



In this Issue

Dear Reader,

We trust that you are keeping safe during these unprecedented times.

It is our pleasure to present to you Issue 17 of *JURIST News*.

In this issue, we continue to highlight the work being undertaken by the Canadian-funded Judicial Reform and Institutional Strengthening (JURIST) Project to fulfil its objectives, despite the challenges brought on by the onslaught of the COVID-19 pandemic. This issue covers the period October 2020 – January 2021.

The Project continues to support the institutionalisation and strengthening of the Sexual Offences Model Court (SOMC) in Antigua and Barbuda. To this end, a workshop was held with key stakeholders to gather their input on the requirements needed to ensure that the court serves as a model throughout the region and is sustained long after the Project comes to an end.

The Guyana judiciary recognising the critical importance of communicating with the public during the COVID-19 pandemic, launched a public education and engagement programme titled: *"We can still hear you."* It was geared towards addressing how the courts and functioning during the COVID-19 pandemic.

There was a new Chief Justice appointed in Barbados. We take this opportunity to welcome the Honourable Sir Patterson Cheltenham, Barbados' 5th Chief Justice and to wish the Honourable Sir Marston Gibson all the best in his retirement.

These and other stories are contained in this issue. We hope you enjoy reading the articles. As always, we take this opportunity to remind you that we welcome and appreciate feedback from our readers. We encourage contributions, information or material that we can include in future issues of the Newsletter.

- The JURIST Project Team

Strategy and planning workshop for SOMC

January 2021, marked two years since the establishment of the Sexual Offences Model Court (SOMC) in Antigua and Barbuda. Since its commissioning in January 2019, the SOMC has garnered regional and international attention as a model for gender-sensitive and survivor-centered approach to sexual violence. The SOMC is a set of specialised court procedures and model guidelines for the treatment of sexual offence cases. The four main goals of the SOMC are:

- To provide timely, gender responsive and coordinated response to complainants;
- To ensure greater coordination between the courts and agencies;
- To improve the monitoring and evaluation for sexual offences, and
- To reduce secondary re-victimization for complainants.

The SOMC is being implemented by representatives of several agencies, that together form a Multisectoral Stakeholder Committee (MSSC). The MSSC was established with the approval of the Honourable Dame Janice Pereira, DBE, LL.D., Chief Justice of the Eastern Caribbean Supreme Court (ECSC); and the

Government of Antigua and Barbuda with support from the Judicial Reform and Institutional Strengthening (JURIST) Project. It is comprised of stakeholders who work with complainants and defendants along the justice chain for sexual offences cases, and supports implementation and monitoring of activities associated with the establishment and operation of the Model Court.

In 2020, as every country faced the onslaught of the COVID-19 pandemic, Antigua and Barbuda was no different. COVID-19 has presented challenges to judiciaries globally in ensuring business continuity and responsiveness.

The JURIST Project used the pandemic as an opportunity to bring together stakeholders of the SOMC, in an effort to strengthen support to the court and ensure sustainability in moving forward.

To this end, the Project convened a strategy and work planning workshop for the SOMC. The virtual meeting took place on January 12 and 18, 2021, and its aim was to strengthen the court, promote sustainability and support its leadership.

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Results of the participatory mapping exercise done on Google Jamboard

Regional Magistrates' and Parish Judges' forum held

The Caribbean Association of Judicial Officers (CAJO) held its first Magistrates' and Parish Judges' Roundtable on Friday October 9, 2020.

The webinar brought together over 60 magistrates from across the region. Prior to the forum, the CAJO conducted an assessment of what topics and areas magistrates would like to focus on at their forum. This information allowed the CAJO to design a programme which allowed for two knowledge sharing sessions as well as generate discussion. A third session was designed around ascertaining the needs of magistracies across the region.

The first session, which was on Remote Hearings, addressed the challenges faced and solutions implemented around protocols, non-appearance, non-compliance, access to justice, and etiquette as they relate to remote hearings in the Magistrates' and Parish Courts.

This session was facilitated by Chief Justice (Ret) of Barbados, Sir Marston Gibson and Her Honour Michelle Salmon, Parish Court Judge of Jamaica, delivered a comprehensive and insightful presentation

on her experience with remote hearings.

The second session, titled: "Safety and Support in the time of COVID-19," was also facilitated by Sir Marston and included a presentation from His Worship Ian Weekes, Chief Magistrate of Barbados, on his experiences with ensuring safety and providing support during pandemic times.

The session sought to explore the challenges faced and solutions implemented around the safety of and support provided to judicial officers, the safety of and support provided to staff and litigants, and health protocols in the courtroom/courthouse as well as interrogating present and future needs to ensure safety and support in their courtrooms and courthouses.

The final session, facilitated by the Honourable Mr. Justice Peter Jamadar, Judge, Caribbean Court of Justice (CCJ) and Mr. Dennis Darby, Consultant with the Judicial Reform and Institutional Strengthening (JURIST) Project, provided a space for magistrates and Parish Court judges to share their present and future needs as it relates to Information and Communications Technology (ICT) equipment and



Images from the virtual forum

support, access to legislation, case law, databases, protocols, and directions, improvement of physical environment, and continued judicial education and training.

It is hoped that information collected during this session, will assist the JURIST Project to better support the magistracies across the region.

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The Project is of the view that through the sharing of stakeholder perspectives on factors that will enable the SOMC to be most successful, shared knowledge and understanding will be strengthened.

The purpose of the workshop was two-fold, and targeted key stakeholders of the SOMC who:

- Assessed progress, exchanged perspectives, shared knowledge, and built a shared understanding to further strengthen the work of the SOMC; and
- Co-developed a 2021 Strategy and Work Plan for the SOMC.

Over the course of two days, 10 persons representing the judiciary, social services, Bar Association, the health sector and civil society from Antigua and Barbuda, St. Lucia, Trinidad and Tobago and Guyana participated in the workshop, which was facilitated by Mr. Michael Hope-Simpson, a consultant from Canada.

Participants were asked to reflect on progress, and identify strengths, challenges and learning thus far and to identify the strategic priorities for the work of the court in 2021, with a view to developing a succinct work plan for this year and beyond.

The participants worked very effectively at mapping the context, issues and success factors for the SOMC, and used this analysis as a springboard to

SOMC workshop

develop a 2021 Strategy and Work Plan.

Key features of this plan include a series of measures to strengthen information sharing among the system of actors, strengthen the administrative and institutional structures of the SOMC, and take further steps toward putting in place systems and practices that will strengthen the functioning, resilience, learning, and sustainability of the Model Court.

The workshop achieved two outcomes:

1. It served as a forum to, in a participatory way, refresh understanding of the purpose and success criteria of the SOMC, its importance, and the reasons for its unique multi-sector and multi-stakeholder characteristics; and
2. It reviewed the activities and progress of the court and achieved a consensus assessment of the steps needed to restart and reconstitute the MSSC while at the same time, begin putting measures in place for its longer-term sustainability.

The achievements from the workshop provided a good base for implementing what is needed in the longer term for the SOMC.

Looking at the year ahead, to maintain momentum, first and foremost, is the importance of re-engagement and with the resuming of jury trials, the resumption of engagement of actors providing

support along the justice chain according to their mandates.

Secondly, consolidation of the SOMC for the future requires accompanying and assisting the MSSC chair and its members to reconstitute the Committee, through the revision of the Terms of Reference (ToR), meetings, and strategically filling needed roles and gradually drawing in other needed actors in Antigua and Barbuda.

The discussion that has begun on sustainability, institutional strengthening, and steps toward replication has identified options and possible actions for the wider system of actors to further consolidate the many assets already in place.

Thirdly, without overloading stakeholders with complicated procedures, build on existing practices in organizations to embed data collection, and further encourage a culture of monitoring, evaluation and learning among the SOMC system of actors. Telling the story in the community and region of the good work being done is important. Human resource support and providing additional capacity in a form that will work for the organizations on the ground, either through the JURIST Project in short term, or perhaps the Organisation of Eastern Caribbean States (OECS) court system in the longer term, could go far to making the SOMC a stronger institution and resilient to constraints in the environment.

Guyana launches public education and engagement programme

In an effort to ensure that justice remains accessible, the Guyana Supreme Court of Judicature has embarked on a public education and engagement programme which allows the courts to continue functioning while maintaining a safe environment for the public and preventing the spread of COVID-19.

Titled: *"We can still hear you,"* the programme was launched virtually in December, 2020, by the Supreme Court in collaboration with the Judicial Reform and Institutional Strengthening (JURIST) Project.

Under the campaign, the Supreme Court launched a website www.supremecourt.gy which provides a tool for matters to be filed online in an effort to reduce visits to court registries throughout Guyana.

The website and social media platforms such as Facebook, are providing the Supreme Court with an opportunity to keep the public informed with information relating to the court and its services. Additionally, the courts have installed signage in all buildings that advises/reminds citizens of COVID-19 safety guidelines.

Speaking during the launch of the programme, the Honourable Mme. Justice Yonette Cummings-Edwards, OR, CCH, Chancellor of the Judiciary (ag), said the COVID-19 pandemic potentially sought to disrupt the delivery of justice to citizens. She noted that the pandemic made it difficult for matters to be filed, cases to be heard, decisions to be communicated and remedies to be implemented.

The Chancellor stated that conscious of citizen's needs, the Supreme Court of Judicature of Guyana took swift action to ensure that matters could still be heard so that justice was neither delayed nor denied. "We ensured that even though one had to maintain social distancing, there was not a legal distance between you and the court and your matter to be heard. There was no legal isolation either," she explained.

She continued: "As we worked to keep the wheels of justice turning through the use of Zoom, Microsoft Teams, Skype, GoToMeeting and other online platforms, it was immediately evident, the need to ensure that citizens were aware of this fact. There was the need for citizens to be aware also that their access to justice was not compromised and that the work of the court was ongoing."

Justice Cummings-Edwards added that it was through their partnership with the JURIST Project that the judiciary was able to quickly develop and implement a public communications campaign.

"This campaign sought to give citizens everywhere the assurance that, COVID-19 notwithstanding, access to justice was still important and could be realized. Our campaign was implemented through



A composite photo of screen grabs from the virtual launch

traditional radio and on social media. It included upgrade to signage around our court buildings to advise, educate and remind citizens of the need to wash or sanitize their hands, wear a mask and maintain physical distance from each other," she highlighted.

She admitted that while the judiciary's move into social media pages and the website for communicating court information was new for them, it was quite successful.

One of the social media posts for the campaign, reached of over 60,000 persons in less than one week. It received 1,134 likes, comments and shares and 1,632 photo views. It generated 4,327 other clicks, and with boosting had more than 73,000 impressions.

"This gives another dimension to the aphorism that justice must not only be done but must manifestly be seen to be done. It also reinforces the fact and benefits of improved communication and dissemination of information on the judicial system. In putting into the public sphere the information that society needs to know about the court, public confidence in the administration of justice is engendered. The public education program is definitely an important step in this regard," the Chancellor underscored.

Her Excellency Lilian Chatterjee, outgoing High Commissioner of Canada to Guyana and Suriname, explained the need for the public to understand the value of the judicial system and how it works. "If the public does not understand the value of the judicial branch they would not be willing to support it through their taxes and other funding or serve their role on juries or trust the decisions that come from the system," she lamented.

"A strong judiciary is one that listens to those they serve," the High Commissioner emphasised as she commended the Guyana judiciary for launching the programme which seeks to ensure the "wheels of justice are still turning" despite the pandemic.

The Honourable Mme. Justice Roxanne George-Wiltshire, Chief Justice of Guyana (ag), said access to justice in the context of the pandemic continues to be expanded as the judiciary employs a range of technologies and platforms for hearing matters, embracing flexibility about where judges, magistrates, plaintiffs, defendants, complainants, accused, or the police could be located at the time of the hearings or trials.

She noted that Practice Directions detail the cases that are considered urgent and which would be given priority in terms of hearing dates. "I particularly highlight domestic violence applications as being in this category of urgent cases because by their very nature, these matters require special urgency due to the possible risks to family members including vulnerable women or young children," she explained.

She continued that while the Ministry of Health's COVID-19 guidelines meant the restriction of the opening hours of the registries and court offices and the enforcement of limits on how many persons could be physically in such registries and offices, the judiciary set up a number of email addresses, and later a filing mechanism to which Chancellor Cummings referred, so that there was and continues to be increased access to our registries and offices.

"While the pivot to a COVID-19 communications campaign was an imperative at the time, the overarching communications project to build public trust and confidence in the judiciary remains a very important task under our engagement with JURIST. As we return to the implementation of the core communications strategy, we will build on the *"We Can Still Hear You"* campaign so as to educate and therefore foster enhanced access to justice and thereby increased trust and confidence in the judiciary and judicial system," Justice George-Wiltshire assured.

The virtual launch can be viewed [here](#).

New Chief Justice appointed in Barbados

The Honourable Sir Patterson Cheltenham, K.A. was appointed Chief Justice of Barbados on October 31, 2020. His appointment took effect on November 1, 2020.

Governor General, Dame Sandra Mason administered the Oaths of Allegiance and of Office at Government House before an audience which included his family members.

Sir Patterson is the 5th Chief Justice since that country's independence. Speaking at his swearing-in ceremony the Honourable Chief Justice said: "I look forward to bringing my usual professional energy to the task at hand."

According to the Barbados Government Information Service (GIS), the Chief Justice already has a "90-day plan" for the country's judicial system which he will share with members of the judiciary for their feedback.

"I have never been to the building other than as a lawyer. I am now going in as the Chief Justice. Those are two completely different roles, and I am

assuming nothing. There will be things I will find once I arrive there. I have to listen and then I have to ensure that the plans I have go in sync with what I find," he said.

Chief Justice Cheltenham has over 40 years of professional experience as legal practitioner, after having attained his Bachelor of Laws degree from the University of the West Indies in 1975 and a Master of Laws degree from the University College, London in 1976.

He was appointed a Queens Counsel in 2001, and awarded the Gold Crown of Merit by the Barbados government in 2012, for his contribution to the legal profession and public service. In addition to his bar admission in Barbados, Sir Patterson is also called to the bars of Antigua and Barbuda, St. Vincent and the Grenadines, and St. Lucia.

He has represented corporate and individual clients, as well as statutory boards and other governmental agencies before several tribunals, the High Court, Court of Appeal, Privy Council and



New Chief Justice of Barbados, Sir Patterson Cheltenham, takes the Oath of Office before Governor General, Dame Sandra Mason, while Private Secretary, Sandra Watkins (centre), looks on. (B. Hinds/BGIS)

the Caribbean Court of Justice (CCJ).

Sir Patterson replaced the Honourable Sir Marston Gibson, K.A, who proceeded on pre-retirement leave on September 1, 2020.

Regional training for KMS held

The Judicial Reform and Institutional Strengthening (JURIST) Project hosted virtual training on use of the regional Knowledge Management System (KMS) from December 9 – 14, 2020.

The Project has developed a KMS that is geared towards harnessing all the information assets and intellectual property in the region, in the area of judicial reform. The KMS is an Information Technology (IT) system which will be accessed through the websites of judiciaries, the Caribbean Court of Justice (CCJ) and the JURIST Project and serves as a storage and retrieval mechanism for all types of information relevant to judicial reform and judiciaries in the region.

The KMS will serve as a tool to foster a culture of sharing of information

across the region and countries will have secure, permission-based access to information generated from the JURIST Project and judiciaries. It will also ensure that once the Project has ended, all information collected is archived and is easily accessible in one place, to enable informed decisions and improved efficiency by reducing the need to rediscover knowledge and ensure sustainability.

Approximately 80 persons from around the region including the judiciaries of Barbados, Guyana, Belize, the Eastern Caribbean Supreme Court (ECSC) and the CCJ were part of the Train-the-Trainers sessions which focused on how to use the KMS, account creation, creating and editing knowledge templates, searching and uploading, and access permissions among other areas.

JURIST Project undertakes study on pre-trial detention

As part of its annual work plan, the Judicial Reform and Institutional Strengthening (JURIST) Project has commenced a study to understand and assess how pre-trial detainees are coping while in state custody (especially during the COVID-19 pandemic) and what alternatives, if any, are available for implementation to correct any deficiencies that may be found in existing arrangements.

In this regard, the Project has contracted a consultant to undertake this activity which began in December, 2020, the objectives of which are as follows:

- To detail the types of charges that have been laid against inmates who are presently in pre-trial detention;
- To ascertain the date when pre-trial detention commenced and:
 - o whether bail was granted; and
 - o whether bail conditions could be met.

- To determine the ratio of inmates that have obtained bail as opposed to those who were denied;
- To determine the options available to ensure that persons turn up for their court hearings;
- To recommend any modern technological applications that could be used as alternatives to pre-trial detention;
- To ascertain the relevant prison conditions (physical etc); and
- To detail the frequency of visits by a judge, justice of the peace or relevant country official.

The assignment includes undertaking specific visits to police stations, prisons and other remand and detention centres to collect primary and administrative data on issues related to pre-trial detention.