



Enhancing capacity of OECS Judges and Court Staff in Digital Audio Recording

The Eastern Caribbean Supreme Court (ECSC) through its Judicial Education Institute (JEI), in recognition of the importance of proper recording of court proceedings, hosted two training sessions on the use of Digital Audio Recording of Court Proceedings for judicial officers and court staff of the Organisation of Eastern Caribbean States (OECS).

The in-person training session was supported by the Judicial Reform and Institutional Strengthening (JURIST) Project and held in St. Lucia from April 19-22 and in Antigua and Barbuda from April 25-28, 2022.

The training targeted judges and the court clerks/staff members who operate the Liberty Audio Recording system. For several years now each of the courts in the OECS has been equipped with audio recording equipment which has improved the efficiency of the judicial process by reducing the length of trials and playing an effective part in enhancing efficient case flow. It also provided the opportunity for judicial officers to better understand how the system/software



Participants at the Digital Audio Recording of Court Proceedings training

is to be used efficiently and effectively particularly when working as a team with their court clerks.

Mrs. Gloria Richards-Johnson, Director, JURIST Project, speaking at the opening ceremony on April 19, 2022, said as core public institutions, courts need to take a leading role in the responsible implementation of technology in the law and in legal practice, with a

specific emphasis on problem solving and the facilitation of the just resolution of disputes in a quick and inexpensive manner, while still maintaining the fundamentally human character of the courts.

She noted that while there was no 'one-size-fits-all' approach to technology and the future of the courts, a

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In this Issue

Dear Reader,

The Canadian-funded Judicial Reform and Institutional Strengthening (JURIST) Project is pleased to present Issue 21 of *JURIST News*.

The Project entered its last year of implementation on April 1, 2022 and continues to work assiduously to ensure achievement of objectives set out in the Contribution Arrangement which was signed in 2014 and subsequently extended for an additional four years in 2019.

This issue covers the period February – May 2022 and highlights some of the activities the JURIST Project has been engaged in during

the period that has been having meaningful impact throughout the region.

In March, there was the Knowledge Exchange which looked at the implementation of the *Model Guidelines for Sexual Offences Cases in the Caribbean Region*, in Antigua and Barbuda (through the Sexual Offences Model Court – SOMC), and the Sexual Offences Courts in Guyana.

There were also capacity building initiatives for court staff and judicial officers throughout the region including *Being Media Ready*, *Digital Audio Recording of Court Proceedings* as well as two sessions presented by the Caribbean Association of Judicial Officers (CAJO) on *Setting and*

Sustaining Performance Standards and Preparing Decisions for Timely Delivery.

The Project has also been engaged in efforts aimed at Indigenous and Tribal Peoples (ITPs) and Persons with Disabilities (PWD).

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 two remaining issues (September 2022 and January 2023) of the Newsletter.

- The JURIST Project Team

JURIST Project supports regional Magistrates Training

The Judicial Reform and Institutional Strengthening (JURIST) Project in partnership with the Caribbean Association of Judicial Officers (CAJO) hosted two virtual workshops to enhance the capacity of regional Magistrates and Parish Court Judges.

The first workshop “*Setting and Sustaining Performance Standards*” was held on March 10, 2022 and facilitated by the Honourable Mr. Justice Peter Jamadar, Judge, Caribbean Court of Justice (CCJ) and Chair, CAJO; and His Worship, Mr. Juan Wolffe, Senior Magistrate, Bermuda.

The session sought to help participants in:

- identifying and describing the milestones and essential intervening events/sub-events in the management of a case from filing to disposal;
- creating a general process flowchart to show how a matter is managed from filing to disposal;
- preparing a checklist of actions that may derail the life of a matter, where they occur, and strategies to overcome or mitigate them; and
- setting time-based measures for the lifecycle of a matter.

The second interactive workshop “*Preparing Decisions for Timely Delivery*” was held on April 7, 2022 and provided participants with a model checklist to assist

with essential preparation to avoid undue delays in delivering decisions. The workshop also explored the philosophical underpinnings of the preparation and timely delivery of decisions and offered strategies to manage issues that affect timely delivery.

It was conducted by Justice Peter Jamadar; the Honourable Mme. Justice Roxanne George, Chief Justice (ag), Guyana; and the Honourable Mme. Justice Lisa Ramsumair-Hinds, Judge, Trinidad and Tobago.

Mrs. Gloria Richards-Johnson, Director, JURIST Project in welcoming participants to the sessions explained that the Project has been working with CAJO since 2020 to determine the existing needs of regional Magistrates and Parish Court Judges

towards providing specific and relevant judicial education interventions.

She said the Project views these workshops as another important training tool in building the capacities of regional magistrates. “We have heard many persons question the importance and relevance of performance measurement for courts. But it is our view that modern court systems bring benefits that will build public trust and confidence in the judicial system,” she explained.

Mrs. Richards Johnson added that performance assessment is therefore critical and signals a court’s recognition, willingness, and ability to meet its critical institutional responsibilities as part of the third branch of government.

Caseflow Management reforms at the Barbados judiciary

The Judicial Reform and Institutional Strengthening (JURIST) Project has been assisting the Barbados judiciary with the introduction of caseflow management reforms, statistical harvesting and analysis at the Supreme Court.

In November 2020, the Honourable Mr. Justice Sir Patterson Cheltenham, K.A., Chief Justice of Barbados indicated that it was important for the courts to identify backlog, engage in increased statistics gathering, analysis and reporting to allow for the collection of empirical evidence to support decision-making, strategic planning, budget allocation and targeted interventions to address delays and backlogs for improved effectiveness and efficiency. Additionally, he noted that the streamlining of matters into the respective court divisions was required to move matters along efficiently and maintain a level of accountability.

In April 2021, the JURIST Project commenced introduction of the reforms together with statistical gathering and analysis with the final report being produced in April 2022. During that time, the Barbados judiciary generated statistical reports for its civil and criminal divisions.

The methodology included the engagement of data entry specialists to ensure the case management information system was accurately populated. An inventory of the existing caseload provided the raw data to generate the type of statistical reports required by a progressive judiciary.

The objectives of the intervention were to:

- create an environment to eliminate delays and backlogs;
- facilitate the collection, generation and reporting of statistics and performance measurement;
- increase reliance on mediation where possible; and
- enhance public perception and improve capacity of the courts to produce data.

Highlights of the Caseflow Management Report include commendation to the Barbados judiciary for its commitment to improve practices of the courts to address challenges, especially while dealing with the effects of a global pandemic. The Report also provides the judiciary with a perfect snapshot into any issues of record and data management that currently exist related to caseflow management in the Supreme Court.

Digital Audio Recording of Court Proceedings training

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number of factors can impact the usefulness or feasibility of adopting different technologies. “Interwoven throughout all of this discussion and action about technology and the future of the courts is the need to maintain (and enhance) public trust and confidence in the courts, as an institution,” she added.

The Honourable Karen Cassidy retired Assignment Judge of the Superior Court of Union County, now of Counsel to Bramnick, Rodriguez, Grabas, Arnold and Mangan in Scotch Plains, New Jersey; together with Mr. Collins Ijoma, retired Trial Court Administrator for the Superior Court of Newark, New Jersey, and Mr. Jeffrey Newman, CEO of Newman Sage Consulting conducted the training.

JURIST Project commissions study on ITPs

The Judicial Reform and Institutional Strengthening (JURIST) Project in an effort to remedy the lack of information about Indigenous and Tribal Peoples (ITPs) in the Caribbean, commissioned a baseline study of ITPs Rights and Access to Justice.

The Report, which was completed in March 2022, includes six in-country studies from Belize, Dominica, Guyana, Suriname, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago. It provides a summary of the relevant international normative framework and its requirements and implications; synthesises the information presented in the six 'in-country baseline studies,' identifying common or divergent themes and issues; as well as articulates conclusions and recommends on the possible way forward, relating to ITPs' priorities.

ITPs communities have been described by the CARICOM Reparations Committee as "...the most marginalized social group within the region" and include, among others, the Indigenous Maya peoples in Belize, the Kalinago Indigenous people in Dominica, nine different Indigenous peoples in Guyana, four main and various other Indigenous peoples in Suriname, the Garifuna peoples in Belize and St. Vincent and the Grenadines, the Taino

Indigenous Peoples in Trinidad and Tobago, and various other Caribbean islands, and six Maroon Tribal peoples in Suriname.

The study shows that while countries are at various stages in their recognition of the legal status and rights of the ITPs, there was irrefutable evidence that there remains a significant amount of work to be accomplished.

The main recommendations of the Report focus on such areas as capacity building related to education and training on ITPs' rights, both for ITPs and their institutions along with public authorities, inclusive of police, judicial officers and lawyers/Bar Associations. This also includes capacity building measures specifically directed at strengthening ITPs' judicial systems and institutions, including on the role of customary law.

Other short-term priorities and initiatives include the development of capacity building and educational materials concerning access to justice for ITPs. This is both user friendly information for ITPs and information to explain critical issues to policy makers and the legal profession. There is an existing information resource in countries such as Guyana and Trinidad and Tobago which could provide content for such material with minimal delay.

The Report also highlighted other areas for intervention in the medium to long term which would place ITPs on a path to achieving equality in a region where residency has far exceeded any other occupants of the countries. It was also recommended that consideration be given to conducting a baseline study specifically focussed on the legal status and rights of Maroons in Jamaica.

Being Media Ready Training for the judiciary

The Judicial Reform and Institutional Strengthening (JURIST) Project commenced virtual Being Media Ready (BMR) Training on March 16, 2022.

The online workshop on *Being Media Ready: Engaging the Media with Confidence* will enhance judicial and justice sector stakeholders' theoretical know-how and hands-on experience in performing at a range of media appearances including interviews and media conferences.

Speaking at the opening ceremony, the Honourable Mr. Justice Adrian Saunders, President, Caribbean Court of Justice Saunders said training in this area was a welcomed initiative as increasingly the imperatives of accountability, transparency and effective communication with stakeholders have required courts to reassess how they interface with the public and in particular the media.

He noted that questions have been rightly raised in some circles as to whether judges can completely discharge their obligations to uphold the integrity of the judiciary without engaging the public through the media. "The real question is not so much whether there should be such engagement, but rather by whom, on behalf of the judiciary and how do we ensure that such engagement maintains the impartiality of the judiciary and promotes or at least does not diminish public trust and confidence?" he asked.

Justice Saunders stated that the training programme was designed to answer some of these questions and will equip participants with the requisite knowledge and skills to be able to interact appropriately and effectively with the public through the media.



He urged participants to utilise the knowledge and skills acquired at the training to seek out ways in which what has been learned can be implemented within their respective judiciaries in order to enhance the administration of justice and promote public trust and confidence in the judiciary.

Mrs. Gloria Richards-Johnson, Director, JURIST Project added that the media is an integral part of the freedom of expression and essential requisite of a democratic society. "It shapes public opinion of the court system, and fair coverage promotes fair trials. Given its importance, the judiciary should be prepared to handle its dealings with the media just as they must prepare to tackle complicated legal issues, the procedural aspects of court hearings, or supervision of our staff," she explained.

The nine-week online training is employing a mix of informative, collaborative and application-based teaching methods to keep participants engaged. The aim was to create an immersive learning experience to help participants become more confident in engaging with the media. There are two train-the-trainer Cohorts – Cohort 1: Court staff (started March 16, 2022) and Cohort 2: Judicial Officers (started March 23, 2022).

Government of Canada representatives visit SOMC

Representatives from the Government of Canada visited the Sexual Offences Model Court (SOMC) based in Antigua and Barbuda on May 12, 2022. The SOMC has been recognised for its innovative approach in managing sexual offences matters.

The delegation included Ms. Sharon Peake, Executive Director, Caribbean Regional Development Program and Mrs. Dorothee Roy, First Secretary, Development and Alternate Director to the Caribbean Development Bank (CDB).

During the visit, the delegation toured the SOMC as well as its related facilities and met with key stakeholders to discuss the implementation of the *Model Guidelines for Sexual Offences in the Caribbean Region*, the management of the SOMC together with overall response to sexual and gender-based violence.

Model Guidelines to be reviewed and updated

In the subsequent five years since the launch of the *Model Guidelines for Sexual Offences in the Caribbean Region* (Model Guidelines) in 2017, the Judicial Reform and Institutional Strengthening (JURIST) Project has been working with the Antigua and Barbuda High Court and the Eastern Caribbean Supreme Court (ECSC) to ensure its successful implementation through the Sexual Offences Model Court (SOMC).

The Project has been providing support in the areas of leadership and capacity building and on March 4 and 11, 2022 held a Knowledge Exchange which looked at the implementation of the Model Guidelines at the SOMC in Antigua and Barbuda and the Sexual Offences Courts in Guyana.

The objectives of the knowledge exchange were to:

- connect the jurisdictions of Guyana and Antigua and Barbuda to enable the jurisdictions to share lessons and best practices.
- enable the jurisdictions to share lessons and best practices.
- develop knowledge products that captures the lessons, strategy, and best practices.
- enable jurisdictions within the Organisation of Eastern Caribbean States (OECS) to participate and learn of the best strategies for implementing the Model Guidelines.

The virtual two-day knowledge co-generation session was attended by approximately 76 multi-sector stakeholders from Antigua and Barbuda, Barbados, St. Lucia, Guyana and Trinidad and Tobago. Attendees represented a cross-section of judiciaries, government and non-governmental organizations. Additionally, survivor advocates were able to participate in the knowledge exchange and share their journey throughout the justice chain.

The Knowledge Exchange resulted in the development of a number of knowledge products which will accompany the Model Guidelines. One of the recommendations arising from the event was to review and make amendments to the Model Guidelines, taking into consideration the lessons learned in its implementation in the Caribbean over the past five years. The Project agreed and will be engaged in reviewing and updating the Model Guidelines in the coming months.

Several other promising next steps were also identified during the final “Concluding Reflections” which built on earlier sessions and preparatory meetings. These included strengthening multi-sectoral collaboration and data collection, improving survivor advocacy, legal reforms, improved services, and continuous capacity building of service providers and first responders.



Speaking at the opening ceremony - from top (l-r) Mrs. Gloria Richards-Johnson, Director, JURIST Project and Ms. Jessica Teasdale, Head of Cooperation, High Commission of Canada to Guyana and Suriname; bottom (l-r) the Honourable Mme. Justice Yonette Cummings-Edwards, Chancellor of Guyana (ag) of Guyana and the Honourable Mme. Justice Annmarie Smith, Judge, High Court, Antigua and Barbuda

IMPACT Justice and JURIST Projects collaborate on PWD

In December 2021, the Improved Access to Justice in the Caribbean (IMPACT Justice) Project in collaboration with the Judicial Reform and Institutional Strengthening (JURIST) Project completed a study on access to justice for persons with disabilities. The survey report titled: *Access To Justice For Persons With Disabilities In CARICOM Countries* presented findings based on a questionnaire and independent research is available [here](#).

Persons with disabilities are made particularly vulnerable by a society that does not cater to their needs. Disability discrimination and disenfranchisement are systemic which means that it is the responsibility of the state to ensure that access to justice is free of barriers since the judicial system plays a critical role in ensuring persons with disabilities are provided with avenues for protection, affirmation of their rights, and participation in the judicial system at different levels and within different roles.

Building on the Report, the JURIST Project will, in the coming months, develop a virtual training package and knowledge products for disability inclusion and awareness for judicial officers and court staff.

This will include four components as follows:

1. A rapid baseline assessment of Caribbean judicial officers’ knowledge, attitudes and perceptions of disabilities and persons with disabilities.
2. The development/adapting of disability inclusion guidelines and a checklist for judicial officers, aimed at reducing disability stigma, and to promote accessibility and inclusion within the judicial system.
3. Development of a training intervention, and training of judicial officers and court staff to become disability inclusion advocates and monitors. Proposed areas to be covered in the training include:
 - How to build an inclusive courtroom.
 - Disability awareness and etiquette.
 - Ensuring language is inclusive.
 - Accommodation and support.
 - Inclusive virtual courtrooms.
4. Collaborate with judiciaries to ensure that their reporting and monitoring frameworks are inclusive of persons with disabilities.