



# JURIST NEWS

JUDICIAL REFORM AND INSTITUTIONAL STRENGTHENING (JURIST) PROJECT

THE QUARTERLY NEWSLETTER OF THE JURIST PROJECT | ISSUE 03 | FEBRUARY - MAY 2016

## In this Issue

DEAR READER,

We are pleased to present to you the third issue of the Judicial Reform and Institutional Strengthening (JURIST) Project's quarterly newsletter - *JURIST News*.

At a glance you can see that the JURIST Project has been quite busy over the period February to May 2016. An interim Project Director in the person of Ms. Nicole Jauvin was appointed. Ms. Jauvin was asked by the Rt. Honourable Sir Dennis Byron, President of the Caribbean Court of Justice (CCJ), to assume the duties of full time Director, while he retains a strategic role with the Project. Over the next four months, Ms. Jauvin has been tasked to launch a new phase of the Project and undertake a number of sustainable management changes.

The Advisory Committee on Criminal Justice and Magisterial Reform held its inaugural meeting and developed a work plan geared towards identifying and designing reform initiatives. These initiatives are targeted at improving the quality of justice delivery and reducing delay in the criminal justice system across the Caribbean.

The Honourable Faris Al-Rawi, Attorney General of Trinidad and Tobago was the host to representatives from both the JURIST and Improved Access to Justice in the Caribbean (IMPACT Justice) Projects. Discussions at the meeting focused on Canadian funded projects in the region and areas for collaboration.

Consultations were held in Guyana with a view to revising the country's Civil Procedures Rules (CPR). The regional and local participants shared their own country's experiences, successes and challenges in the area of CPR.

The JURIST Project launched a participatory planning process, with a series of collaborative workshops being held in Jamaica and Barbados and more underway to inform the third year work plan. It is our firm belief that an inclusive approach will result in judicial reform initiatives that are more efficient and effective. By consulting stakeholders, the JURIST Project gives voice to their concerns and needs. The resulting actions are more likely to be relevant and appropriate to their environments.

Mr. Tariq Khan, President of the Barbados Bar Association provides our guest editorial in this issue and shares his views of the JURIST Project.

We trust that you will enjoy reading this issue and take the opportunity to remind our readers that we welcome and appreciate feedback from everyone involved in the Project, as well as any contributions, information or materials which we can use for future editions of our newsletter.

- The JURIST Project Team

## JURIST Project: A platform for collaboration

Guest Editorial by Mr. Tariq Khan

WHEN I WAS ASKED whether I would be willing to provide a guest editorial for the JURIST News, I was honoured and willingly accepted.

By now I am fairly confident that the purpose of the JURIST Project is better understood throughout the region. My experience with the Project, and its team - with whom I have developed excellent relationships - has very much been one geared towards strengthening the judiciary, the delivery of justice and creating a higher degree of public confidence in the justice system throughout the Caribbean region.

For me, the JURIST Project has proved to be a platform for genuine collaboration between the Bench and the Bar in Barbados. Opportunities like these are extremely limited particularly in an environment where the administration of justice is a major issue for all stakeholders and for those within the system whose fundamental principle is maintaining the rule of law. Now that is serious and cannot be trivialized. I say all this because like many other jurisdictions throughout this region, there is room for significant improvement in Barbados. Events such as the Civil Procedures Rules (CPR) seminars held as a direct result of sponsorship through the JURIST Project have served to create a space where both the judiciary and the Bar have been removed from the adversarial context of the court to an environment where common experience is established.

While the learning element of both seminars was fundamentally important, and in this regard I must acknowledge the efforts of all the presenters, the Honourable Dame Janice Pereira, DBE, Chief Justice of the Eastern Caribbean Supreme Court (ECSC); the Honourable Louise Esther Blenman, Justice of Appeal, who serves as the Chair of the ECSC's Judicial Education Institute (both of whom facilitated the first seminar) and, the Honourable Mr. Justice C. Dennis Morrison, President of the Court of Appeal in Jamaica (who conducted the second seminar), whose leadership, knowledge and engagement made the seminars a "must attend" event; of equal importance was the opportunity to engage with peers and for genuine dialogue between the judiciary and the Bar.

These JURIST Project sponsored events exposed the Bar and the Bench to the real excellence that exists throughout the Caribbean region. The quality of the judges and practitioners is often discussed but seldom



Mr. Tariq Khan  
President of the Barbados Bar Association

experienced. The seminars made this a reality. The feedback that I received from members of the Bar who attended the first seminar was incredibly positive and during the seminar when I say that there was an excitement in the participation, I do not exaggerate.

The second seminar was also a significant milestone for those who participated and attended. Indeed it would be fair of me to say that the majority of those, if not all who attended the seminar, consider the Honourable Mr. Justice C. Dennis Morrison, an adopted son of Barbados. Again the feedback was tremendous and I am constantly asked when the next seminar will be held.

For me, the Bar and also for the judiciary in Barbados, the participation and support provided through and by the JURIST Project was absolutely critical in making these events the success that they were. The interface with other Caribbean jurists instilled a degree of awareness that within the Caribbean there is a dynamic and developing jurisprudence that stands equal to and on par with other common law jurisdictions.

Barbados remains one of the original joining members of the CCJ. The existence of the JURIST Project, its aims and the support it is providing to judiciaries throughout the Caribbean and within Barbados ought to act as a catalyst to other regions who still remain ambivalent; the Caribbean region is mature enough and academically equipped to continue with the development of its own jurisprudence of which the CCJ ought to be regarded as an exemplar.

# Inaugural meeting of Criminal Justice and Magisterial Reform Committee held

The JURIST Project hosted the inaugural meeting of the Advisory Committee on Criminal Justice and Magisterial Reform from March 3-4, 2016 at the Sunset Shores Hotel in St. Vincent and the Grenadines.

The Advisory Committee was established under the JURIST Project and is tasked with reviewing criminal justice and magisterial reform initiatives in the Caribbean and making recommendations for improving the quality of justice delivery and reducing delay in the criminal justice system.

The Advisory Committee is comprised of a broad range of stakeholders from across the region and the criminal justice system including appellate and trial court judges, magistrates, Director of Public Prosecutions (DPP), and a criminologist among others.

Prior to the meeting a questionnaire was sent out to all stakeholders involved in the criminal justice system seeking baseline data on the perceived problems relating to delay and backlog generally, as well as the more serious problems that impede the efficient working of the criminal justice system.

The first day of the meeting was dedicated to discovering from international donor agencies and national judiciaries, the reform initiatives that are ongoing (or have been recently concluded) in the criminal justice sector regionally. On the second day, this information and the findings of the questionnaire were used to develop a work plan for the Committee. The work plan:

- identifies and designs reform initiatives targeted at improving the quality of justice delivery and reducing delay in the criminal justice system;
- identifies those countries where the initiatives are to be piloted; and
- makes provisions for the oversight of the implementation of these initiatives.



The Honourable Mr. Justice Adrian Saunders, CCJ Judge and interim Committee Chair addresses Committee members at the opening of the meeting.

The Honourable Mr. Justice Adrian Saunders, CCJ Judge and interim Committee Chair noted that criminal justice reform requires the involvement of a broad spectrum of stakeholders. He explained: "It is important that we try to bring everyone together so that we can find out what is currently being done as this will help us in identifying the gaps that need to be filled. It will also help each of us to maximize efficiency and decrease possibilities of duplication of efforts."

## Meeting held with Attorney General of TT

The Honourable Faris Al-Rawi, Attorney General of Trinidad and Tobago met with representatives of the JURIST and IMPACT Justice Projects as well as the British and Canadian High Commissions on April 13, 2016.

The discussions proved very fruitful and focused on introducing Canadian funded projects in the region, identifying initiatives that can be supported and finding synergies for collaboration. Two areas which were identified for possible assistance by the JURIST Project were:

- the Family and Youth Court, and;
- several criminal justice reform initiatives spearheaded by the Attorney General.

There were also some key areas which provide opportunities for collaboration between the JURIST and IMPACT Justice Projects.



(L-R) The Honourable Faris Al-Rawi, Attorney General of Trinidad and Tobago; Mr. David Robinson, Criminal Justice Advisor, British High Commission; Professor Velma Newton, Regional Project Director, IMPACT Justice Project; H.E. Gerard Latulippe, High Commissioner of Canada and Ms. Nicole Jauvin, interim Project Director, JURIST Project.

## CPR consultations undertaken in Guyana

A number of consultations were undertaken in Guyana during the period February and March 2016 to assist in the development of the country's Civil Procedures Rules (CPR).

The first consultation took place from February 15-16, 2016 at the Pegasus Hotel and focused on gathering information from regional stakeholders to inform the development of Guyana's CPR.

Representatives included the Honourable Mr. Justice Ian Winder from the Bahamas; the Honourable Mr. Justice Robin Mohammed from Trinidad and Tobago; the Honourable Mme. Justice Margaret Reifer from Barbados; the Honourable Mr. Justice Courtney Abel from Belize and Ms. Leisel Weekes, President, Organisation of Commonwealth Caribbean Bar Associations (OCCBA) all of whom shared their experiences, success and challenges in the development of CPR in their respective countries so that Guyana could benefit from the lessons learned as they move forward in refining and adopting their own CPR.

Local consultations were held on March 17, 2016 with two groups - judges and representatives of the Bar Association. The consensus of the Bar was that the CPR should be implemented as soon as possible. The Bar representatives shared their enthusiasm of having new rules implemented and gave their commitment to supporting the necessary steps towards its implementation. However, they raised a number of issues which they felt should be addressed. These included the need for full engagement of the Bar as partners in the implementation of the CPR; a review of the current case management system and the need for a plan of action going forward among others.

It was agreed that a Committee should be established to oversee the implementation of the CPR in Guyana. The Committee's focus would be to manage a series of training workshops, make recommendations and monitor the implementation of the CPR. The Committee would comprise of representatives from the Bar, judges and the respective line Ministry.

The judges echoed similar sentiments of the Bar and while they expressed their enthusiasm for implementation of the CPR, they expressed concerns about the readiness of the courts in wider districts.

A plan of action was developed following these consultations and will assist in the implementation of the CPR in Guyana.

# Interim Project Director appointed

Ms. Nicole Jauvin has been appointed interim Project Director of the JURIST Project. Ms. Jauvin was asked by the Rt. Honourable Sir Dennis Byron, President of the Caribbean Court of Justice (CCJ) to assume the responsibility of full time Director, while he retains a strategic policy role with the Project.

Ms. Jauvin's principal responsibility, over a four month period is to launch a new phase of the JURIST Project and undertake some management changes for the remainder of the Project cycle.

As a first step, Ms. Jauvin launched a participatory planning process to develop the Project's third year work plan. "Our objective is to develop the next work plan in a participatory



The Rt. Honourable Sir Dennis Byron,  
President of the CCJ



Ms. Nicole Jauvin,  
Interim Project Director

manner, with a view to ensuring transparency and predictability in the implementation and timing of our proposed activities," she said.

She added: "I believe that through a collaborative effort and continued dialogue we will succeed in achieving our implementation objectives."

Ms. Jauvin will also oversee the recruitment process for a full time Project Director, a process which began at the end of May.

Ms. Jauvin has had a long and distinguished career as Deputy Minister in the Public Service of Canada. She led several departments as Deputy Minister, including as Deputy Solicitor General of Canada, until she retired in 2011.

## Meet Mark Stiles, Project Monitor

Global Affairs Canada (GAC) places heavy emphasis on performance monitoring which is a central part of their results-based management (RBM) approach. To this end, a Project Monitor in the person of Mr. Mark Stiles was hired following a competitive bidding process to provide guidance and support to both the JURIST and IMPACT Justice Projects.

Mr. Stiles is a Credentialed Evaluator with a background in monitoring, evaluation and organizational development. He has about 40 years of consulting experience in Canada's North and in 30 developing countries. He has completed more than 60 major evaluations and monitored many Canadian-funded bilateral projects.

Mr. Stiles is responsible for monitoring

the progress of the two regional Projects in achieving their respective results and assessing the relevance of activities and outputs in attaining those results. He also monitors the Projects' progress in integrating gender equality, environment and governance, the cross-cutting themes of GAC-funded development projects.

He has been working closely with the JURIST Project Management Unit (PMU) and provides advisory services on technical aspects as GAC deems necessary and appropriate. He works from Canada and visits the region at least three times a year in his monitoring capacity.

Mr. Stiles also provides recommendations and advice to the GAC's Caribbean Project Team



Mr. Mark Stiles  
Project Monitor

Leaders (PTLs), as well as an integrated perspective on overall program performance in relation to the Projects' results. Additionally, the Project Monitor comments on draft annual work plans (AWP), progress reports and financial reports among others prepared by the two Projects.

## Thank You Anne!

The JURIST Project wishes to extend its sincerest gratitude to Ms. Anne Gaudet, its Global Affairs Canada (GAC) Team Leader. Ms. Gaudet has completed her work in the Caribbean and will depart the region in July 2016.

Ms. Gaudet has worked tirelessly with the Project and provided continuous support and guidance. We wish Ms. Gaudet every success in her future endeavours.



Ms. Anne Gaudet

# Participatory planning process launched

The JURIST Project launched its participatory planning process and has been hosting a series of collaborative workshops in conjunction with the various judiciaries across the region. The workshops are geared towards building awareness, momentum and consensus for the Project's third year work plan.

These workshops have been bringing together jurisdictional stakeholders at the national level, such as various levels of the judiciary, the Bar, court administration, mediation service providers, non-governmental and civil society organizations as well as other stakeholders from across the region where appropriate, to share knowledge, experiences and priorities linked to judicial reform.

The objective of the workshops is to develop the next work plan in a participatory manner, with a view to ensuring transparency and predictability in the implementation and timing of the Project's proposed activities. The workshops are being facilitated by a strategic planning consultant.

Jamaica was the first country to host this workshop and was followed by Barbados. Other workshops are planned for Belize, Guyana and the Organisation of Eastern Caribbean States (OECS) among other countries in the coming weeks.

## JAMAICA



A glimpse of the collaborative workshop in Jamaica

The Honourable Mme. Justice Zaila McCalla, Chief Justice of Jamaica officially opened the one day workshop on Thursday May 12, 2016 at the offices of the High Commission of Canada in Jamaica.

She took the opportunity to highlight some of the projects currently underway in the country's justice sector. She said that there were events and interventions in their justice system too numerous to chronicle. "We are privileged to have this regional JURIST Project. It is a wonderful Project and it gives us an opportunity to emulate best practices from other jurisdictions," she stated.

The Chief Justice said that as Jamaica seeks to improve its justice system, it continues to work with international partners such as Canada and the European Union (EU). "A lot has been accomplished and I am pleased to see such a wide cross section of stakeholders attending the workshop which will assist in informing the JURIST Project of some of the initiatives that could be pursued moving forward."

The Honourable Delroy Chuck, Minister of Justice in Jamaica sang praises for his country's judges for their high levels of integrity and professionalism in the execution of their duties.

Minister Chuck said while he has often levelled criticism against the justice system, one thing he can be assured of is that "we don't have corrupt judges. We have judges of the

highest honour, who live on low salaries and still maintain their integrity. And unlike instances that you may hear of in other regions, we can safely say here in Jamaica that we are proud of the work that our judges are doing for justice in this country."

The Minister added that one of his concerns though, was the delay in the delivery of justice. "It is my hope that the Project can assist us in delivering justice on a timely basis. We need more initiatives geared towards that objective, whether it be more training, better systems and will power, we just need to deliver judgements more efficiently," he noted.

His Excellency Sylvain Fabi, High Commissioner of Canada reiterated the Canadian Government's development commitment to the Caribbean justice sector. He said it was his hope that Jamaica and by extension the Caribbean continues to benefit immensely from its association with Canada.

## BARBADOS

The collaborative workshop in Barbados was held from May 19-20, 2016 at the Lloyd Erskine Sandiford Centre.

Speaking at the opening ceremony, the Honourable Sir Marston Gibson, Chief Justice of Barbados lamented that such workshops did not take place more frequently and expressed his gratitude to the JURIST Project for facilitating an event that brought all stakeholders together.

"There is a tendency to believe that the justice sector only means judges and magistrates, however, not much can be done without the Probation Department, the Prison and the Police among others. This workshop is a wonderful opportunity for all stakeholders to make the system as efficient as it can be," he added.

Sir Marston urged all participants to take advantage of the discussions at the workshop so that they can come up with concrete ideas for the way forward in improving and strengthening the justice sector.

His Excellency Richard Hanley, High Commissioner of Canada to Barbados and the Eastern Caribbean said that Canada's programming to strengthen the rule of law fulfils part of their approximate US\$488 million commitment of development assistance through the Caribbean Regional Development Program.

"We have been implementing this program since 2008-09, when we doubled our aid to the Caribbean, and it will run until 2019-20. At that point, we will look at what more we can do to help. The aim of the current program is to assist the region in becoming a more prosperous and integrated Caribbean Community able to generate sustainable economic growth, providing opportunity and security to its citizens," he explained.

His Excellency noted that the JURIST Project was in keeping with Canada's thrust to expand and enhance their human rights efforts to include the championing of peaceful pluralism and diversity.



Barbados was the second country to host the collaborative workshop



## Judicial Reform and Institutional Strengthening Project

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