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CITIZEN CORNER

QUARTERLY CIRCULAR BY POLICE CIVILIAN OVERSIGHT AUTHORITY



FREQUENTLY ASKED QUESTIONS ABOUT THE FREEDOM OF MOVEMENT DURING COVID-19

Q: Do I have the right to freedom of movement?

A: Yes; this right is guaranteed by the Constitution of Jamaica

Q: Is this right to freedom of movement guaranteed at all times?

A: No. The Constitution allows our freedom of movement to be limited “for the purpose of dealing with situations that exist during a period of **public emergency** or **public disaster**”.

Q: Is COVID-19 a Public Disaster?

A: Yes. The Constitution defines a public disaster as the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence, “**outbreak of infectious disease or other calamity**”. This definition makes the COVID-19 pandemic a public disaster.

Q: Can the Law limit our freedom of movement during COVID-19?

A: Yes. The Constitution allows the government to limit our freedom of movement during a crisis like COVID-19. It allows for the limited movement

of persons to curtail the spread of “*an infectious or contagious disease constituting a serious threat to public health*”.

Also, the **Disaster Risk Management Act 2015** allows the Prime Minister (PM) to declare “*the whole, or part of Jamaica, a disaster area*”. The Act allows the PM to restrict our movement, if necessary, to manage the disaster. So, the government making certain orders such as the island-wide curfew is to reduce the spread of COVID-19.



Q: Can we be punished for breaching the COVID-19 provisions?

A: Yes; If you breach the COVID-19 orders, like the island-wide curfew, you can be imprisoned or fined.

The **Disaster Risk Management Act** allows the Police to arrest and charge those who breach the Act, or the regulations or orders made under it. The Act imposes a maximum fine of \$J1million or up to 12 months’ imprisonment.

Q: If detained during the COVID-19 curfew, do I have any rights?

A: Yes; Persons arrested/detained have the following rights:

- The right to speak with and be visited by family, religious counsellor & a doctor;
- The right to be told, as soon as possible, the reason for arrest/detention; &
- The right to have an Attorney
- The right to a court hearing at the earliest possible time
- The right to not to be charged and held in custody for over 24 hours without bail being granted or refused

Q: What should I do in this COVID-19 time during curfew?

A: Everyone has a duty to **stay home during curfew**. The curfew is put in place to protect us all from the threat of COVID-19.

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