

Statement to the Senate on Justice Reform Update

Justice Sector Reform and social and economic development

Madam President

Just over one year ago, the Government of Jamaica made a policy decision to embark on a comprehensive reform of the justice system to achieve a modern, efficient and effective system that can meet the present and future needs of the Jamaican people. I have since sought to update the Senate on how the Ministry of Justice is proceeding with the Jamaican Justice System Reform Programme since the comprehensive review phase commenced in October 2006 with an initial two-week mission by the Canadian Bar Association who have been engaged to carry out this phase of the Reform Project.

Madam President

I would like to place justice reform within the broad context of the country's quest for economic and social development and an improvement of the quality of life of every Jamaican. I would also like to state that we are cognizant of the fact that no economic or social model will sufficiently advance the prospects of the people of Jamaica if it fails to reflect a deep and profound understanding of the need for a strong, effective and efficient justice system.

I will go further to advance that this understanding cannot merely be implied but rather that our model of economic and social development must be

predicated on the certain foundation of good governance which cannot be achieved in an environment of weak judicial structures, systems and institutions.

It has been universally accepted for centuries that there is an inextricable link between an effective and efficient justice system and economic development. The 15th century jurist John Fortescue established a link between medieval England's prosperity and the quality of English legal institutions. Fortescue's position found resonance with other well known thinkers such as Thomas Hobbes, Adam Smith and Max Weber. Today, development institutions such as the World Bank are acknowledging that a strong justice system is a vital pre-requisite to sustainable development.

Madam President

My point of departure is rather deliberate because it challenges the old attitudes to the justice system such as the myopic view that it is merely a user of resources. This attitude is reflected in the priority that is placed on justice in the budgets of many governments around the world. The Jamaican Justice System Reform Programme must therefore be seen as a fundamental re-think within the halls of government and based on the level and quality of engagement with stakeholders including advocacy groups and members of the Jamaican public, it is clear that this country is taking a bold new direction in the search for peace, prosperity and justice for the Jamaican people.

A Blueprint of Justice- Getting Jamaicans involved

Madam President

Having established that broader perspective, I now turn my attention to the justice review that is now taking place. This comprehensive review will provide us with a blueprint that will guide the implementation of the reform. This review is being carried out in the glare of the public and in a way that seeks to engage a wide cross section of the Jamaican society.

We are committed to building a future justice system that can respond to the needs and concerns of the Jamaican and that can meet their reasonable expectations. The building blocks of that justice system are being laid by Jamaicans including those who are poor, powerless and marginalized. As we know, the cry for justice has been louder and more persistent from poor Jamaicans.

The design of the Review Programme is based on three pillars of systemic change processes namely,

- the sharing of expertise and experience;
- participatory processes; and
- capacity development.

The Jamaican Justice System Reform Task Force (JJSRTF) was established to provide overall guidance and direction for the design of the programme and the preparation of the modernization plan, which will be its final report.

There are three key components that are informing our approach to the Review.

Firstly, we have created a *review structure* that actively engages all key stakeholders and the public. Four Regional Working Groups (RWGs) have been established with representation from key justice system stakeholders such as the judiciary, the private and public bar, civil society and the public.

The South Eastern RWG covers Kingston & St. Andrew, St. Catherine and St. Thomas. The Western RWG has responsibility for St. James, Hanover, Trelawny and Westmoreland. St. Mary, Portland and St. Ann are served by the Northern Regional Working Group while the South Central Regional Group covers the parishes of Clarendon, Manchester and St. Elizabeth.

The RWGs are assisting the Task Force in the review and reform by identifying regional problems, challenges and opportunities in the justice system and identifying viable solutions or suggestions for justice reform. They also play a key role in the mobilization of the public for the series of consultations that are taking place across Jamaica.

Some **twenty two** consultations will be held across the fourteen parishes. So far, we have held **five** consultations in Kingston & St. Andrew, St. Ann, St. Catherine and St. Thomas. In addition, **eleven** focus group discussions have been planned, nine of which have been held with key stakeholders such as Victim Support Workers, the Police, Church, NGOs, Probation Officers and Lay Magistrates and the different levels of the judiciary.

Secondly, we have put in place a *research programme* which includes undertaking surveys and soliciting opinion papers from stakeholders. **Seven** major research papers and **twenty-two** issue papers, some of which have been completed, are being prepared in substantial areas of the justice system.

The research papers will examine and make recommendations in areas such as Alternative Dispute Resolution, Case Flow Management Systems, Restorative Justice, Improving Access to Justice, Promoting a Civil Liberties Culture, Court Management and Court Administration and the Public and the Justice System.

The Issue papers cover a wide range of topics such as Witness Assistance and Protection, Diversion in Criminal Matters, Jury Reform, Plea Bargaining, Sentencing Practices, Codes of Conduct, Judicial Appointments Process, The Children's Court Proceedings and Adjourment Practices Reform, to name a few.

Madam President

It is clear from the active engagement of the wide cross section of Jamaicans so far, that there are some common concerns about the justice system that are shared across the board from. Jamaicans are concerned about the lack of consistency in sentencing for similar offences. There is a recurring theme about how people and particularly, our less privileged citizens are treated by Court staff, about the rehabilitation of offenders, especially youth offenders, delays in the justice system and the difficulties being experienced by Jamaicans in understanding the language of the Court. These are some of the

issues with which Jamaicans are preoccupied and any future justice system must address these in a fundamental and sustainable manner.

A Blueprint for Justice- Building Capacity in the Justice System

Madam President

I mentioned the need for the pressing issues of the justice system to be addressed in a fundamental and sustainable manner. Very often we implement reform initiatives but the institutional capacity does not exist to guarantee sustainability. The ability of the justice system to meet the future needs of Jamaicans will, to a large extent, depend on our ability to be constantly in reform mode and to be in a position to move with the times.

One way of doing this, is to build capacity. This Review phase of the reform seeks to do so in a number of areas because a strategic objective of this Government is to **institutionalize justice reform**. The areas that have been targeted in this regard include **Conflict Management Skills, Justice Reform, Effective Integration of Technology, Organisational Problem Solving** and **Implementing the Justice Sector Reform**.

A Blueprint for Justice- modernising our Courts

Part of the deliverables coming out of this Review phase is the implementation of selected reform measures at a pilot court site. The Clarendon Resident Magistrates Court was selected as the pilot site.

A local stakeholder committee has been established that will oversee the implementation of the various initiatives. The purpose of the Pilot Court Site is to:

1. Introduce and evaluate a range of court reforms;
2. Foster local initiatives to improve the delivery of justice;
3. Demonstrate ways that courts can become more efficient and accessible.

The **Judicial Enforcement Management System (JEMS)** which is a court specific software and which was introduced in ten courts will be activated and fully utilized at the Clarendon RM Court to improve the case management process. The System will provide an efficient means of tracking cases with information on the **aging of cases, number of times cases have been adjourned** and the **reasons for the adjournment**.

The filing system will be modernized with the introduction of **letter size documentation** and **flat filing**.

A Digital Recording System will be introduced for the recording of depositions. Currently, this activity requires persons with specialized skills and aptitude in sufficient number throughout the court to carry out this function. The new system is simpler and requires a lower skill set. **On April 22**, this year, there will be a **demonstration** at the Clarendon RM Court in the use of this System.

Madam President

Earlier I mentioned that Jamaicans are raising concerns about how they are treated by Court staff. This matter will be addressed at the pilot court site.

Training in customer service will be carried out as one way of addressing this matter.

Information from the Pilot site will be shared with the other RM Courts, the Supreme Court and the Court of Appeal to encourage further reform and support synergy across the justice community. The lessons from this Pilot Site will also be fed back into the JJSR process so that the modernization plan can be informed by this actual experience.

Major Court Construction

Madam President

Although not a part of the Review phase of the reform programme, the court construction programme is important to all of us. We have identified the following court houses for rehabilitation/construction at a cost of over JD \$1.35B continuing into the next Financial Year:

1. Santa Cruz to be completed in May of this year at a cost of \$10 M;
2. Balaclava to begin in April and to be completed in eight months at a cost of \$43M;
3. Corporate Area Traffic and Coroner's at the architectural stage but with a budget of 200M;
4. Supreme Court Extension to be completed in October at a cost of \$110M;
5. Morant Bay at the architectural stage with projected budget of \$200M;
6. Mandeville to cost \$500M and to be completed in 08/09.

7. Port Antonio being constructed by the National Commercial Bank at a cost of \$240M to be completed in September 2007.
8. Lucea Family to be completed at the end of the next financial year at a cost of \$50M

The designs will give full consideration for access to the physically challenged, security for victims, officers of the court, the jury and witnesses. Provision is being made for victim services. In addition, the courts will be technology enabled.

Conclusion

Madam President

I will conclude where I began. The Government of Jamaica has demonstrated that it is fully seized of the importance of a sound justice system to the achievement of peace and prosperity for the Jamaican people.

I believe that our commitment to the process of justice reform is unquestioned. We are bringing the Jamaican people on board in the process and the final blueprint will reflect the felt needs of the Jamaican people.

I am asking all of us as leaders and our friends in the media to support the process and let us walk in this bold new direction as proud and free Jamaicans.

Thank you. God bless you.

A. J. Nicholson, Q.C
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