



Ministry of Justice

Balancing Rights and Responsibilities

KNOW YOUR RIGHTS #1

One People • One Spirit • One Justice



The Jamaican Constitution came into effect on July 23, 1962. There are ten chapters in the Constitution. Chapter Three, deals with the *Fundamental Rights and Freedoms*, sets out the rights to which every citizen is entitled. It does not matter who you are – your colour, your class, whether you are an adult, a child, male or female, your level of education, where you live – none of these matter; you have the same rights as every other Jamaican.

Jamaica's Obligations under International Law

Jamaica has signed and ratified several international documents indicating a commitment to protect the rights of its citizens. Some of these instruments include the United Nations Declaration of Human Rights, the International Covenant on Civil and Political Rights, the American Convention on Human Rights and the United Nations Convention on the Rights of the Child.

What are your rights under the Constitution?

- Protection of right to life
- Protection from arbitrary arrest or detention
- Protection of freedom of movement
- Protection from inhuman treatment
- Protection against compulsory acquisition of property
- Protection for privacy of home and other property
- Provisions to secure protection of law
- Protection of freedom of conscience
- Protection of freedom of expression
- Protection of freedom of assembly and association
- Protection of discrimination on the grounds of race

What can you do if your rights have been breached?

Your rights are protected under the Constitution and you may seek redress by applying to the Supreme Court if your rights are breached or if you have reason to believe that they may be breached or contravened.

Examples of Rights that are commonly breached in Jamaica

Mrs. Karen Campbell-Bascoe, Director/Principal of the Justice Training Institute, talks about some of the rights that are often breached in Jamaica. "We have found that persons are sometimes held without bail beyond the timeframe allowed under the law. The Bail Act gives persons the right to apply for bail. So, if you are charged with a criminal offence, you should be given consideration for bail within 24 hours of you being charged."

"Also, if you have been detained or arrested, you have the right to a lawyer. Every person who is detained or remanded at a police station, even if you have been detained without being charged, should be allowed to contact a lawyer. If you do not have a lawyer, ask the police to make contact with Duty Counsel, who is a private lawyer provided through the legal aid programme. Once you ask the police to contact your lawyer or Duty Counsel, they should wait until that lawyer arrives before they begin to question you."



Models

The Jamaican Constitution protects you from arbitrary arrest or detention.

You Can Get Help

You can get help from several entities in the Government sector.

Legal Aid Council

Have you or your relative been arrested but cannot afford legal representation?

Call or visit the Legal Aid Council at:

Air Jamaica Building

Ground Floor,

72-76 Harbour Street, Kingston.

Telephone: (876)948-6999

Email: aid.legal@moj.gov.jm

INDECOM

If you or anyone you know have had your rights breached by members of the security forces or the correctional services contact the Independent Commission of Investigations at:

1 Dumfries Road, Kingston 10,

Toll free 1-888-935-5550 (Digicel)

1-888-991-5555 (LIME)

Email: info@indecocom.gov.jm

The Office of the Public Defender

Have you suffered an injustice by a public sector entity? Contact the Office of the Public Defender at:

22-24 Duke Street, Kingston

**Telephone: 922-7089-90, 922-7109,
922-8256**

Email: enquiries@opd.gov.jm

Ministry of Justice
61 Constant Spring Road
Kingston 10
Telephone: (876) 908-5561
www.moj.gov.jm