

ABSTRACT

It is submitted that no nation has ever been organized and run successfully on the basis that all ideas have equal value. In view of this, notwithstanding that individuals have the benefit of a constitutional guarantee of freedom to hold and express opinions, this cannot be taken as implying that all ideas so held and expressed are to be accepted with equal seriousness. Unfortunately however the Governments of the territories of the Commonwealth Caribbean have, on the whole, exhibited an excessive and irrational fear of dissentient voices in their societies and have sought to identify such dissent as being dysfunctional to national development.

This paper is concerned with an examination of the freedom of expression in the Commonwealth Caribbean territories. It accepts as a basic premise that a person is not to be hindered in the enjoyment of his freedom of expression except with his own consent. It further accepts that this basic premise must accommodate circumstances which will require that the freedom be delimited and perhaps curtailed on suitable occasions.

Without prejudice to the generality of the foregoing the writer has sought to evaluate how far expression can be considered "free" in view of the constraints arising out

of the very provisions in the Constitutions which guarantee the freedom of expression. This has required an analysis of the effect on the freedom of a declaration of a state of public emergency, as well as an examination of the operation of statutes enacted by the legislatures in some territories which effectively serve to threaten the freedom of expression.

No attempt has been made to highlight the legal restrictions to the freedom of expression as set out in the laws relating to libel, slander, sedition or treason as it is appreciated that those subject-areas have been extensively researched. Instead the approach has been to examine the freedom of expression, or lack of it, as it relates to people and events.