



Presentation by

Senator the Honourable  
Mark Golding  
Minister of Justice

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***Justice Partnership Event  
Justice Undertakings for Social Transformation***

***Thursday November 26, 2015***

***Jamaica Pagasus Hotel  
Port Antonio Suite  
81 Knutsford Blvd., Kingston 5***

## Salutations/Protocol

- The Honourable Peter Bunting, Minister of National Security
- The Hon. Mrs. Justice Zaila McCalla, OJ, Chief Justice of Jamaica
- Hon. Peter Bunting, Minister of National Security
- Hon. Patrick Atkinson, Attorney General
- Hon. Mrs. Justice Zaila McCalla, Chief Justice
- Hon. Mr. Justice Dennis Morrison, President of the Court of Appeal (Acting)
- His Excellency Mr. Sylvain Fabi, High Commissioner of Canada
- Mrs. Carol Palmer, Permanent Secretary, MOJ
- Maj. Gen. Stewart Saunders (ret'd), Permanent Secretary, Ministry of National Security
- Mrs. Nicole Foster-Pusey, Solicitor General (Ms. Marlene Aldred)
- Ms. Paula Llewellyn, Director of Public Prosecutions
- Other distinguished guests
- Members of the media

Ladies and gentlemen, good morning.

On behalf of the Ministry of Justice, including our Permanent Secretary Mrs. Carol Palmer, I officially welcome His Excellency, Mr. Sylvain Fabi, High Commissioner of Canada to our country. We trust that you have found comfort in Jamaica during the short period since you have taken up your current assignment.

We look forward to the continued partnership that both of our countries have had over the years. Through the assistance of the Canadian Government, I can assure you that because of your intervention through the Justice Undertakings for Social Transformation, JUST, Programme, those who we serve can be confident and trustful of the fact that their rights are at the core of the Justice Reform efforts. Originally, the JUST Programme was slated to run until 2016, but the Canadian Government has decided to fund the project until 2020.

The Jamaica Justice Reform Programme was initiated almost 10 years ago by former Minister of Justice, A.J. Nicholson, who is now the Minister of Foreign Affairs. Since then, we have seen where there have been improvements to our Courts – from the physical structure to various trial processes to the administration of the court system. However, we are still faced with the severe challenge of unacceptable delays in disposing of cases within our Courts. We have started the process of tackling this, but we still have a long way to go.

Since I addressed this forum last year, a great deal of what was then foreshadowed has now been achieved. I will remind you of some of these:

- Completed the renovation and commissioning of Public Building North, adding seven new court rooms, new registry facilities, judges and masters chambers and meeting rooms

- Completed and procurement and installation of a modern high density filing system to support the registry at Public Building North
- Renovated the court facilities at Santa Cruz at a cost of \$9 million, including the first external elevator to ensure access to persons with physical disabilities
- Renovated the court facility at Black River at a cost of \$17 million
- Acquired additional computers and ICT equipment to facilitate the deeper use of technology in the Supreme Court
- Established a Western Civil Registry of the Supreme Court in Montego Bay, along with a Western Branch Office of the Administrator-General's Department and a new home for the Montego Bay Legal Aid Clinic
- Enacted the Evidence (Amendment) Act 2015 to facilitate the admissibility of agreed facts and documents, easier admission of computer-generated evidence and expert reports, provide for the designation of counsel to represent persons in custody at pre-trial administrative court hearings, and modernised the rules governing the admission of child evidence
- Completed the Regulations under the Evidence (Special Measures) Act 2012, and brought that Act and the Regulations

into effect, thereby providing for the giving of testimony by vulnerable witnesses from remote locations by live audio-visual link, and the admission of video recorded evidence of child witnesses as their evidence-in-chief

- Installed live link capacity at the Corporate Area Criminal Court and the Supreme Court, and a mobile live link unit that has been used at the West Kingston Commission of Enquiry
- Increased the Tariff of Fees for attorneys who provide legal aid services, the first increase for over a decade
- Increased the stipend for jury service from \$500 per day to \$2,000 per day, the first increase for over a decade
- Passed the Jury (Amendment) Act in the Senate, and commenced debate on this Bill in the House of Representatives, to make the jury system substantially more efficient
- Enacted the Criminal Justice (Administration)(Amendment) Act 2015 to provide discounts on sentence for guilty pleas, the earlier in the life of the case the plea is proffered the more generous the discount (including for offences which carry a mandatory minimum sentence)
- Substantially completed the Rules of Court to support the Committal Proceedings Act 2013, so as to facilitate a

commencement date of the 1<sup>st</sup> January 2016 for the introduction of committal proceedings under that Act (to replace preliminary enquiries in criminal cases)

- Tabled the Judicature (Resident Magistrates) (Amendment) Bill 2015 in the Senate to modernize the status of Resident Magistrates as Parish Judges and bring them under the Judiciary Act so that their salary and benefits fall under the Independent Commission of the Judiciary rather than being treated like civil servants
- Tabled Judicature (Supreme Court) (Amendment) Bill 2015 in the Senate to establish the Court Administration Division of the Supreme Court to supersede the Court Management Services which was set up in 2010 as a merely administrative construct. The new Court Administration Division will have an Advisory Board chaired by the Chief Justice and comprised of judges (in the majority) and other stakeholders external to the Judiciary, and with new posts of a Chief Executive Officer to manage the CAD's day-to-day operations (reporting directly to the Chief Justice), an Executive Legal Officer to assist the Chief Justice with her administrative functions, a Chief Parish Judge to provide administrative oversight to the Parish Judges (also reporting to the Chief Justice) , and an Executive Legal Officer to assist the Chief Parish Judge.

- Enacted legislation to make the expungement process less onerous on persons who have done their time or paid their fine, including the introduction of an automatic expungement procedure for past convictions for possession of small quantities or smoking of ganja (which has already benefitted thousands of Jamaicans)
- Last but by no means least, introduced a major overhaul and innovative new procedures under the Administrator-General's Act, and decriminalised personal use of small quantities of ganja, both of which will ease the case burden on the courts by excluding two categories of cases that hitherto entered the court system in large numbers.

Today, I would like to provide an update on some of the milestones which have been made possible because of the Partnership with the Canadian Government under JUST. I want to focus on our efforts at Central Ministry, the Office of the Parliamentary Counsel, the Office of the Director of Public Prosecutions and the Attorney General's Department.

A new Corporate Profile and Organisational Structure have been developed to guide the transformation of the Ministry of Justice into a policy-based Ministry suited for the role it must play in relation to the overall legal system of the country, with a new focus on strategic planning and the core competencies required for the Ministry to properly execute its role. The proposed structure of this new-look

Ministry has been presented to the Ministry of Finance for approval and has been accepted in principle. We await their formal approval.

We are increasing the staff complement at the Office of the Parliamentary Counsel, and have developed both a new Legislative Policy manual for legal officers and policy development officers in the various Ministries, as well as a Legislative Drafting Manual for the legal drafters in the OPC.

We identified three areas that need to be addressed at the Office of the Director of Public Prosecutions:

- A Prosecutor's Manual has been developed and should be launched early in the New Year.
- We have also developed core competencies for prosecutors, which set the basic levels of professional competence and skills that the prosecutor should possess to perform his functions both in and out of court.
- A Code of Professional Conduct is being developed, to codify standards of behaviour and interaction expected of prosecuting attorneys in their dealings with all the stakeholders in the criminal justice system, including the defence Bar, the police, witnesses, jurors and the Judiciary.

We excited about the rehabilitation and equipping of select court facilities around Jamaica with new technology to facilitate the Electronic Case Management Systems (including the electronic recording of evidence so as to speed up the trial process), and the expansion of the facilities for vulnerable witnesses to give their testimony from remote locations via a live link. At this stage, 19 courts facilities have been selected to participate in this programme. The tender process has been completed and the contracts have recently been signed. Additionally, we are providing laptops and tablets to more judges.

In furtherance of our strategy to provide solutions outside the formal court system to resolve cases that are better addressed by other processes, we are pursuing the next phase of the Restorative Justice and Child Diversion Programmes, with legislation to enable them to be rolled out nationally and recognized by the formal criminal justice system (i.e. the Police and the Courts).

I wish to close this presentation by acknowledging, once again, that Justice Reform in Jamaica is being supported by our international development partners, in particular Canada, the European Union, Inter-American Development Bank, the United Kingdom, the United States Embassy here in Kingston, and the United Nations Development Programme. Without their support, much of what we are doing would not be possible due to an insufficiency of resources. We are gratified that, as we deliver steadfastly on the policies and

programmes to execute the Justice Reform effort, they have responded by deepening the levels of support to assist us on our way.

So, ladies and gentlemen, while we still have work to do to get our Justice System to where we need it to be, we should strengthen our resolve by acknowledging the fact that we are heading in the right direction.

We are also confident that, as Jamaica's economy continues to improve along the current upward trajectory that has been firmly launched on a foundation of prudent fiscal policies and strong economic management, we will be better able to achieve even greater access to justice and better outcomes for users of the Justice System.

Thank you.