the ease and freedom to access information, there are the flip sides to this ‘freedom’ of one's expressions. There is no or minimal controls or checks for verification, authenticity and credibility and factuality of the distribution and sharing of news and information. The phrase ‘fake news’ has become as common as the cup of morning coffee.

The problem herein is that the creators and those who share some content, are unregulated, which has given room for sharing in a public forum, personal vendetta, slander, and bias. But the bigger problem is the gullibility of the audience, who often, with impunity, takes such information as authenticated and factual, and share it in their networks, creating a web of deceit and instigating adverse and violent behaviour.

In an article “The Science of Fake News”, David Lazer describes the rise of fake news as

the “erosion of long-standing institutional bulwarks against misinformation in the Internet age”. He further says that the concerns over the problem are global.

“However, much remains unknown regarding the vulnerabilities of individuals, institutions, and society to manipulations by malicious actors,” he says, adding that a new system of safeguards is needed. (Lazer, David M. J.; et al. *Science*, March 2018. DOI: 10.1126/science.aao2998)

One can see, unfortunately, by the minute, posts that sometimes overshoot any iota of decency, common sense, or consideration for others. Those types of posts range from photographs and videos of road accidents, minors, altercations to hate speeches, religious overtones, political rants, conspiracy theories, explicit content and image. The impunity with which those posts are shared is scary and mindboggling.

Here, we need to understand that the online media, particularly the social media platforms, are a product of complex algorithms, binary codes and plethora of software and analytics that map the preferences, usage, perceptions and even moods of the users to ‘recommend’ content for them. For an average ‘non techie’ person, it is quite difficult to fathom why certain ‘paid or sponsored content’ or ‘recommendations’ pop up even when they are browsing non-social media websites.

Vulnerable to data breach

What’s more concerning is that social media companies are employing Artificial Intelligence (AI) to track, map and determine the preferences, moods and content consumption patterns of the end users, which has led to multiple instances of exposure of personal data of the users, Facebook, since 2005, has reported numerous breaches and hacks exposing personal information of its subscribers.

“Over the past 13 years Facebook has become a victim of its own success,” an article in Panda Security said. “With access to the personal data belonging to more than two billion people, the social network is a natural target for hack-

ers and cyber criminals, but a relaxed attitude to security and privacy has only made it easier for malicious activity to thrive.”

The problem of misinformation is not restricted to individuals alone, there are institution-driven content which is also trying to change perceptions of the people. In an article by Brian Weeks titled “Emotions, Partisanship, and Misperceptions: How Anger and Anxiety Moderate the Effect of Partisan Bias on Susceptibility to Political Misinformation”, he writes, “Citizens are frequently misinformed about political issues and candidates but the circumstances under which inaccurate beliefs emerge are not fully understood.”

Weeks further said that the experimental study he conducted, demonstrated that the independent experience of two emotions, anger and anxiety, in part determines whether citizens consider misinformation in a partisan or open-minded fashion.

“Anger encourages partisan, motivated evaluation of uncorrected misinformation that results in beliefs consistent with the supported political party, while anxiety at times promotes initial beliefs based less on partisanship and more on the information environment,” Weeks wrote. He adds that “However, exposure to corrections improves belief accuracy, regardless of emotion or partisanship. The results indicate that the unique experience of anger and anxiety can affect the accuracy of political beliefs by strengthening or attenuating the influence of partisanship.” (Weeks, Brian E., *Journal of Communication*, 2015. doi: 10.1111/jcom.12164.)

The 2016 United States Presidential election is one prime example of the political hegemony that, to a major extent, managed to sway perceptions of the voters.

The smoke signals just transformed into smoke screens, on a grand scale.

An article in *The Washington Post* by Kevin Curry published in 2016, quoted Pew Research Center survey conducted in January 2016, in which 35 per cent of respondents between ages 18 and 29 said that social media was the “most

helpful” source of information about the presidential campaign.

For those aged 30 to 49, social media ranked third, behind cable TV and news websites.

“Of course,” Curry wrote. “Much of the news on Facebook and Twitter comes from traditional news outlets such as CNN and the New York Times.”

It is evident that the younger population finds social media especially useful, “in part because they can follow news recommended by people in their social networks,” Curry wrote, adding that a study by Eschelon Insights and Hart Research on behalf of BuzzFeed found that adults ages 18 to 49 trust news and political information shared from friends more than news delivered from other sources. Yet not surprisingly, social media is less popular among voters 50 and older, according to the Pew survey.

Older Americans still depend primarily on television and other traditional news outlets to learn about elections. The outcomes of the US Presidential elections have been under the scanner since 2016, which is a totally different point of discussion.

Misinformation beyond news

The increasing instances of misinformation extend beyond the traditional news items – there is a whole new ‘clan’ of “Do It Yourself specialists”, trying without impunity to force anything from losing weight, toned abs, and fruits and vegetables that are ‘sure shot’ cures.

Self help medications, from turmeric to magnesium, salads and keto diets, burning fat at the rate of speed of light and everything in between, there seems to be no dearth of individuals and groups trying to force their ‘magical’ concoctions down people’s throats. But then the harms would outweigh the benefits at any given time.

As much we are sceptical about the credibility of the content that is populating and being shared on social media platforms, all is not mired in negativity. The real time information dissemination has done a world of good for both

content creators and the end consumers.

Studies estimate that nearly 64.5 per cent of people in the United States alone receive breaking news from Facebook, Twitter, YouTube, Snapchat and Instagram, instead of traditional media.

The real time transmission of information has its benefits. One can learn of severe weather patterns and occurrences and be prepared in advance. The social media platforms are used to expand the reach of education to a wider audience. Initiatives such as Khan Academy, with its base in the United States of America, have been formidable in giving access to free and quality education across the world.

Given that social media are still evolving, the freedom of expression accorded by the online platforms, has opened a universe of possibilities for the users.

But is self-publishing and social media everything negative? The answer to this question is simple. It is not, but users need to exercise judgment, vigilance, and commonsense when they decide to venture on those public platforms.

News is happening by the second right now, the story that is reported and posted on the World Wide Web has a short shelf life. What has happened today is forgotten tomorrow, or for that matter what happened this morning is overshadowed by what happens in the afternoon.

We have so much information on our hands, which is a good thing in many ways, as it gives us the power to pick, choose and refuse. The critical thing is to always check the sources from where this news is originating and not be swayed by the sensational headlines. There is more to content than the 280 characters that Twitter allows

Smoke signals had limited “characters” too, but they were regulated, monitored and authenticated from start to finish. Perhaps we may take a cue from there. ■

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Personal privacy and regulation in the age of big data: The Jamaican perspective

Mark Beckford and Keresha Arnold

With the rise of what author Shoshana Zuboff calls “surveillance capitalism” in her book, The Age of Surveillance Capitalism: The fight for the future at the new frontier of power, consumer data is continuously being monitored, collected and commodified to drive capital accumulation and create immense wealth and imperious power for capitalist institutions. Oftentimes, consumers are unaware of how, when, where and by whom their data are being used.

Online data, and the frequency with which it is shared, has exploded in recent years, with people sending emails, watching videos, and sharing almost every detail of their lives on social media. Data is created every time an Internet user engages in that behaviour, providing reams of information that is unique to that individual; information that online entities or governments may access and use.

With greater understanding of this disquieting byproduct of digitisation, it is important to seriously question what policies or laws have been instituted to protect Jamaican citizens from the exploitation of their private data by profit-driven entities. To this end, this article explores digital data privacy and protection laws in the global space, oversight and regulatory mech-

anisms in Jamaica, and the Caribbean broadly; and highlights why the protection of citizens' data (and by extension privacy) should be a concern for every Jamaican and an urgent priority for the government.

Recent statistics show that there are over 4 billion Internet users in the world.. According to Internet Live Stats, 77,431GB of Internet data is used every second globally so far this year. The Caribbean is a noteworthy consumer of digital technologies and an active participant in this evolving digital marketplace, continuously engaging in this accumulation and surveillance as a result of the high rates of Internet and mobile penetration.

History of government regulation in Jamaica and the Caribbean

Jamaica's path to regulating digital technologies has been long, beginning since colonisation and continuing as the country transitioned from British colony to independent state, while weathering transformations in the development of information and communication technologies (ICT) globally. For decades, successive governments have always attempted to regulate communication via telegraphy, electronic radio, broadcast, satellite and cable television through the introduction of ICT policies. Throughout Jamaica's evolutionary regulatory attempts, the ICT sector has been monitored by several key legal frameworks, namely: the Post Office Act (1941), Broadcasting and Radio Re-Diffusion Act (1944), Radio and Telegraph Control Act (1973), Fair Competition Act (1993), Office of Utilities Regulation Act (1995), Telecommunications Act (2000), Consumer Protection Act (2005) and the Electronics Transactions Act (2006) and (2011).

While charting the historical imperial foundations of Caribbean media, Dunn (2014) noted that during the 19th and early 20th century, pre-independence Jamaica's communication technologies were developed and regulated by Britain. In the early 19th century, the telegram emerged as a means of communication

and was used to establish and reinforce British technological imperialism and power in its colonies, while wireless technologies emerged in the early 20th century and were seen as a means to facilitate communication, but also teach, the largely Black population in the colonies, a 'culture of Britishness' (Dunn, 2014).

As a result, early communication technologies during this period were monitored and regulated by Britain and were used mainly to facilitate the transfer of information between its colonies and dominions. The main users of these technologies, therefore, were commercial and government interests - that is, political, military and business elites. Post-independence, regionally-owned telecommunication services emerged that were primarily regulated by governments, such as the Caribbean News Agency (CANA) in Barbados, and Radio Jamaica Rediffusion in Jamaica in the 1970s. Also, the creation of the Caribbean Telecommunications Union (CTU) by regional governments in the late 1980s, was intended to regulate telecommunications in the region (Brown, 1995).

Since that time, Jamaica's telecommunications history has evolved significantly. However, it was not until the early 2000s, with the liberalisation of the local telecommunications market, that Jamaicans became even more connected to the global space. As a result, government regulation of mobile telephony began to emerge as telecoms companies had increasing access to customers' data, amid concerns about how they were sharing mobile numbers and information. With the emergence of broadband technology, there were concerns in the mid 2000s about the implications for the volume of data that can be communicated (Dunn, 2010); but there was seemingly little consideration about how to prevent the direct exploitation of that data.

In the mid 2000s as "citizen media" such as blogging and social networking emerged, there were concerns that traditional regulatory approaches could not be appropriately applied to these media, especially as it relates to the quality of the content being shared, but importantly, as it

relates to "privacy, cybersecurity and intellectual property" (Dunn, 2010). The Telecommunications Act was introduced in 2000 and liberalised the industry, legislating competition as it relates to voice and data service provision. The Act's objective was to regulate telegraphy, telephony and other communication means, promote fair and open service provision, as well as promote universal access to telecommunications and protect the interest of citizens (2000).

Current data and privacy regulation

With the current proliferation of data related to online usage, it introduces to the stakeholders involved the issue of data privacy for users, as well as the protection of that data by both public and private entities. Governments worldwide have responded to this spate of online sharing by regulating data and how it can be utilised within and outside of its borders. Twenty-eight years after the public was granted access to the Internet, 58 per cent of countries on the planet have legislation that address data protection and privacy in one form or the other (Data Protection and Privacy Legislation Worldwide, 2019).

Despite the majority of countries globally having some legislation, there are 21 per cent of countries with no legislation, 12 per cent with no data about legislation and 10 per cent with draft legislation (Data Protection and Privacy Legislation Worldwide, 2019). Jamaica falls within the list of countries with draft legislation. In this regard regionally, Jamaica is not out of step with its fellow full members of the Caribbean Community (Caricom), with only 40 per cent of the Caribbean nations in the body having data privacy or protection laws.

Mirroring the growth of the world's Internet population, over half of Jamaica's 2.9 million population has access to the Internet, with 1,581,100 Internet users as at December 2018 (The Caribbean Internet Usage Stats by Country, 2019). The presence of draft legislation is a positive step with regard to the protection of the data of Jamaican citizens and residents, creating a framework that will guide how compan-

ies operate, thus growing the industry. The draft legislation, the Data Protection Act, 2017 was introduced on October 10, 2017 and is currently before a special committee of the Jamaican parliament. The government is aiming to pass the law by the end of the year (Scott, 2019).

While the bill has not yet been voted on by the Jamaican parliament and there are no certainties that the final version will look like what currently exists, The Data Protection Act, 2017 offers several levels of protection and mechanisms that are found in other similar legislations around the world. Indeed, in 2013, the International Telecommunications Union based in Geneva, Switzerland, released a document called Privacy and Data Protection: Model Policy Guidelines & Legislative Texts, which focused on the harmonisation of ICT policies, legislation and regulatory procedures in the Caribbean. This document grew out of two workshops in the Caribbean in 2010, which included participation from both the public and private sectors of several Caricom member countries (2013). Jamaica's draft Act has some of the recommendations from this document in relation to data protection, a legal framework, as well as rules for the role of the data controller.

The 114-page draft Act is comprehensive in outlining how the personal data of any resident of Jamaica should be collected, accessed, stored, processed and disposed of. It also includes requirements that both private and public sector players in the industry have to abide by in the processing of said data. The Act defines several players in the provision, control and oversight of data in Jamaica. The roles defined are data controller (a company/entity that provides services), data protection officer (established by the data controller to monitor complaints. Even if the company is based outside the shores of Jamaica, it has to establish one), the data subject (a resident or entity who produces data by using these services), and an Information Commissioner, who is an independent monitor who oversees compliance and regulation. The Act is only applicable if the data controller is established in Jamaica or is

in any place where Jamaican law applies by virtue of international public law.

Similar to other major data protection laws such as the EU General Data Protection Regulation (GDPR), which came into effect May 25, 2018 and is regarded as one of the strongest data protection laws in the world, the draft of Jamaica's data protection Act has strong safeguards for individuals, as well as establishing guidelines for how companies can use data.

For example, the draft of the Act stipulates that individuals have the right to request, free of charge, access to the data that a data controller has collected on them and the data controller has to respond within 30 days. The bill also requires data controllers to give individuals consent to have their information used. The Act established eight standards for data controllers in how they are to process the data of data subjects. They include that the data be processed lawfully, should not be used for any other purpose other than what it was collected for, be kept up-to-date, not be used for a period longer than it should be used, and be protected with the appropriate technical tools, among others.

If passed, the Act will require data controllers to do annual audits of their data processing systems, report data breaches to the Information Commissioner, and compensate data subjects if there is a violation of the Act in relation to their data. The Data controllers are also subject to various fines ranging from “\$500,000 JMD to 10% of annual gross corporate income, and imprisonment ranging from 2 to 10 years, for offenses including failure to comply with an enforcement notice and unlawfully obtaining or disclosing personal data” (Forbes, McNicholas, Paster, & Remy, 2018).

There are some exemptions for data processing included in the proposed law with regard to national security and the publication of journalistic, literary or artistic material.

Conclusion and recommendations

Big data is big business and Jamaica's recognition of the importance of regulating and protecting

consumer data is laudable, and points to the country's responsiveness to changes in the global digital and technological space. The introduction of the draft Data Protection Act, 2017 is undoubtedly a step in the right direction. From as early as the mid to late 2000s, Jamaica has been setting the stage for the introduction of regulatory legislation that will position the country to be on par with its regional counterparts and more developed countries around the world.

The draft Act has the potential to safeguard user data and protect citizens' privacy from capitalist exploitation. To achieve this goal, there are some key considerations:

- * There is the need for public education about the law to ensure that citizens are aware of expectations under the law. The public should also be sensitised about the value of their data in today's society and the implications of unrestricted access to their personal information and what their rights are under the impending law.
- * The GDPR law that is applicable in Europe, has a provision where data subjects have the right to have their information forgotten. While there is a provision for when the data controller should dispose of a data subject's information in Jamaica's draft Act, there is no specific provision that allows data subjects to force the data controller to erase their information. This takes away autonomy from the data subject over their own information, and should be a serious consideration for inclusion in the Act.
- * The latest draft of the Act states that in the area of national security, certain provisions would be suspended or not apply. While all governments include these exemptions when making bills, this should not be an excuse for the government to abuse the private data of its citizens and residents, especially in an age of widespread government surveillance. ■

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Reporting femicide: A failure of Latin American journalism

Antonio Castillo

“We do not die, they kill us”. This has become a powerful statement that is forcing Latin American media to be more accurate and intellectually able when reporting femicide, writes the author of the following article.

On December 19, 2005 Claudia Neira survived a frustrated femicide and became witness to the murder of her six year old daughter Javiera. The perpetrator was Alfredo Cabrera, former partner of Claudia and Javiera’s father. The case left the whole country, Chile, shaken to its core and local journalists wondering how to write accurately about femicide.

It was in 1976 when the South African born activist and feminist writer Diana Russell used for the first time the word “femicide”. It was in Brussels, Belgium, when she addressed about 2,000 women who attended the first International Tribunal on Crimes Against Women. She defined femicide as “a hate killing of females perpetrated by males” (Russell, 2011). Russell’s term sought to find an alternative to the gender loaded, but evidently neutral term of “homicide”.

Marcela Lagarde, a Mexican anthropologist and feminist activist, translated and began using the Spanish version of Russell’s term – “feminicidio” – after the notorious cases of female killing in Mexico’s Ciudad Juarez were reported in 1993. The term soon spread through Latin America,

a region with an appalling record of violence against women.

Femicide and journalism

In Latin America, femicide is the most dramatic expression of gender inequality. In this region to be a woman or a girl is highly dangerous. Latin America has the highest rate of sexual violence against women in the world, according to a United Nations Development Program Report. The Economic Commission for Latin America and the Caribbean (ECLAC) reported in 2016 that a woman is killed every two hours in the region because of her gender.

In the light of this appalling reality, “violence against women was finally put on the news agenda of the media,” Chilean journalist Paula Comandari told me. Comandari remembers well the 2005 frustrated femicide against Claudia and the murder of her daughter Javiera. It was widely reported in the Chilean media. However, the way it was reported was disappointing. It was reported largely as a “parricide”, as a “crime of passion” and as the tragic result of the “marital troubles” – the media reported – the couple had been experiencing.

The story of Claudia Neira and her daughter Javiera soon reached the media in neighbouring countries. The news narrative pattern was similarly disappointing. Uruguay’s digital news La Red 21, just to cite one example, described the crime as an act committed by a man “out of his senses” and driven by his “unfathomable passion”.

In Chile, an average of 40 women are killed at the hands of men every year. “The journalistic treatment of this type of crime in Chile is dreadful,” Chilean writer Fanny Campos told me. “Journalists trivialize these deaths.” And it is a journalistic approach, she said, that “contributes to reproducing the patriarchal system.” Campos is the author of the book *Ruleta Rosa* (Rose Roulette).

Published in 2019, the book is a poetic account of the 45 cases of feminicide occurred in Chile in 2015. It was “one of the most painful years” in terms of violence against women Cam-

pos said. While researching her book Campos “realized that directly or indirectly journalism tends to attribute blame to the victims themselves” by mentioning, for example, that it would have been unfaithfulness or that the murderer was the victim of a passionate outburst. Although Chile has the lowest rate of femicide in Latin America, the country presents alarming figures that, far from diminishing, have remained constant and have even increased in recent years. In 2018, there were 42 femicides in the country.

Over recent decades the role of the media in the production and reproduction of stereotypes of gender and, in particular, gender-based violence has been the subject of study and concern for feminist scholars (Mattelart, 2003). The importance of the communication media in the promotion of women’s human rights, on the other hand, was placed early on the agenda of the United Nations – at the Beijing World Women’s Conference in 1995.

In Chile, Claudia Lagos, Chilean journalist and academic, conducted one of the leading studies into femicide and the media (2008). She is the author of the 2008 paper “Femicide according to the Chilean press: another form of violence against women”. In the study, Lagos warned that while femicide burst into the Chilean news agenda it has been badly reported. Femicide, she said, is badly covered by a lack of specialization and understanding of the social problem behind these acts of violence.

Stories about violence against women usually lack depth – she wrote – and the coverage was restricted to mere descriptions. Femicide, she argued, was sensationalist, classist and there was an overemphasis on the dramatic angle. As Lagos points out, the portrayal of femicide as an inevitable drama or tragedy attributed to alcohol or drugs drives the reproduction of stereotypes and also shows the lack of specialized sources.

Blunders in the preparation of news on violence against women in the Chilean press are frequent, according to Lagos. Differentiation of the victims according to their social status and academic formation, sensationalist narrations,

errors in writing the names of the protagonists, omission of information, justifying the aggressor with psychiatric pathologies, portraying femicide as an inevitable drama or tragedy, portraying femicide as an act caused by men’s “passion” – or attributing it to alcohol or drugs. What this does, as Lagos argues, is to reproduce stereotypes.

Misogynistic journalistic narratives

For Chilean journalist Andrea Arístegui the journalistic language used to narrate cases of femicide was the most troubling problem. Arístegui points out that certain behaviours by men in terms of violence against women tend to be normalized. At the same time, she said, the figure of women is caricatured.

To achieve accurate language when reporting violence against women became one of the tasks of Javiera Olivares, the former president of Chile’s Journalism College. During her tenure as head of the College, Olivares had to deal with one of the most dismal femicide headlines published in the last few years.

On March 10, 2016, the Chilean tabloid newspaper *La Cuarta* (The Fourth) published a femicide story with the following headline: “Love and jealousy killed her”. It was the story of Yuliana Aguirre Acevedo, a young Colombian woman, who was murdered and dismembered on March 9, 2016 by her partner, Edwin Vásquez.

The implication of the headline and the way the story was reported attracted the ire of feminist organisations and their supporters. Fanny Valladares, a Chilean feminist activist, hit the nail on the head when she said that newspaper coverage took away the man’s responsibility and blamed the woman for the crime.

In the context of *La Cuarta*’s headlines, Olivares, the former president of Chile’s Journalism College said, “Again we reject this type of publication and insist on the urgency of regulating contents that attack the basic rights of people and fail to fulfil the social role of responsible journalism that contributes to the strengthening of democracy.”

In his book “How to report on sexist vio-

lence” – published in 2016 – Spanish journalist and academic Jose Maria Calleja provides a conclusive assessment of the journalistic treatment of violence against women. He said that the media in general do not treat femicide as a serious social problem. “The murders of women by men with whom they have a link are not treated in proportion to their seriousness in the media,” he wrote (2016). “Choosing the right words, the images that best inform, offering testimonies from experts, avoiding the morbid, not treating macho crimes as if they were events, is the job of journalists,” he said.

One of the criticisms that both the author and feminist groups make of the media is the informative treatment of sexist murders, especially in the headlines. It is common to see in the Latin American media headlines where journalists write that women “simply died” or “died at the hands of their husbands” when the reality is that “their husbands killed them”. Frequently Latin American journalists fail to understand that women do not fall from the fourth floor, they don’t die suddenly or they don’t die from stab-bings. They are killed.

Alternative narratives

In the light of the seemingly unstoppable and ever increasing cases of femicide in the region, numerous media projects and a network of journalists with a gender perspective have been established. Norma Loto is a journalist and correspondent for the Women’s News Service of Latin America (SEMIac) and member of the International Network of Journalists with a Gender Perspective in Argentina.

One of the key tasks of the network is to deal with the “vocabulary that is used in the press’ when it comes to reporting fundamental aspects closely associated with women’s rights.” Loto cites, as an example, the word used to report abortion – a major women’s demand in a region where it is legalised in only four out of the 33 Latin American and Caribbean countries. The Women’s News Service of Latin America, Loto said, recommends using concepts such as “safe

abortion or termination of pregnancy”.

Distintas Latitudes (Different Latitudes), a Latin American based news media digital platform, has identified the existent of at least 30 “feminist media” platforms in the region. One of these publications is “Estereotipas” (Stereotypes). Its co-director and co-founder is Catalina Ruiz-Navarro. A journalist, Ruiz-Navarro thinks that the “regional media have failed properly to cover the issues of gender violence suffered by millions of women and girls in Latin America.” She is concerned that “the tone of much of the current coverage of such violence is sensationalistic.” She argues that the mainstream and commercial media have “served to normalise gender violence”.

Journalist Patricia Orozco, from Nicaragua’s radio station “Onda Local” (Local Wave) describes gender violence as a “social problem”. And journalists, she said, “have to be on the side of women and not on the side of power”. For Orozco the “side of power” is the patriarchal nature of Latin America society. In stories about femicide, she points out, women are “a source of information” and not “simply a victim”.

In this process of media’s construction of women as powerless victims they are “reduced to objects,” said Francisca Quiroga, a University of Chile political scientist and director of “El Desconcierto” (The Perplexity). “El Desconcierto” is a Chilean digital media platform that – since its foundation in 2011 – has published a series of articles based on promoting women’s rights.

Impunity for crimes against women

According to Mexico’s National institute of Statistics and Geography, on average five women a day were killed in the country between 2000 and 2015. And according to Mexico’s Attorney General’s Office between 2016 and 2018 the City of Mexico witnessed the murder of 134 women.

Samantha Páez Guzmán is a Mexican journalist. “On the issue of violence against women, authorities often minimize cases of aggression,” she said. She argues Mexico lacks a journalism that takes seriously violence against women. In



Photo: CIDE Derecho en Acción, México.

many cases the media construct violence against women as “isolated cases” perpetrated by the actions of machismo.

Far from been “isolated cases”, violence against women in Mexico, and in Latin America, has a pattern and behind this, a behaviour. Páez Guzmán has been exploring the use of data journalism to find “certain patterns and certain behaviours” behind femicide. Data journalism, she said, is able to “profile” perpetrators and shed light on why femicide occurs. Using data, Páez Guzmán said, allows journalists to go beyond the statements and information issued from authorities and it serves to avoid commonplaces and prejudices.

In Peru, studies about femicide and the media show that violence against women is approached with sexist prejudices and subjective evaluations. They tend to decontextualize the news; putting the attention on the true problem of domination exercised by men against women.

Natalia Sánchez is a Peruvian journalist who exposed the scandalous forced sterilisation of indigenous Peruvian women under the 1990-2000 regime of Alfredo Fujimori. “It is one of the largest and most systematic crimes against Peruvian women,” she said. “There are approximately 300,000 women who were sterilized against their will.” This is a story, she said, of “impunity”.

Impunity for crimes against women has

been one of the driving forces behind the work of the Association of Social Communicators Calandria, a Peruvian civil society organization founded in the city of Lima on May 10, 1983. For this organization, the media do not have a clear stance against the violation of women’s rights. And for the most part – as this Peruvian association says – they do not show that they disagree or do not raise a critical opinion that contributes to building a culture of rejection of violence against women.

The problem behind the lack of critical actions to deal with femicide in Peru is due in part – according to a study by the Centre for Peruvian Women’s Flora Tristán – to the exacerbation in the media of stereotyped views about women, and the sensationalist coverage of the violence they suffered. The study points out that the newspapers analysed showed a pejorative language that tends to tolerate gender violence.

While it is not enough, Peru has made substantial progress on how to improve the reporting of femicide. Until a decade ago, it was common to see in the Peruvian press headlines such as “I killed her for infidelity” or “she rejected me and I killed her”. In 2017 the Peruvian Ministry of Women and Vulnerable Populations published a guide for journalists: “How to address news of violence against women?”

The guide points out that “violence against

women is an attack on human rights”. It also said that “attributing this to jealousy, to outbursts of anger, to crimes of passion, to sentimental drama, to low instincts” was a way to hide the main causes of problem: domination, discrimination and machismo. The guide recommends covering the story “without blaming the victim, or justifying the aggressor”. The guide also emphasises avoiding phrases and adjectives that “encourage morbidity, such as: bathed in blood, stabbed, graceful young lady (for sexual abuse), the aggressor gave free rein to his low passions”.

Despite some positive action taken – such as in Peru – to improve the news coverage of violence, the problem persists due to a discourse that sustains the idea that the submission of women is natural. This idea is very much part of the daily representation of women in the news narrative of Latin American journalism argues Professor Aimée Vega Montiel.

Montiel is an academic at Mexico’s UNAM University. Media representation of gender is one of her areas of research. She points out that this news construction keeps relegating “women to traditional roles which emphasize their supposed vulnerability, their submission and ascription to the domestic space, or represent them as sexual objects or as consumer groups” (2014: 15).

In a study on Mexican media and violence against women, Montiel points out, “In the case of news that deals with gender violence, coverage tends to sensationalism and drama. Basically, women are represented in two ways: as victims and without the power to trace their experience, or as provocative to the violence of which they are object” (2014: 19). Most articles, she said, tend to excuse the aggressor with phrases such as “I was obsessed”, “I was in love”, “I was under the influence of drugs”. The underlying reason for the aggressors’ action is the unequal distribution of power that exists between men and women.

Conclusion

The reporting of femicide in Latin America is still “a pending task”. It is a task that calls journalists to treat femicide as a social and political

problem, and in addition to treat it as a human rights violation against women and young girls. The Latin American media, in general, tend to present violence against women as an individual problem or a problem the couple is experiencing. These approaches maintain a disconnection between femicide as a broader social problem in the region.

Most research done on this problem shows that Latin American journalism persistently represents cases of gender violence from a merely “informative” perspective, with little contextualization and with an excessive use of adjectives that only seek to over dramatize the crime. At least 2,795 women were murdered in 2017 because of their gender in 23 countries of Latin America and the Caribbean, according to official data compiled by the Gender Equality Observatory for Latin America and the Caribbean (GEO) of the Economic Commission for Latin America and the Caribbean (ECLAC).

It is in this disturbing context that Latin American women are reminding local journalists: “We do not die, they kill us”. This has become a powerful statement that is forcing Latin American media to be more accurate and intellectually able when reporting femicide. ■

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Antonio Castillo, PhD, is a Latin American journalist and a senior journalism academic at RMIT University, in Melbourne, Australia. Antonio’s research includes political journalism; journalism and activism; and narrative journalism.

In memoriam Antonio Pasquali (1929-2019)

A tribute to the distinguished philosopher, academic and researcher, whose work underpinned much of WACC's own thinking in regard to communication rights and social justice.

The following text is reprinted from the [web site](#) of the International Association for Media and Communication Research (IAMCR).

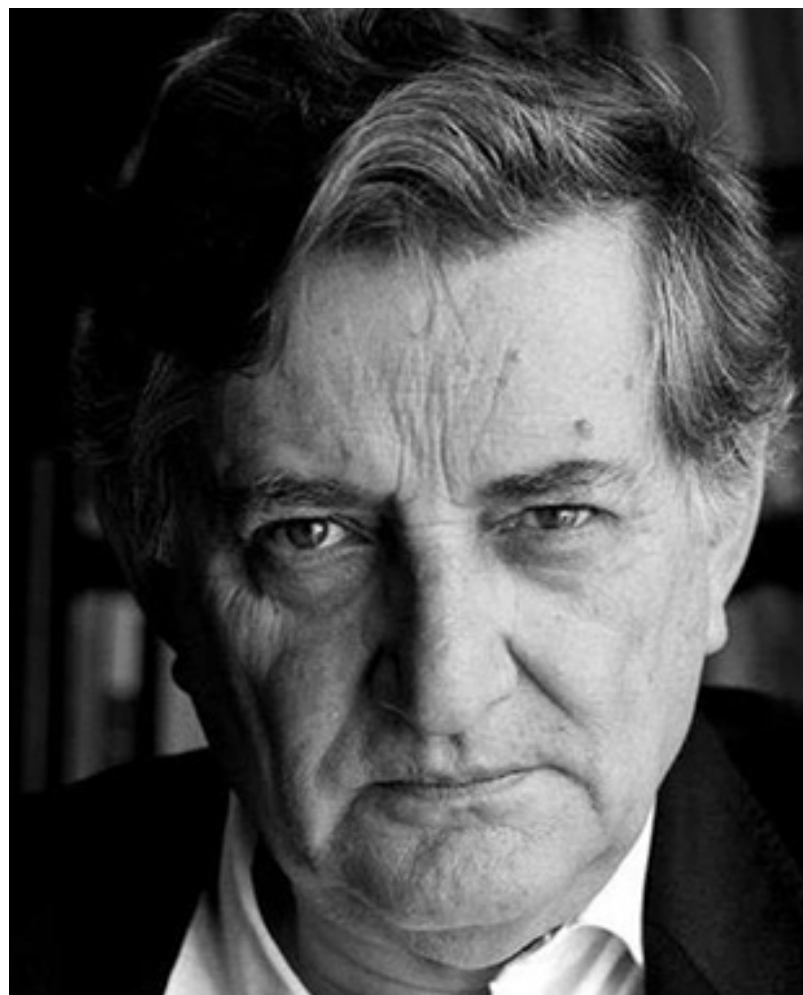
“We are very sad to report the death of Antonio Pasquali, who died at the age of 90 on October 5th in the city of Reus in Catalonia, Spain. He was an important Latin American communication scholar with a global reach whose life was dedicated to intellectual work, research, teaching and writing.

Pasquali was a professor of moral philosophy and social communication at the Central University of Venezuela in Caracas. His contributions included classic texts for Latin American and world scholars, including *Communication and Mass Culture/Comunicación y Cultura de Masas* (1964) and *Understanding Communication/Comprender la comunicación* (1974).

In 1984, he was appointed Deputy Director General of the Communications Sector of UNESCO and Regional Coordinator for Latin America and the Caribbean of UNESCO from 1986-1989. He played an important role in UNESCO's New World Information and Communication (NWICO) discussions.

Pasquali continued to publish and participate in scholarly and public discussions about media and communication. A [tribute on the ALAIC website](#) observes:

“If something distinguished him, it was his critical posture and ongoing concern for understanding the communicational world from a political perspective and the changes that technology



brought about through new devices and technical and relational shifts. His word will accompany us forever, because his work transcended the routines and the commitments of the time and was enshrined in the most sublime efforts to unravel the world he had to live, society and culture.”

ALAIC's website also includes one of his last contributions, “From the mimeograph to digital networks. Narratives, testimonials and analysis of the field on the 40th Anniversary of ALAIC,” dedicated to thinking about communication and the role of intellectuals.

Pasquali was a strong supporter and long-time member of IAMCR. He was a plenary speaker at our 2009 conference in Mexico and contributed a chapter to *Communication and Human Rights*, a book that grew out of the Mexico conference. We express our sincere sympathies to his family and friends.”

Antonio Pasquali was a highly respected mentor and partner of WACC Latin America and of WACC Global and a contributor to its programs and its international journal *Media Development*. His legacy will endure wherever social injustice is tackled through recognition and implementation of the right to communicate. ■

Karlovy Vary (Czech Republic) 2019

At the 54th International Film Festival Karlovy Vary June 28 - July 6, 2019, the Ecumenical Jury awarded its Prize to the film *Lara* directed by Jan-Ole Gerster, Germany (2019).

Motivation: A well-acted and intelligently directed film about a depressed mother's psychological humiliation of her composer-musician son. The interactions of mother and son dramatically and dynamically capture their alienation, and reveal movement toward positive resolution.

In addition, the jury awarded a Commendation to the film *Nech je svetlo* (Let There Be Light) directed by Marko Škop, Slovak Republic, Czech Republic (2019).

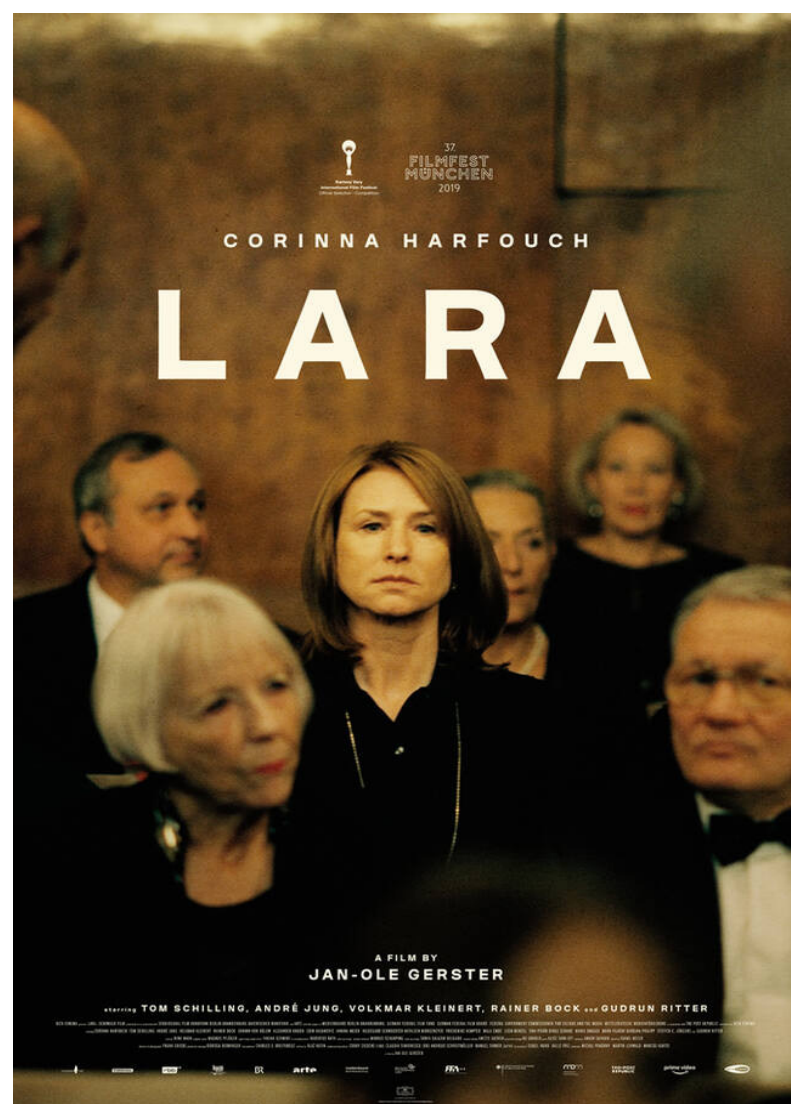
Motivation: This film is structured around a mesh of wrong-doings that implicate a family, a traditional village community, and its cultural and religious practices. In a stimulating and arresting way, it compels the viewer to re-examine moral responsibilities in a context of complex entanglements of violence.

The members of the 2019 jury were: Peter Sheehan, Australia (President of the Jury); Alyda Faber, Canada; Martin Horálek, Czech Republic.

Locarno (Switzerland) 2019

At the 72nd Film Festival held 7-17 August 2019 the Ecumenical Jury of SIGNIS and INTERFILM awarded its Prize of 20.000 CHF, donated by the Reformed churches and the Catholic Church in Switzerland, to the film *Maternal* directed by Maura Delpero (Italy/Argentina).

Paola, a young nun, comes to Argentina to a nunnery home for single teenage mothers. Lu, one of them, leaves home and child. Through the



experience of pregnancy, Maura Delpero tells us an intense story of women connected to conditions of sexuality, love, care and raising children. The film is rich with multi layered aspects of truth, through several voices. Delpero's film resonates socially, politically and spiritually, raising urgent universal moral questions.

The jury awarded a Commendation to the film *Vitalina Varela* directed by Pedro Costa (Portugal). Beyond its high aesthetic quality, Pedro Costa's feature film has the ability to stimulate thorough theological discussions on the dialectic character of faith by innovative use of darkness and light. Through the spiritual journey of an abandoned woman and a priest with an empty church, the film raises the audience's consciousness of the transcendent dimensions of life. It also expresses respect for human dignity, the need of reconciliation and solidarity with minorities at a more universal level.

The Members of the 2019 Jury were: Tomas Axelsson, Sweden; Thomas Kroll, Germany (President of the Jury); Mariola Marczyk, Poland; Gabriella Rácsok, Hungary. ■