



# **JOURNEYING TOWARDS A FIRST CLASS JUSTICE SYSTEM**

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**THE HONOURABLE  
DELROY CHUCK, QC, MP  
MINISTER OF JUSTICE**

SECTORAL PRESENTATION 2020/21  
WEDNESDAY JUNE 24, 2020

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# ACKNOWLEDGEMENTS



**Mr Speaker,** I feel especially privileged to report the achievements of the Justice Ministry as well as to present our plans for even more achievements and improvements. I am particularly privileged to appear in this Honourable House on behalf of the Constituents of North East St. Andrew and will continue to serve them diligently and steadfastly.

I express my heartfelt appreciation to the Prime Minister, The Most Honourable Andrew Holness, for his confidence in my ability to reform and lead the Justice Sector.

I also acknowledge my hard-working team at the Ministry of Justice, capably led by Permanent Secretary, Mrs Sancia Bennett Templer, for their commitment to delivering justice services to our citizens and for quickly adjusting our operations so that we could continue to serve our people during the recent COVID-19 pandemic.

I want to extend, in particular, my gratitude to the Chief Justice, the Honourable Mr. Justice Bryan Sykes, other members of the Judiciary, as well as their support staff for working so ardently to improve Court service delivery to our citizens. Certainly, his visionary leadership has put Jamaica's Court System on the trajectory to become the best in the Caribbean and one of the best in the world. The Ministry of Justice will support the judiciary and the court system fully as we journey towards a first class justice system.

I am grateful to the:

- President of the Court of Appeal, The Honourable Mr. Justice C. Dennis Morrison;
- Appeal Judges and the Court of Appeal staff;
- Attorney General, Mrs. Marlene Malahoo-Forte;
- Solicitor General, Mrs. Marlene Aldred and the staff of the Attorney General's Chambers;
- Director of Public Prosecutions, Ms. Paula Llewellyn and her staff; and
- Director, Court Administration Division, Mrs. Tricia Cameron-Anglin and her staff

for their sterling contribution to the advancement of the work of the Courts and the Justice System.

- **Mr Speaker,** the justice team, comprises not just divisions at Central Ministry, but also affiliated agencies, all of which contributed to the overall achievements for the last fiscal year.

## SPECIAL THANKS TO:

1. Executive Director, Legal Aid Council, Mr. Hugh Faulkner and his staff for ensuring that citizens can secure legal representation;
2. Director, Victim Services Division, Rev. Osbourne Bailey and his team, for providing critical interventions for victims of crime;
3. Administrator-General, Mrs. Lona Brown and her staff for protecting the interests of minors, creditors and beneficiaries of estates
4. Chief Parliamentary Counsel, Miss Judith Grant; and the Director of Legal Reform, Mr. Maurice Bailey, and their staff for contributing to the development of a robust legislative framework.

**Mr Speaker,** we have made strides to ensure that each citizen can access the justice system effectively and easily. This is made possible through the kind support of our local and international partners who made critical strategic investments

to build the capacity of justice sector stakeholders and justice sector infrastructure. They provided us with some of the necessary tools and budgetary support to bolster our efforts. To the European Union Delegation to Jamaica; Global Affairs Canada; United States Agency for International Development; the United Nations Children's Fund; the Department for International Development; the Inter-American Development Bank; the International Narcotics and Law Enforcement Section in the U.S. Embassy; the National Integrity Action, thank you.

I am grateful for the support of my Close Protection Officer, Sergeant Howard Hamilton and driver, Mr. Oneil Ennis as I execute my duties.

Finally, I express my sincere gratitude to my wife Patricia and our family for standing with me all these years as I carry out my duties as a Cabinet Minister and Member of Parliament.

Sincere thanks to all of you.

## HIGHLIGHTS 2019/20

# COURT OPERATIONS

**Mr Speaker,** I open my presentation today with a report on the courts. The Ministry of Justice has put its full support behind the judiciary as it works towards building public trust and confidence, and improving service delivery in the courts. We are seeing significant progress in this regard, with the Supreme Court, the Court of Appeal and the Parish Courts all recording notable successes in different areas of operation. Still, so much more needs to be done.

**Mr Speaker,** I have been strident on the matter of the long delays in handing down judgments. This is an issue which the Chief Justice himself has addressed, admonishing judges that all judgments should be delivered within 90 days of completion of the case, or within 180 days, in exceptional circumstances.

In the Court of Appeal, as of June 16, 2020, there are 69 outstanding reserved judgments, and 30 outstanding reasons for judgment. 65.18% of all matters disposed of by the Court were disposed of within six months of the hearing, and there was a 37.86% increase in the number of appeals disposed of in 2019. However, at the end of 2019, there were still over 30 reserved judgments over two years delayed.

The Supreme Court recorded an impressive increase of 120% in the number of judgments delivered in 2019, over those delivered in 2018.

From January to May 2020, that Court delivered 97 judgments, and reserved 42 judgments, leading to a judgments clearance rate of 231%. However, approximately 50% of reserved judgments are over two years delayed.

In the Parish Courts, the case clearance rate for 2019, that is, the number of cases disposed of for every one hundred cases entering the courts, was 101.60%, an increase of 7.29% over 2018. All 13 Parish Courts exceeded the international benchmark of 85%. The data for the past thirty-

six months, from September 2016 to December 2019, show that overall, 41.11% of all cases in the Parish Courts are disposed of within 90 days of entry into the court.

Despite these results, **Mr Speaker,** it is clear that there still exists an unacceptably long delay in setting trial dates and delivering judgments. We are seeing where cases that have been filed and are ready for trial in the Supreme Court are now being set for 2025/26. Such inordinate delays do not reflect timely disposal of cases. It is a matter that needs to be addressed.

In the Supreme Court, matters that do not require adjudication should be completed within 12 months. If the case needs to go to trial, they should realistically be completed within two years on average. From filing to completion should not be longer than three years. In the Parish Courts, matters should be completed within 24 months, with 18 months being the realistic average.

***Mr Speaker, that is the benchmark of a first class justice system!***

Unfortunately, this is a far cry from what is happening now, and we need to solve this problem. Litigants have their lives on hold and are, frustratingly, waiting years to have their cases scheduled and tried. And then, thereafter, far too many judgments are reserved for longer than six months.

As the Chief Justice has underscored repeatedly, more judgments should be delivered orally and judgments should be reserved only for really complex cases. If a written judgment is required, the decision should first be given orally, and followed up within three to six months with the written explanation.

***Mr Speaker, that is the benchmark of a first class justice system!***

Litigants and their attorneys are complaining bitterly about the delays in the Justice System. They have directed their wrath at the Justice Ministry without appreciating that the Minister of Justice has absolutely no control or authority over the judges.

This Minister of Justice respects the separation of powers and has never, cannot, and will not, interfere with the judiciary in their judicial role. However, the prolonged delay in the court system is a matter of public concern that cannot be ignored. The Ministry is prepared to assist and respond to the judiciary and the court system in any strategy that will support the timely disposal of cases.

As a matter of policy, the Ministry is required to provide the resources, and we are doing that. The judiciary asked for additional judicial clerks to assist with writing judgments; we provided an additional

10, increasing their numbers to 22. Further, the Court of Appeal has 11 senior Judicial Clerks. Last year the Court of Appeal appointed three additional judges, which increased the number to 10. As a result, the Court of Appeal disposed of 193 appeals for 2019 representing an increase of just over 20% in the clearance of appeals delivered over 2018. However, there is still a backlog of over 1000 cases. We expect the Court of Appeal will appoint three additional judges for a total of 12 Appeal Court Judges plus the President so that they can sit regularly in three panels per week to deal with these pending cases.

The Ministry of Justice is therefore sending a clear signal and urging the Courts, that the public that we serve deserves fair, timely and efficient resolution of cases, because, ***Mr Speaker, that is the benchmark of a first class justice system!***

## TECHNOLOGY FOR THE JUDICIARY

**Mr Speaker**, one of the priorities of my administration at the Justice Ministry is to enhance efficiencies in the justice system through technology which can lead to more timely case resolution.

I am pleased to report that, under the Justice, Security, Accountability and Transparency (JSAT) Project, we installed supporting equipment and software for an Electronic Case Management System, or more appropriately, the Judicial Case Management System (JCMS).

This new JCMS platform is now at the pilot testing phase, scheduled to take place in select parish courts within this fiscal year. The system will manage jury selection; case flow and docketing management; case-scheduling; digital recording to expedite production of transcripts; and integration with audio recording. Once fully installed, it will allow the public to research cases, a facility which will no doubt prove beneficial to students and teachers of law; the media; as well as current practitioners in the field.

### **COURT TECHNOLOGY- JUSTICE, SECURITY, ACCOUNTABILITY AND TRANSPARENCY PROGRAMME**

*A courtroom at the Supreme Court equipped with two 84" television screens, cameras, microphones, speakers and audio visual conferencing equipment with funding support from the Justice, Security, Accountability and Transparency (JSAT) Programme. JSAT aims to improve processes and capabilities within the justice sector.*



Additionally, all 14 parish courts received 55" display screens for informational purposes. Data centres were also established at the St James Parish Court, the Supreme Court and the Clarendon Parish Court.



*The audio-visual conferencing software on display at the Port Maria Parish Court. The software was implemented as part of the objective of the Justice, Security, Accountability and Transparency (JSAT) Programme to improve processes and capabilities within the justice sector.*

These centres include servers, firewalls, and high-speed internet access to support the JCMS. 80 all-in-one desktop computers and 16 scanners were included in the hardware delivered to the courts.

**Mr Speaker**, we also commissioned into service video-link capabilities to alleviate the need and cost to transport remandees to court. This facility was used during COVID-19 to hold bail hearings electronically and conduct other urgent Court and Chamber matters.

Later this year, we will commission into service two Toyota Coaster buses which have been configured with audio visual equipment to allow for testimonies from vulnerable witnesses and to extend the electronic payments system at the Family Courts to other courts.

## NATIONAL CONFERENCE ON TECHNOLOGY IN THE JUSTICE SECTOR



*The National Conference brought together national and international stakeholders to build awareness of the IT solutions available to improve the delivery of justice and justice related services.*

We have succeeded to deepen the discussion around how our Judiciary can operate more efficiently with technology. In this regard, in February 2020 the Justice Ministry in association with the Court Administration Division and the National Integrity Action held a National Conference on Technology in the Justice Sector where local and international experts discussed the development of a strategic framework for the digitalization of Jamaica's justice system.

Indeed, **Mr Speaker**, this increase in the use of technology in judicial matters sets us well on our way to become one of the best justice systems in the world, and the country can expect to see further advances in this regard in the coming years.

## HIGHLIGHTS 2019/20

# ALTERNATIVE DISPUTE RESOLUTION

**Mr Speaker,** as one of the solutions to reduce backlog in our courts, the Justice Ministry has been promoting Alternative Dispute Resolution methods such as Mediation and Restorative Justice (RJ) Conferences. These methods prove to be less costly and more expeditious than litigation, and they end in a win-win for all concerned, instead of a win-lose or lose-lose outcome when litigation is unnecessarily pursued.

### RESTORATIVE JUSTICE



*Members of the Restorative Justice (RJ) Unit are joined by members of the security forces during the 2020 Restorative Justice Community March in Norwood, St James. The march was one of several activities for RJ week.*

Our Restorative Justice programme contributed significantly to the decrease in the number of cases now being dealt with in the parish courts, as those that can be resolved without litigation are increasingly being referred to the Justice Centres across the island. The rate of reduction over the past 12 months has been particularly strong, with an average monthly reduction of 9.26% in the case backlog.

A priority of the Ministry's Alternative Dispute Resolution (ADR) agenda, therefore, has been to put in place the framework needed to support a gamut of services to establish Restorative Justice as a standard feature of the Jamaican justice system.

**Mr Speaker,** I stood here just over a year ago and committed to providing training for school administrators, Justices of the Peace, clergy, and security personnel.

Today, I am proud to report that all our ADR training objectives have been achieved.

We trained 619 police officers, probation officers and school administrators.

We held 290 sensitization sessions.

Over 7,000 Jamaicans benefitted from RJ processes. In the 2019/20 fiscal year, we facilitated 1,600 cases with 9,000 participants. An impressive 90% of the interventions had successful outcomes, representing a 42.2% increase over the previous year.

We currently have 16 RJ centres, that is, at least one in every parish. Through these offices, we guide victims and offenders towards peaceful conflict resolution and healing in communities.

Honourable Members, all across Jamaica, Restorative Justice interventions are changing angry blows into handshakes, and verbal conflict into amicable discourse, one RJ conference at a time.

### MEDIATION

We are also taking steps to effect **Mediation** as a prominent feature on the ADR landscape. In the next fiscal year we hope to pass a Mediation Bill as well as to adopt the Singapore Convention on Mediation to facilitate settlement agreement on international trade and commerce.

I encourage all justice stakeholders – litigants, attorneys, probation officers, Justices of the Peace, community leaders – to use the services of the Justice Centres to alleviate the burden on our courts.



*Introducing Restorative Justice to schools is critical to instilling healthy conflict resolution skills in Jamaica's future generations. Minister Chuck shared this dream with students at the 2020 Restorative Justice Youth forum held in February.*

## HIGHLIGHTS 2019/20

# THE SOCIAL COMPONENT TO JUSTICE

### CHILD DIVERSION

**Mr Speaker,** I am of the firm view that a nation is judged by how it treats the vulnerable, such as the elderly and the young, and I want to highlight some of the work we at the Justice Ministry have done to address the needs of our children. The Honourable Members would be well aware that from time to time children come before the courts, having been in conflict with the law. Our responsibility as a government is to ensure that these children can survive and thrive.



*Ms. Janet Howe (centre), Kingston Child Diversion Officer presents members of the security forces with Child Diversion registers and referral forms ahead of the implementation of the programme.*

We expended a lot of human and other resources on the National Child Diversion Programme, which provides alternatives for young offenders under 17 years old.

During the 2019/20 fiscal year, the Justice Ministry focused on initiatives to implement the Child Diversion Act, 2018, and after years of research, development, training and sensitization, drafting of legislation and mobilizing of personnel, I am happy to report to this Honourable House, that the Child Diversion Act was brought into **full** effect in December 2019.

Furthermore, **Mr Speaker,** the Justice Ministry is proud to report on the progress we made on the implementation of the National Child Diversion Programme:

- the establishment of 13 Child Diversion Parish Offices - *achieved*
- the appointment of core staff for the Child Diversion programme - *achieved*
- the selection of 13 Child Diversion Parish Committees - *achieved*
- the engagement of NGOs and CBOs to bridge the gap between communities and the programmes - *achieved*
- training of mentors to bolster the work of the child diversion programme - *achieved*
- the execution of a national education campaign for the sensitization of all stakeholders - *achieved*

**Mr Speaker,** the achievement of these objectives brought Child Diversion to the cusp of a full all-island rollout by March 2020. Unfortunately, the reduction of court activities and other COVID-19 related factors, hampered the pace of the operationalization.

By March 2020, with Child Diversion Offices operational in 13 parishes, twenty-two children had been referred to the Child Diversion Programme.

**Mr Speaker,** with respect to children deemed uncontrollable, the Child Diversion Act is designed to deal with children who commit specific offences, all of which are set out in the Child Diversion Act,

2018. It does not make provisions for children deemed uncontrollable, as this is not a charge or criminal offence. However, another unit of the Justice Ministry, the Legal Aid Council, can provide legal assistance in these cases.

## LEGAL AID COUNCIL

Indeed **Mr Speaker**, through the work of the Legal Aid Council (LAC), the Justice Ministry continues to support the justice system by focusing on yet another vulnerable group in the society, that is, those who are unable to access justice services readily because they are marginalised in some way.

In the last fiscal year, the LAC provided legal representation for 5,301 individuals who were either detained by the police, charged with a criminal offence or set to appear in Court. This number includes 2,345 individuals who were unable to cover litigation costs and to whom the Legal Aid Council made duty counsel representation available.

**Mr Speaker**, our modus operandi at the Justice Ministry is to take Justice to the people of Jamaica. One of the primary vehicles driving this thrust is the Mobile Justice Unit operated by the Legal Aid Council. During 2019/20:

- this single unit visited 80 communities across the length and breadth of Jamaica.
- this single unit allowed 1,251 Jamaicans to benefit from consultations and legal advice.
- this single Unit, since 2017, has provided 6,552 citizens of Jamaica with Justice Services right on their doorsteps.

That said **Mr Speaker**, I am pleased to report that there will be a decided increase in the number of visits the Legal Aid Council will make in the current fiscal year, and beyond. Earlier this year, the Justice Ministry was very pleased to accept a gift of two additional Mobile Justice Units valued at CAD420,000 from the Canadian Government and the United Nations Development Programme.



*The two new 2020 Golden Dragon units, valued at CAD420,000, were donated to the Ministry of Justice by the Canadian Government and specially retrofitted with the kind support of the United Nations Development Programme.*



*(l-r) Justice Minister, Hon. Delroy Chuck; High Commissioner for Canada to Jamaica, Her Excellency Ms. Laurie Peters; Attorney-General for Jamaica, Marlene Malahoo-Forte; and the United Nations Development Programme Resident Representative to Jamaica, Denise E. Antonio cut the ribbon for one of two new Mobile Justice Units during a handover ceremony in January 2020. The units were donated by the Canadian Government and the UNDP and are valued at CAD\$420,000.*



*The new Mobile Justice Units boast a wheelchair ramp that facilitates ease of access for the special needs community.*



*One of two private office spaces on the Mobile Justice Unit. It is specially retrofitted with a desk and air conditioning unit and can host clients who prefer to have their legal matter discussed in private.*

*This private office is large enough to host two clients and is retrofitted with a cupboard and shelves to store brochures, pamphlets and forms.*

This state-of-the-art Justice fleet has been retro-fitted to ensure the comfort and privacy of lawyer and client. Following a pause in April and May due to COVID-19, the LAC team has resumed its roll out to communities, with its schedule and operations specially adjusted to the guidelines issued by the Government for the COVID-19 era. I urge all of you to take advantage of this opportunity for your constituents, and to keep up-to-date with the monthly schedule by contacting the Legal Aid Council.

## VICTIM SERVICES DIVISION

The Victim Services Division (VSD) is another branch of the Justice Ministry which has been leaving no stone unturned in its response to the public, providing counselling sessions; court familiarisation visits advocacy, and even home visits for victims of crime.

Indeed, **Mr Speaker**, at a Witness Care Conference held at the University of the West Indies in July 2019, the VSD was cited by stakeholders for the excellent work it has been doing to support victims of crime of all ages.

During the 2019/2020 fiscal year, the VSD intensified and implemented therapeutic approaches for both children and adults. These include:

- assisting 4,244 children through court support, trauma and grief therapy and special intervention programmes
- providing court support for 533 adults
- developing a Missing Children Risk Assessment Tool (MCRAT) to assist parents in identifying risks associated with their child going missing.
- producing eight Animation Films which portray and outline appropriate responses to issues which our nation's children face.

The VSD conducted a remarkable 13,057 counselling sessions in the past fiscal year, during which they engaged 5,861 new clients and supported 6,796 follow-up clients.

**Mr Speaker**, the value to the nation of emotional healing on this scale is incalculable.



*The Ministry's Victims Services Division is committed to supporting victims of crime through the provision of counselling, emotional therapy and other therapeutic interventions.*

## EXPUNGEMENT

For the past fiscal year we continued to review applications from persons who have a criminal conviction. Many have been rehabilitated and are making meaningful contributions to society, but are subjected to restrictions and marginalisation for their past mistakes. During 2019/2020, the Ministry received 1,382 expungement applications, of which 797 were brought before the Board, with 576 approvals.

**Mr Speaker**, I would like to note here that we are currently reviewing the Criminal Records (Rehabilitation of Offenders) Act to confer broader discretion to the Board in considering applications for Expungement so that more deserving Jamaicans

will be able to take advantage of this provision in the law. We hope that an amendment can be implemented soon to allow more persons who are fully rehabilitated to be relieved of their conviction and open a new chapter in their lives.

Another service we provide is the processing of **Minister's Marriage Licences** for Jamaicans and for visitors who choose Jamaica as their wedding destination. During the period under review, we processed 8,645 Marriage Licenses. Allow me leave, **Mr Speaker**, to share with this Honourable House, that these services added an impressive J\$38.7M to the coffers of the Government of Jamaica in the last Fiscal Year.

# HIGHLIGHTS 2019/20

## CAPACITY BUILDING FOR JUSTICE SECTOR STAKEHOLDERS

### TRAINING SESSIONS

**Mr Speaker**, having regard to the invaluable work done by Justices of the Peace across the island, the Justice Ministry invested heavily in capacity building for them to ensure they remain current with national and international standards of service. We held several mass training sessions across the island throughout the past year, with several hundred JPs attending each sitting.

I pause here to thank our partners who have supported us throughout this process – the National Integrity Action (NIA); the European Union Delegation to Jamaica; USAID; the Dispute Resolution Foundation; as well as government agencies such as the Passport Immigration and Citizenship Agency, who have given unwavering support to us as we equipped our Justices of the Peace to serve our communities. I also acknowledge the stellar work of the Justice Training Institute (JTI), which has been ably fulfilling its mandate to build the capacity of Jamaica’s Justice Sector.

In addition to the mass sensitization sessions: **600** JPs were steeped in Mediation, Restorative Justice and Child Diversion procedures.

**36** JPs who successfully completed the Mediation Training offered by the JTI are now certified and gazetted to serve as Mediators at the Parish Court level and an additional **14** JPs await certification and gazetting.

**254** justice sector personnel benefited from special residential training sessions geared towards increasing prosecutorial outcomes and enhancing court service delivery.



*(l-r) Justice Minister Delroy Chuck and NIA Executive Director Professor Trevor Munroe share a light moment with EU representatives Vanna Lawrence and Ricard Bardia Divins during the National Conference on Technology in the Justice Sector.*



*Minister of Justice Delroy Chuck greets NIA Executive Director Prof Munroe at a Kingston Justice of the Peace Sensitization session as Custos Patricia Dunwell of St. Andrew (far left) and Permanent Secretary Sancia Bennet Templar (far right) look on.*

**717** Justices of the Peace participated in specialized training sessions including Fraudulent Documents: Deterrence, Examination and Detection, Mediation, Lay Magistrates' Court, Increasing Access to Justice, Justices of the Peace Act, 2018, Conflict Resolution, Restorative Justice and Bail. Several JPs also participated in a Train the Trainer session geared towards building competencies of JPs to serve as Peer Facilitators.

**51 members of the Court Staff** participated in training on Increasing Access to Justice. The training aimed to raise awareness among justice sector workers on existing access to justice barriers and to sensitize them on how to interact and communicate with the members of the public who access justice and legal systems.

We commissioned 783 new JPs during the past fiscal year, representing a 37% increase over those commissioned in 2018/2019.

I thank the citizens of Jamaica for their overwhelming response to the call to serve.

The fact that so many Jamaicans are able to meet the stringent requirements to be a Justice of the Peace speaks volumes about our society's potential.

To date, we have 9,047 Justices of the Peace island wide. This is an almost 50% increase during my current tenure as Minister.

**Mr Speaker,** we want more persons of unquestionable integrity to serve as JPs and we look forward to receiving even more applications so that we will have a strong corps of leaders to offset the diseases of indiscipline, crime and violence now plaguing our society.



*(l-r) Custos Rotulorum for St. Catherine, Hon. Rev. Jeffery McKenzie; Justice Minister Hon. Delroy Chuck; Principal/Director of the Justice Training Institute, Karen Campbell-Bascoe present instruments of office to newly commissioned Justice of the Peace, Paulette Coley during an installation ceremony at the Portmore Seventh-Day Adventist Church on March 4, 2020. Looking on is Director, Public Law, Restorative and Preventative Justice Unit at the Justice Ministry, Julia Moncrieffe Wiggan.*



*Justice Minister, Hon. Delroy Chuck (seated centre); Custos for Clarendon, William Shagoury (left); and Mayor of May Pen, Winston Maragh (right) with 70 newly commissioned Justices of the Peace for Clarendon after an installation ceremony in November 2019.*



*Candidates being sworn in as Justices of the Peace (JPs) for St Catherine during a commissioning ceremony at the Portmore Seventh-Day Adventist Church on March 4, 2020. The parish welcomed 126 new JP in 2019/2020.*

## IMPROVING JUSTICE INFRASTRUCTURE

**Mr Speaker,** I turn now to the issue of justice infrastructure. The Justice Ministry expended \$1 billion between January 2019 and March 2020 to construct, renovate and retrofit justice facilities across the island to provide comfortable, safe and aesthetically pleasing surroundings to conduct the business of the judiciary and alternative justice services.

Three Regional Judicial Complexes are a step closer to fruition as we have secured and fully paid \$184M for land in Manchester for the Manchester Regional Judicial Complex.

Major renovation continues on the Office of the Director of Public Prosecutions at Public Building West. Infrastructure investment to the tune of \$626.4m is ongoing and includes major demolition work; spatial reconfiguration; extensive masonry and tiling work and the upgrading of sanitary facilities.

Additionally, a Victim Services Division office was completed in Trelawny for approximately \$31m and a Justice Centre in St. Elizabeth for just over \$24m.

**Mr Speaker,** the Honourable Members will recall that late last calendar year, fire decimated the Manchester Parish Court. The Justice Ministry acted swiftly to relocate the staff and operations, and expended \$29M for this relocation during the period. This swift action allowed for quick reconvening for Parish court activities and commencement of Circuit Court.

Further expenditure included a \$35.5m allocation to renovate bathrooms across nine courthouses islandwide.

The Ministry's projects also involved major upgrading work for improved efficiency, maintenance and safety.

This includes electrical upgrade at three Justice Centres and five courthouses for approximately \$134.5m. We installed IT infrastructure, security cameras and air conditioning units, as well as attended to tiling and plumbing needs.

The Trelawny Family Court was also further retrofitted for close to \$47m to expand the building's capacity as well as to improve security and ventilation.



*The Trelawny Family Court after the completion of refurbishing works. The Court was retrofitted for close to \$47m to expand the building's capacity as well as to improve security and ventilation.*

Significantly, during the year we established Child Diversion Offices in St. Catherine, Clarendon and Hanover, as well as Justice Centres in St. James, St. Andrew and St. Elizabeth, bringing to eight the number of Justice Centres currently in operation.

## HIGHLIGHTS 2019/20

# AGENCY AND DEPARTMENTAL REPORTS

**Mr Speaker**, I have just given you an update on the stellar work of the branches at Central Ministry and the Courts. We also have several agencies/ departments and these are performing extremely well.

### ADMINISTRATOR-GENERAL'S DEPARTMENT

The Administrator-General's Department marked twenty years as an agency in 2019. Under the leadership of Administrator-General Mrs. Lona Brown, the AGD continued to proficiently administer the estates of persons who have died intestate or left minors.

In the last Fiscal Year, the AGD closed **520** estates cases, transferring properties and funds to the relevant beneficiaries. During the same period, over J\$600M was paid out to beneficiaries.

The AGD also surpassed its stellar record for issuing Instruments of Administration, with **293** Instruments of Administration issued, surpassing the average of 250 issued in previous years.

### THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

The Office of the Director of Public Prosecutions is mandated to support the Justice Ministry's vision to provide the citizens of Jamaica with a prosecutorial system which respects their rights and safeguards the administration of justice. In this regard, **Mr Speaker**, the Office of the Director of Public Prosecutions continues to be heard by the people of Jamaica as a voice which is both fair and just in matters of criminal prosecution.

As earlier indicated **Mr Speaker**, work is advanced in the renovation and expansion of the ODPP which will be completed in the 2020/21 fiscal year. This will allow for further efficiencies in their operations. In the year under consideration, over 2600 cases were disposed of across the various circuit courts and gun courts. This is an average of 216 cases per month.

Notably, there was a 30% increase in case files disposed of in the Rural Circuit Courts and a 20% increase in case files disposed of in the Home Circuit Court.

**Mr Speaker**, the DPP and her team must be commended for the excellent role they continue to play in the administration of justice.

### THE OFFICE OF THE PARLIAMENTARY COUNSEL

**Mr Speaker**, I crave the indulgence of this Honourable House to speak of the exceptional work being produced by the Office of the Parliamentary Counsel (OPC).

For the Financial Year 2019/20, the OPC **dispatched approximately 620 of the 634 matters** on which Government Ministries, Departments and Agencies requested its assistance. This represents **an increase of 70%** when compared with the same period last year.

Of the matters drafted, **some 17 Acts were passed** for the financial year, among them, the Law Reform (Amendment of Penalties) Act; the Tourism Workers Pension Act; the Terrorism Prevention (Amendment) Act; and the Proceeds of Crime (Amendment) Act.

## PROJECTIONS 2020/21

# LOOKING AHEAD

**Mr Speaker**, the team at the Justice Ministry works assiduously to meet the needs of the public despite the necessary restrictions of the COVID-19 era. The operations of all our teams have been adjusted, so that, while they keep within the guidelines outlined by the government, they continue to meet the diverse needs of a citizenry that demands, and deserves, professional and expert service delivery:

- The Justice Training Institute is offering an increased suite of trainings via webinars
- We are hosting our town hall meetings digitally instead of having mass gatherings at public fairs
- The Victim Services Division now offers counselling via telephone
- The number of participants allowed for Restorative Justice conferences have been adjusted to comply with physical distancing protocols
- The Legal Aid Council's Mobile Justice Units now have strict operating procedures for sanitation, crowd control and face-to-face interactions

All this, **Mr Speaker**, without compromise to quality and effectiveness.

## ALTERNATIVE DISPUTE RESOLUTION

**Mr Speaker**, based on last year's results, I am convinced that the strategies we have been employing in the area of Alternate Dispute Resolutions have been yielding results for the people of Jamaica. Child Diversion, the Victim Services Division and Restorative Justice are all programmes which treat with not just the symptoms but also the root causes of anti-social behavior.

We continue to take steps to employ **Mediation** as one of the formal tenets of the ADR suite of offerings in Jamaica.

## CHILD DIVERSION

With regard to Child Diversion, the framework that is now in place allows us to actively support children as they are referred. In this Fiscal Year, we will increase the number of children who benefit from Child Diversion, develop a CD monitoring and evaluation system.

## RESTORATIVE JUSTICE

The current formula for the expansion of ADR services has proven to be effective. We will continue to provide support to the reduction of case backlog in the courts through resolution of cases.

Despite the COVID -19 pandemic, RJ projects to facilitate more than 2,000 Case Conferences as well as to train over 1000 Parish Court Judges, Clerks of Court, Police Officers, Probation Officers, School Administrators and other community leaders in Restorative Justice processes during the current Financial Year.

## VICTIM SUPPORT

The Ministry will continue its therapeutic interventions for children and others who have been exposed to violence. Our plans are to establish **20 E-Counselling stations** to ensure business continuity despite COVID19; provide counselling and emotional support services to **5,500** new clients; 5,000 follow-up clients and conduct **11,000** counselling sessions.

## INFRASTRUCTURE WORKS

**Mr Speaker**, over the course of the next two fiscal years, the Ministry of Justice will undertake work to implement an expansive programme of court infrastructure development that will see the further significant transformation of Justice Infrastructure in Jamaica. We intend to provide first class infrastructure so that our citizens can rest assured that their dignity is being preserved and other court

users as well as our court staff can operate in an atmosphere conducive to productivity and well-being.

**Members,** we are indeed journeying towards a First Class Justice system, parish by parish.

**In Manchester,** we will restore the historic Parish Court building which was damaged by fire in November 2019, which will be utilized as an interim Family Court while a new Family Court is developed.

**In Trelawny,** we will complete the expansion of the Family Court to improve services and efficiency and ensure enhanced accessibility and convenience for users.

**In Clarendon, St. Andrew and Hanover,** we will deliver three new Justice Centres which will offer combined Child Diversion and Restorative Justice services.

**In St. James,** the Parish Court will undergo extensive renovations and refurbishing.

**In St. Ann,** we will deliver a stand-alone, purpose built Family Court comprising 8800 sq. ft. This Family Court will incorporate child friendly waiting areas; a separate holding area for children in state custody; well-appointed, comfortable waiting rooms and modern amenities throughout the complex, state of the art information technology systems including a customer service software so persons will no longer be called by name to conduct business, but by number.

**In St. James, St. Ann and Manchester,** we are at varying stages in the process to provide three Regional Judicial Complexes. In the case of Manchester and St. Ann, land has already been acquired, and in St. James, we are actively looking for a suitable location. The Ministry has completed consultations with the Judiciary and are ready to proceed to procurement of consultancy services for design of the Manchester and St. Ann Regional Judicial Complex.

And this is not all **Mr Speaker.** The Ministry is far advanced in activities for substantial renovation works at the Clarendon Parish Court, May Pen, and have completed preparatory works for renovation of some eight additional Court facilities, placing us in a state of readiness to quickly proceed with these works on receipt of funding for these projects.

**Mr Speaker,** the team at the Justice Ministry is working diligently and purposefully to ensure that the wheels of Justice will turn in what we plan to be the gold standard of justice infrastructure. A first class justice system demands first class facilities, and they are being provided.



*The St. Andrew Justice Centre which was opened on November 1, 2019 brings to nine the number of Justice Centres across the island. The facility expands the Ministry's thrust to provide alternative dispute resolutions services to Jamaicans.*

**In Kingston,** we will continue to refurbish the Office of the Director of Public Prosecutions, allowing for improved efficiencies and working conditions.

## CONCLUSION

**Mr Speaker,** our appetite for delivering a first class justice system has been whetted by the achievements of the past fiscal year. Despite national and global challenges, we remain resolute that our justice service delivery in Jamaica must be the yardstick by which others are measured.

Our commitment to the courts of Jamaica is unwavering; the Ministry of Justice will continue to play its part in providing the resources that are needed to make our Justice System one of the best in the Caribbean and the world.

The Justice Ministry recognizes that upholding the rule of law and protecting human rights are linchpins of a democratic state, and through our agencies and divisions we will continue to respond

to the needs of vulnerable groups, regardless of whether those we serve are out and about as previously obtained, or, in the words of a recent popular local song, “Inside, Inside Quarantining”!

I urge all Justice stakeholders to join with me and the dedicated staff members at the Justice Ministry, as we seize the opportunities and resources available for our **journey towards a first class Justice System** that will be ‘safe, cohesive and just’ for Jamaica, land we love!

Thank you.  
Delroy Chuck, QC, MP  
Minister of Justice

# APPENDIX

PRIORITIES/ INITIATIVES	ACHIEVEMENTS 2019/20	PROJECTIONS 2020/21
<p><b>The Courts</b></p>	<p><b>Parish Court</b></p> <ul style="list-style-type: none"> <li>The case clearance rate (number of cases disposed of for every one hundred cases entering the courts for 2019), was 101.60%. This is an increase of 7.29% over 2018.</li> <li>All 13 Parish Courts exceeded international bench mark of 85%. 11 of 13 Parish Courts recorded a clearance rate of 90%. Five Parish Courts had a clearance rate in excess of 100%.</li> </ul> <p><b>Supreme Court</b></p> <ul style="list-style-type: none"> <li>Since introducing Friday judgments in 2019, the net clearance rate of delivery of outstanding judgments was 189%, that is, for every 100 new judgments reserved, 189 were delivered.</li> <li>The Matrimonial and Probate Division achieved a clearance rate of 99.54%, representing the largest share of cases disposed of in the Supreme Court at 42.31%.</li> </ul> <p><b>Appeal Court</b></p> <ul style="list-style-type: none"> <li>134 judgments reserved in 2019, while 253 judgments were delivered. This represents an increase of 120% when compared to 2018. 57 judgments reserved on applications in 2019 while 74 were delivered. This produced a clearance rate for judgments on applications of 129.82%.</li> <li>42 judgments were reserved between January 02 and May 31, 2020 while 97 judgments were delivered, leading to a judgments clearance rate of 231%.</li> </ul>	<p>Based on the Strategic Plan for the Jamaican Judiciary, this clearance rate of 101.6% is ahead of what is required for years one and two of the plan. If this is sustained the backlog in criminal cases will be cleared by 2025.</p> <p>If the rate of improvements in the clearance of judgments seen since 2019 is sustained, it is forecast that within the next 12 months, between 76% and 81% of outstanding judgments will be under 6 months old.</p>

PRIORITIES/ INITIATIVES	ACHIEVEMENTS 2019/20	PROJECTIONS 2020/21
<p><b>Legislation and Constitutional Reform</b> Legislative reform being implemented to introduce recommended changes to the legal landscape in response to the existing gaps in both criminal and civil law that impact the effectiveness of the justice system.</p>	<ul style="list-style-type: none"> <li>• The Law Reform (Amendments of Penalties) Act, 2019 came into effect on December 6, 2019</li> <li>• Draft Bill prepared for the Dog Owners Liability Bill - new law that provides for both civil and criminal liability for owners of dogs that attack individuals in a public place. The policy was approved by the Cabinet and drafting instructions have been given to the Chief Parliamentary Counsel.</li> <li>• Law Reform (Notice of Alibi) Bill was reviewed</li> <li>• Draft Bill for Amended Judicature (Resident Magistrates) (Amendment) Bill, 2015 &amp; Judicature (Appellate Jurisdiction) (Amendment) Bill reviewed</li> <li>• Consultations held on Amended Criminal Records (Rehabilitation of Offenders) Act</li> <li>• Cabinet Submission for Amendments to Administrator-General's Act; Intestate Estates and Property Charges Act; and Status of Children's Act prepared and forwarded</li> <li>• Bill reviewed and forwarded on Accession to the Hague Convention Abolishing the Requirements for Legislation of Foreign Public Documents, 1961 (The Apostile Convention)</li> </ul>	<ul style="list-style-type: none"> <li>• Amended Draft completed for Dog Owners Liability Bill</li> <li>• Draft completed for Law Reform (Notice of Alibi) Bill</li> <li>• Draft Bill for Amended Judicature (Resident Magistrates) (Amendment) Bill, 2015 &amp; Judicature (Appellate Jurisdiction) (Amendment) Bill</li> <li>• Draft Bill for Amended Criminal Records (Rehabilitation of Offenders)</li> <li>• Draft Bill for Amendments to Administrator-General's Act; Intestate Estates and Property Charges Act; and Status of Children's Act</li> <li>• Enact Legislation for Accession to The Hague Convention Abolishing the Requirements for Legislation of Foreign Public Documents, 1961 (The Apostile Convention)</li> </ul>
<p><b>Legislative Reform</b></p>	<p><b>National Identification Scheme</b> Provided support to the NIDS Secretariat for the development of the policy and drafting instructions for a new national identification law that is responsive to the judgement of the Constitutional Court. Policy approved by Cabinet and drafting instructions prepared.</p> <p><b>Review Of Sexual Offences Act</b> Support given to the deliberations of the Joint Select Committee of Parliament that examined the Sexual Offences Act.</p>	

PRIORITIES/ INITIATIVES	ACHIEVEMENTS 2019/20	PROJECTIONS 2020/21
<p><b>Legislative Reform</b> <i>(cont'd)</i></p>	<p><b>Review Of Occupational Health &amp; Safety Act</b> Support given to the Ministry of Labour and Social Security and the Joint Select Committee of Parliament on the draft Bill</p> <p><b>Criminal Records (Rehabilitation of Offenders) Act</b> Assistance given to development of the policy for amendment to the Act to confer broader discretion to the Board to consider applications for expungement of the criminal record of past offenders. The draft Cabinet submission perused and comments submitted to the Ministry of Justice</p> <p><b>Victim Impact Statements</b> The lack of a mechanism for a victim of a crime to be able to address the court at some point during a trial was examined. Extensive research was conducted particularly as adopted by other countries. Findings and proposal for the adoption of a victim impact statement submitted.</p> <p><b>Parole Act</b> Recommendations for amendments to the Parole Act to provide for parole for foreign inmates in Jamaica prisons</p>	
<p><b>Project Management and Technical Services Division (PMTS)</b> Provides adequate physical infrastructure to accelerate the reform process in order to enhance the public's access to justice services, and maximize staff productivity, which are both imperatives for improving the timeliness and quality of justice services.</p>	<p>In the last Fiscal Year, over \$700 million spent to construct, rehabilitate and refurbish justice facilities island-wide, including</p> <ul style="list-style-type: none"> <li>• expansion of family related judicial services to Trelawny, with the establishment of the Trelawny Family Court. The retrofitted structure was completed at a cost of approximately \$47M and was operationalized in May 2019.</li> <li>• Establishment of five Child Diversion Offices (CDOs) in St. Catherine, Hanover, Clarendon, St. James and St. Andrew.</li> <li>• Establishment of three Parish Justice Centres in St. James, St. Elizabeth and St. Andrew (Half Way Tree) to increase the use of Alternative Dispute Resolution (ADR) in settling disputes.</li> </ul>	<ul style="list-style-type: none"> <li>• Establishing an interim Family Court in Manchester</li> <li>• Continued refurbishing works at Public Building West, Office of the Director of Public Prosecutions, allowing for improved working conditions.</li> <li>• Expansion works at the Trelawny Family Court building to accommodate the inclusion of an enclosed walkway and parking spaces.</li> </ul>

PRIORITIES/ INITIATIVES	ACHIEVEMENTS 2019/20	PROJECTIONS 2020/21
	<ul style="list-style-type: none"> <li>• Construction of a Victim Service Division (VSD) Office in Trelawny to assist victims of crime with support services including Counselling and Mediation.</li> <li>• Preventative maintenance, rehabilitation and repair work, totalling approximately \$186 million, undertaken at several courthouses including the Clarendon Parish Court (Lionel Town), the St. Mary Parish Court (Annotto Bay), and the Portland Parish Courts in Manchioneal, Port Antonio and, Buff Bay.</li> <li>• Retrofitting and renovation of the James Plaza, Mandeville to facilitate the temporary relocation of the Manchester Parish Court.</li> <li>• Repair and replacement of air conditioning systems at several justice institutions including the Victim Support Division (West Kingston) and the St. Mary and the St. Ann Justice Centres.</li> <li>• The completion of Geotechnical Surveys in Trelawny, St. Elizabeth and St. Catherine on government-owned lands for the development of parish complexes.</li> <li>• Installation of thirty-one (31) signs at courthouses islandwide.</li> <li>• Completed 60% installation of digital audio recording and video-link technologies in 19 Courts (78 rooms) islandwide.</li> <li>• Electronic Case Management System (eCMS) completed and Judicial Case Management Software developed.</li> </ul>	<ul style="list-style-type: none"> <li>• Ongoing efforts to establish three (3) Regional Judicial Complexes for St. James, St. Ann and Manchester.</li> <li>• Professional architectural services for the development of the St. Andrew (Stony Hill), Hanover and Clarendon Justice Centres. These Justice Centres will offer a combination of Restorative Justice and Child Diversion services.</li> </ul>



