

# TABLE OF CONTENTS

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<u>Title</u>	<u>Page</u>
1. Introduction & Presentation.....	2- 13
2. Appendix I - Mission, Portfolio & Subject Areas .....	14-15
3. Appendix II - Greater Transparency & Integrity.....	16-17
4. Appendix III - Summary of Achievements .....	18-22
5. Appendix IV - Legislation & Policy .....	23-27
6. Appendix V - Physical Infrastructure Development .....	28-32
7. Appendix VI - Other Initiatives .....	33-36
8. Appendix VII - The Coming Years .....	37-42



## SECTORAL PRESENTATION TO PARLIAMENT BY THE MINISTRY OF JUSTICE

Mr. Speaker (MS), it is the 1<sup>st</sup> in 15 years that the MoJ is doing a Sectoral Presentation in the Lower House of Parliament and I am honoured to be the Standard Bearer.

MS, the work of a Justice Ministry in any country is the foundation for the establishment of a just and law abiding society.

Our Ministry of Justice has lived up to this responsibility and continues to be the nucleus of the Government's legislative programme.

MS, as the Ministry responsible for advancing, upholding and facilitating the Rule of Law in the delivery of justice, the MoJ administers and delivers justice services, as well as provides the policy framework, operational support and analysis on justice issues.

MS, as part of our mandate, our commitment to justice, is to ensure

- That the rights and freedoms of every citizen is protected and respected;
- That the abuse of power is exposed and sanctioned;
- That Officials exercising authority are held strictly accountable and responsible for their decisions;
- That our Courts will operate efficiently and effectively; and
- That justice is delivered in a timely and satisfactory manner.

### **Human Rights and Justice**

MS, access to justice is a critical feature of democracies. It is important that our justice system is robust, equitable, and impartial.

There is tremendous work still to be done in reforming the justice system so that more of our people can have faith and confidence in the system.

MS, a significant part of the responsibility falls on our citizens who we need to encourage and empower to participate in the system when called upon to do so.

MS, this Administration recognises that a just society requires cohesion and continuity if we are to fulfill our responsibility to protect the rights and

freedoms of our citizens. MS, it is why this administration will build on the strides made during our last term in office and recognize the efforts made by the previous administration by continuing:

- the justice reform programme;
- the programme to remove and repeal outdated legislation;
- the backlog reduction efforts in the Courts;
- the modernization and expansion of the Courts;
- the thrust to protect vulnerable groups in our society;

MS, the foundation has been set for the establishment of a Human Rights Institute. You will recall that in 2011, we passed the Charter of Rights, which provides more comprehensive protection for the fundamental rights of Jamaicans.

The Human Rights Institute will serve to ensure that as we navigate the challenges of our changing society, the rights and freedoms of citizens will always be protected.

### **Safety and Security**

MS, our criminal justice system is a continuous work in progress and you may be aware that most of the criticisms we have received from international agencies, have been about our criminal justice system.

This is why MS, the MoJ will move with urgency to make our criminal justice system more efficient and more effective in supporting the efforts of law enforcement.

As part of this effort MS, we will be increasing the number of Court houses, Judges and Prosecutors, and expanding the opportunities for our citizens to access justice.

## **COMBINED EFFORT IN REDUCING BACKLOG**

MS, the backlog reduction strategy will be the primary focus of the Ministry of Justice over the next few years, as the aim will be to achieve the timely delivery of Justice in our Courts.

All participants and stakeholders in the Justice system will need to work together to ensure that the Court processes run efficiently and effectively.

MS, this will include the Judiciary, Prosecutors, Clerks of Court, Defence Attorneys, the police, Court administrators and Jurors who will all have to play their respective roles in ensuring that the timely delivery of Justice becomes a reality that the Jamaican people expect.

MS, the first step in tackling the backlog is to accurately quantify the number of cases currently before the Courts, or the current caseload as distinct from the number of cases which have been before the Courts for longer than a reasonable period of time, which is what would comprise the backlog. To this end MS, a statistician has been employed in the Courts to collect, quantify and analyze the data from the Courts and to prepare an accurate data capture mechanism. He will also ensure that regular and accurate reports on Court statistics are provided.

### **Some Early Results**

MS, as stated earlier, removal of certain offences from the remit of the Court through the amendment to the Dangerous Drugs Act, has seen a 72% reduction in the number of new ganja offences listed in all Parish Courts, from 8,284 in 2014 to 2,285 in 2015.

Additionally MS, the amendment to the Criminal Records (Rehabilitation of Offenders) Act saw a total of 71 offenders being qualified to have their offences automatically expunged.

MS, the Jamaica Constabulary Force Technical Service Division (Criminal Records Office) also reported that since the introduction of the Regulations to the Criminal Records (Regulations) Rehabilitation of Offenders Act in 2015 which allows for automatic expungement of a police record based on the possession of ganja which attracted a fine of One Thousand Dollars or less; smoking of ganja and the possession of pipes or other utensils for smoking ganja, a total of 3,954 persons were issued with a clean Police Certificate.

## **Timelines**

MS, while the disposition of cases is the purview of the Judiciary, a reasonable time for the Courts to dispose of matters will have to be agreed by the Judiciary and for cases that have been in the system for longer than that period, a plan will be implemented to complete those matters or determine if there is no prospect of completing them. A move will be made simultaneously to complete new matters in a timely manner.

## **Outstanding Judgments**

MS, Judicial Guidelines have been drafted and the full implementation of this is a target under the JURIST Programme, which is another project aimed at strengthening the Judiciary.

The optimal timeline for the delivery of reserved Judgments in civil matters will be three months for standard matters and six months in complex matters. MS, Judgments outstanding for more than six months can be considered as judicial misconduct by international standards.



MS, the Judiciary will be provided with additional support by way of staffing and equipment to provide a work environment which will enable them to deliver Judgments in a timely manner.

Training in the use of a template for the delivery of Judgments has taken place under the JUST Project and this will further assist to streamline Judgments and simplify the process.

## **Retirement Age of Judges**

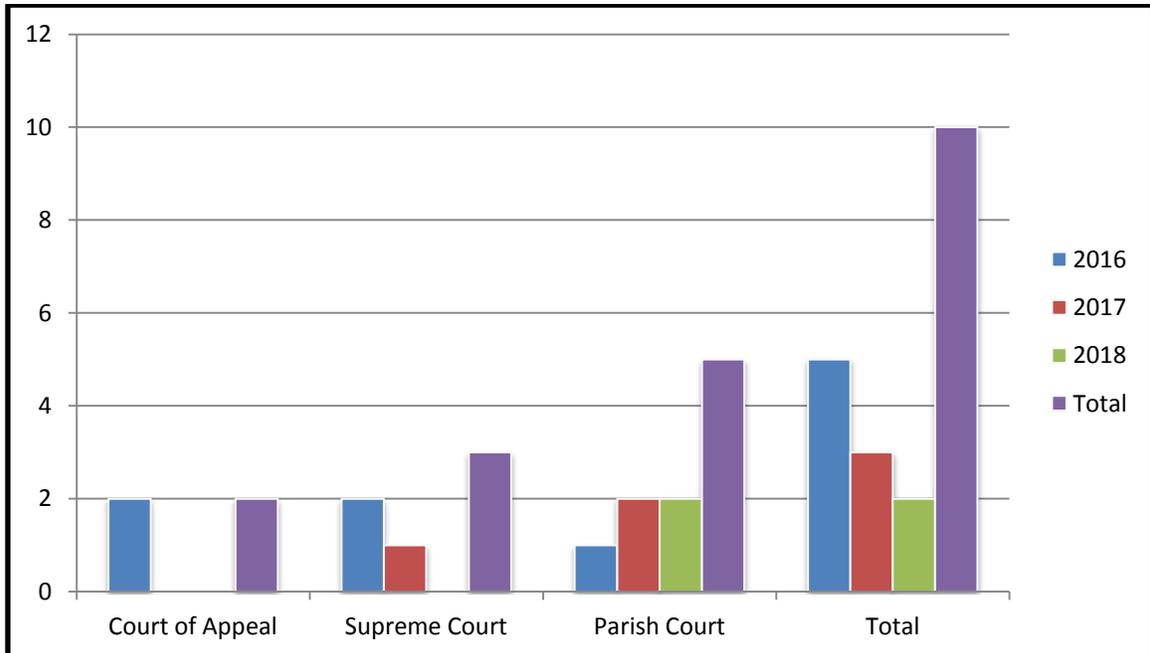
MS, an amendment to the Constitution will be proposed to allow for Judges to sit beyond the retirement age of 70 years old and permit these Judges to be re-engaged as needed by the Chief Justice and President of the Court of Appeal.

During this fiscal year, approximately five Judges are due to retire and a further five will retire over the next two years. This will effectively reduce

the complement of Judges in the Court of Appeal, the Supreme Court, and the Parish Courts.

MS, the current complement of Judges in the various courts are: seven (7) judges of the Court of Appeal including the President, 35 at the Supreme Court including the Chief Justice, and 56 Parish Court Judges.

**Judges due to retire in the next three years. 2016 – 2018**



<b>Courts</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Total</b>
Court of Appeal	2			2
Supreme Court	2	1		3
Parish Court	1	2	2	5
<b>Total</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>10</b>

Currently MS, retired Judges serve on Commissions, Committees and offer their expertise as Judges in other Jurisdictions, however if the proposed Constitutional amendment is made, at least 20 Judges will be able to continue offering their yeoman's service and expertise to the Judiciary and assist significantly to reducing the backlog over the medium term.

MS, I will be calling on Cabinet and the Ministry of Finance and the Public Service to provide the necessary funding to support this initiative.

MS, Justice must be delivered in a timely manner. There are problems with delays in the administration of Government. Such delays provide opportunities for malpractice, corruption, and misconduct. While this is not an assessment of the quality of the judiciary in Jamaica, it is important to maintain a high standard of judicial efficiency so that there is no reason for delays in our courts.

By early 2017, I would like to be able to say that no case older than 5 years exists in either the civil or criminal Jurisdiction of the Supreme Court.

It is hoped MS, that there would then be a focus in trying all cases over 4 years and that by 2020 all cases in the Supreme Court will be tried within 3 years.

In the Parish Courts, where the majority of cases are tried, a submission is shortly to go to Cabinet to employ an additional 15 Parish Court Judges on a part-time basis, along with additional Clerk of Courts and other Court personnel to assist with the backlog across the parishes.

MS, to strengthen the capacity of the Courts, provisions have been made for the engagement of 10 Judicial Clerks during 2016/17. Another 30 Judicial Clerks are to be engaged as part of the Summer Employment Programme to support the research needs of the courts. The MoJ is committed to providing more support to the Courts in this regard.

Again, the target is that by early 2017, there should be no case untried in the Parish Court for more than 3 years and by the end of 2017, no case should be on the list in these Courts for over 2 years.

To achieve this, especially in criminal cases, we are going to insist that the Crown produces the Witness Statements, the Ballistic, Forensic and other medical reports necessary to complete the file within 3 months of the Accused being charged and brought before the Court.

There should be a guideline for the Parish Judges that where the Accused has been charged and brought before the Court, if the case file is not complete within a reasonable time, the matter should be adjourned without a date and brought back when the case is ready.

## **ALTERNATIVE METHODS OF RESOLVING DISPUTES**

### **Restorative Justice**

Ms, we are going to urge in the Parish Courts that Judges and the police use Restorative Justice as much as possible. Within a week, the Legislation to bring this into effect will be brought to Parliament. Restorative Justice will empower communities to resolve disputes and other issues at the community level through the intervention of social workers and other impartial arbiters.

### **Mediation**

MS, Parish Judges will also be urged to utilize Mediation on a greater basis and in particular on Return Day; to set up Mediation facilities within the Courts and utilize the services of Justices of the Peace and other Parish Judges to hold mediation sessions with a view to settling matters. Training and sensitization will be implemented to equip JP's and Parish Court Judges on effective mediation practices.

In addition, we are going to urge parties who have disputes, to utilize Alternative Dispute Resolution. We are aware that the Dispute Resolution Foundation will be embarking on a campaign to urge persons to come to them to settle matters.

### **Arbitration**

MS, the Arbitration Act will come to Cabinet shortly, then to Parliament and we hope that Jamaica will not only have modern Arbitration legislation, but that we will become a seat of Arbitration, and compete effectively with other jurisdictions.

### **Probate and Divorce Matters**

Ms, these are administrative Court matters that do not require hearings in Court. Amendments have been made to the law and procedure in both areas to make the process more effective. I will be working with the Chief Justice to ensure that these matters can be completed within 3 months.

### **Justices Of The Peace**

MS, importantly, we have some of the most trustworthy and upright citizens who have voluntarily agreed to serve our country as Justices of

the Peace and we will be urging others to come forward and offer their service.

Currently there are between 5,000 – 6,000 serving JP's and we would be happy if that number was doubled. The JP's who currently serve their community are overworked and there is a tremendous amount of work to be done to build Jamaican communities and the nation, in moving towards our common vision of a developed and orderly society.

MS, the Ministry of Justice will be working with the Custodes of the parishes and the JPs to empower and strengthen them to assist the Justice system in areas of Mediation, Restorative Justice, youth at risk programme through the CSJP III, and to man the Court of Petty Sessions as Lay Magistrates. Steps are being taken to prepare JP Manuals, offer enhanced training to Justices of the Peace and prepare Rules of Court for the Petty Sessions Court.

The jurisdiction of the Petty Sessions Court will also be increased to handle traffic matters and other routine offences which are currently brought before the Parish Courts.

### **Increase in Court Rooms**

MS, there are currently four Courts sitting to hear indictable or serious criminal matters in the Home Circuit Court, and in the rural parishes, the Circuit Court sits for an average of three weeks for each Circuit. This is not adequate to effectively try the number of criminal matters and so steps will be taken to re-scope and retrofit the Civil Courts in the Supreme Court East building, so there will be at least eight Court rooms to try criminal cases.

The Circuit sittings in rural parishes will be extended to at least six weeks in each parish to accommodate the number of matters in those parishes. This increased capacity will be extremely critical as the new Committal Proceedings Act discontinued Preliminary Enquiries and so indictable matters will get to the Circuit Court much quicker, Committal Proceedings will shorten the preliminary stage of matters as oral evidence will only be taken in special circumstances.



### **Expansion of the Court of Appeal and the ODPP**

There is expected to be expansion of the Court of Appeal as well as the Office of the Director of Public Prosecutions within the next 12 months. However for this work to commence, the Accountant-General's Department will need to complete its relocation. Once this expansion is completed, the Court of Appeal can increase its complement of Judges to 12, for which provision has been made in law since 2009. However the number has remained at 7 since the 1960's as a result of inadequate space.

### **Case Progression Officers**

MS, through the JUST Project, Case Progression Officers will be employed in the Courts to monitor cases and ensure that Court Orders are complied with, reports are provided and that matters are ready when they are called up or set for trial.

Through JUST and other projects, significant technology, by way of computers, and other equipment will be introduced in the Courts to effect real time recording of evidence in the Supreme Courts and Parish Courts, taking of evidence by video-link, automated preparation of Court lists and modernize the Court processes so that matters will move quickly and information can be obtained in a timely manner.

### **Court Reform**

MS, Court Reform is a major priority of the Ministry of Justice and this administration, and will be implemented through the continued work under JUST, JURIST, JSAT, CSJP III, the EU 11<sup>th</sup> EDF and other Projects which seek to improve the delivery of Justice in Jamaica. **See Appendices**

## **How Programmes will impact and promote the Government's theme of prosperity**

The priority programmes and projects identified for implementation by the Ministry of Justice and its partners will have a medium to high impact on the Government's theme of prosperity. This will be demonstrated by the improved efficiencies achieved through stronger institutional capacities under the JUST and JSAT, improved prosecutorial outcomes in relation to organised crime and corruption (JSAT), and an enabling legislative framework to correct existing impediments to trade and cooperation (legislation and Constitutional reform). Through legislative and Constitutional reform, legal impediments to growth are being removed, and legislative enablers to economic growth and prosperity are being introduced.

## **How priority programme activities will contribute to economic growth and job creation in the short to medium term**

### **JUST Project**

The transformation of Jamaican society into one that is cohesive and just remains a priority toward the achievement of Jamaica's growth agenda. This will be achieved through the JUST Project which involves the institutional strengthening of the Ministry of Justice and its agencies, namely the Attorney-General's Chambers, Office of the Director of Public Prosecutions, Office of the Parliamentary Counsel, Legal Reform Department as well as the Courts. Technical-legal assistance is also offered by the Project in improving the efficiencies in the Court system in reducing delays and case backlog, the creation of statistical mechanisms to accurately track and analyze Court data and business process re-engineering in the Courts to ensure that they operate more effectively. The efficient operation of the Commercial Division of the Supreme Court has already contributed to the improvement of Jamaica's ranking in the Doing Business Survey. Continued improvement in this area will make Jamaica a more attractive place to do business as overseas investors and nationals alike will have more confidence in the Justice sector's ability to resolve business disputes, matters involving breach of contracts and non-performance of other obligations. This will in turn drive growth and development.

An improved and efficient Justice sector with enhanced capacity will also be better able to accommodate the large volumes of civil as well as criminal matters entering the system. A higher level of case resolution will

improve crime solving and contribute to making Jamaica a safer and more secure society. The improvement and efficient operation of the Court system in Jamaica will without a doubt drive growth in the short term. The long periods of time which matters take to be tried will be reduced and a key means of doing this is Case management which has been initiated in our Courts and will now be stepped up. If persons spend less time in Courts, or waiting for matters to be completed, they can be present at work and be more productive. The ability of individuals to collect outstanding debts and enforce Judgments will impact their economic power and capacity.

The enhancement of social order, which is another component of the JUST Project will seek to increase equitable access by women, men and the youth to legal information, advice and support services. These objectives will empower some of the most vulnerable persons in the Jamaican society by increasing their access to justice and their capability to enforce their rights which will again contribute to individual and consequently to national development.

The JUST Project will support the Courts and contribute directly to the hiring of Case Progression Officers in the criminal Courts. These Case Progression Officers will have the mandate to manage the outstanding requirements of the individual cases to ensure that outstanding reports and other things that are required are in fact done and to follow up and make sure that cases are ready when they are set for trial.

The Project is also working on the re-organization of both the Supreme Court and Parish Courts structures to make them more efficient, and new positions will be required in this process.

There is also a component to centralize the legal services in all Ministries under the Attorney-General's Chambers and again additional staff will be needed in order to make this work effectively.

## **JSAT**

Organised crime and corruption are impediments to economic growth and prosperity. One result under the JSAT project is improved data sharing capability and strengthened professional capacity of key entities to investigate and present for prosecution, cases of corruption, money laundering and organised crime. JSAT is divided into four main components including the Justice component which is designed to: Improve Administrative Processes and implement Case Management

Systems within the Justice System and Rehabilitate select Court Houses. The expected results are: Improved capability of the justice system to ensure timely treatment and disposal of cases by improved efficiency in the operation of the courts; improved witness protection and safeguarding the human rights of vulnerable witnesses as provided for under the New Evidence (Special Measures) Act.

## **Legislation**

Critical pieces of legislation have been slated for reform to enhance the ease of doing business in Jamaica, particularly in the area of enforcement of contracts and trading across borders. Jamaica has already reformed legislation – particularly the Insolvency Act and the Administrator- General Act – to enable greater equity and efficiencies in resolving insolvency. The modernization of the arbitration legislation will enable Jamaica to put in place new mechanisms to address disputes and conflicts both of a domestic and an international nature to facilitate smoother trading relationships.

## **Access to Justice and National Development**

MS, an improved and efficient Justice sector will ensure a higher level of case resolution which will in turn improve crime solving and contribute to making Jamaica a safer and more secure society.

MS, Jamaican citizens are not only entitled to have access to Justice but to have their matters resolved in a fair and timely manner in accordance with their Constitutional rights, whether they be victims or accused persons, complainants or defendants.

We are all called upon MS, to contribute to the Justice system by serving as Jurors when required, respecting the authority and dignity of our Courts, offering ourselves as Justices of the Peace and contributing to law and order in our communities to make Jamaica a better place for ourselves and future generations.

MS, increased access to justice and timely delivery of judicial/justice outcomes will contribute to building heightened trust and confidence in the business facilitation process of Government, thereby promoting economic growth and development as well as an optimal environment for investment.

Justice, MS, is one of the principal pillars of development.

## APPENDIX I

### **Mission**

*“To contribute to social and economic development of Jamaica through the provision of legal and policy frameworks within which justice services are efficiently and effectively delivered to all”.*

This mission is to be achieved through:

- Protecting the Constitutional Rights of citizens
- Maintaining the independence of the judiciary
- Reinforcing confidence in Legal Institutions
- Carrying out law reform to effect greater social justice
- Providing means of redress when people are abused by agents of the State
- Carrying out legal directives ordered by the Courts for the protection of society

### **Portfolio responsibilities:**

#### **Departments and Agencies**

- Attorney General's Department – *(Established under the provision of Section 79 of the Constitution of Jamaica)*
- Legal Reform Department
- Law Revision Secretariat
- Office of the Parliamentary Counsel
- Office of the Director of Public Prosecutions – *(responsible for all Criminal Prosecutions in Jamaica – subject to the provision of Chapter VI of the Constitution of Jamaica).*

#### **Councils /Commissions**

- Legal Aid Council – *(Established under the Legal Aid Act 1997)*
- Statute Law Commission – *(Established under the Law Revision Act, 1969)*
- Commission for the Prevention of Corruption – *(Established under the Corruption (Prevention) Act 2001)*
- Independent Commission of Investigation (INDECOM) – *(Established under the Independent Commission of*

*Investigations Act, 2010 (Under the MOJ for Administrative purposes only).*

**Executive Agency**

- Administrator General's Department - (*Established under the Administrator General's Act 1873*).

**Bodies receiving Subventions and Grants**

- The Dispute Resolution Foundation
- The Council of Legal Education, which has responsibility for the Norman Manley Law School, is provided with a grant which is the Government of Jamaica's obligation under the Treaty of Chaguaramas.

**Subject areas:**

- Administration of Justice
- Charitable Gaming under the Lotteries Act
- Conditional Discharge of Forensic Psychiatric Inmates (*under amendment to Criminal Justice (Administration) Act 2006*)
- Constitutional Reform
- Coroners
- Dispute Resolution
- Enquiries into the causes of Fire and Accidents
- Extraditions
- Justices of the Peace
- Legal Education
- Legal Profession
- Legal Reform
- Minister's Marriage Licences
- Mutual Legal Assistance in Criminal Matters
- Notaries Public
- Obscene Publication Act
- Protection of Human Rights
- Victim Services

## APPENDIX II

### Greater Transparency

We will introduce mandatory disclosure of Integrity Reports by the Prime Minister, Leader of the Opposition, and Minister of Finance. In addition, we will make it mandatory that the appointment to sensitive posts be approved by a two-thirds (2/3) majority in each House of Parliament, thereby requiring consensus between the government and the Opposition.

The posts identified include:

- Chief Justice
- President of the Court of Appeal
- Director of Public Prosecutions
- Public Defender
- Contractor General
- Judicial Services Commission members
- Police Services Commission members
- Public Services Commission members
- Governor of the Bank of Jamaica

### The Corruption Prevention Authorities will be strengthened by:

- Strengthening the framework for corruption prevention and prosecution of corruption through the creation of a single anti-corruption agency, revising the work already under way at the Parliament, but making revisions to ensure its effectiveness.

This body will absorb the Commission for the Prevention of Corruption and the Parliamentary Integrity Commission as well as the Office of the Contractor-General.

- Ensuring that there will be no More Cover-Ups
- Making provisions for reports from the Auditor General, Contractor General, Public Defender, Corruption Prevention Commission\* and Integrity Commission\* to be debated within 30 days of submission to Parliament. (\*until replaced)
- Providing special resources for the Public Administration and Appropriations Committee and Public Accounts Committee, so that they are more effective in their respective roles.

## **Tougher Penalties for Breach of Integrity in Public Office**

Swift and appropriate sanctions will be imposed for breaches of the laws which relate to public service and governance, particularly as they relate to the Corruption Prevention Act, the Financial Administration and Audit Act, the Public Bodies Management & Accountability Act, Contractor General Act and the Procurement Rules and Guidelines.

## APPENDIX III

### Summary of Achievements, 2015/16

#### Justice Undertakings for Social Transformation (JUST) Project

Under a Grant Agreement between the Government of Jamaica, acting through the Ministry of Justice, and the Government of Canada, acting through Global Affairs Canada (GAC) formerly known as the Canadian International Development Agency (CIDA), the Justice Undertakings for Social Transformation (JUST) Programme was established in 2012 to improve the justice system in Jamaica, through three components, namely, institutional strengthening of the Ministry of Justice and its agencies; technical-legal assistance in improving the efficiencies in the court system and establishing standard operating procedures for these entities; and the development of a social order component.

The budget for 2015/16 was **\$203,000,000** under the JUST Programme and achievements to date are:

- The approval of the proposed Organisational Structure for the Ministry of Justice by the Ministry of Finance and the Public Service. The implementation of this new structure commenced in April 2016.
- The completion of a strategic review of the Legal Reform Department to improve its law reform research/review capacity.
- The development of a new Organisational Structure for the Courts and submission to the Ministry of Finance and the Public Service for consideration and approval.
- The development of a new Governance Framework for the entity to provide administrative support to the Courts and the Judiciary to be statutorily designated as the Court Administration Division of the Supreme Court, replacing the existing Court Management Services.

- Provision of extensive training to legal and policy officers across Government in the preparation of drafting instructions for the development of legislation.
- Manuals on criminal procedure, case management, statistics and data collection in the Courts and legislative drafting.
- Training of Judicial officers, prosecutors and Clerks of Court on new legislation.
- Surveys on Court user satisfaction
- Computers, photo-copiers, recording instruments purchased for the Courts, Judges, DPP's Office, CMS and Ministry of Justice personnel.
- **Social Order Component of the JUST:** Preliminary work on this component has begun with oversight from Global Affairs Canada (GAC). GAC was responsible for conducting an assessment of the financial and managerial capacity of NGOs identified as implementers under the Programme to determine their sustainability. An Operational Plan was developed for this Component and is being reviewed.

### **Justice Security Accountability and Transparency (JSAT) Programme**

The overall objective of this five year programme, which started in 2014, is to improve the standard of living and quality of life of Jamaican citizens by strengthening governance and oversight, with particular regard to the functioning of the security and justice systems.

The programme is divided into four main components; however the Justice Sector falls under **Component 3** which is designed to: Improve Administrative Processes and implement Case Management System within the Justice System and Rehabilitate select Court Houses. The expected results are: Improved capability of the justice system to ensure timely treatment and disposal of cases by improved efficiency in the operation of the courts; and, improved witness protection and safeguard

human rights of vulnerable witnesses as provided for under the New Evidence (Special Measures) Act. **The overall budget for this programme is €4,120,000** (Component 3 (Justice) only).

The budget for 2015/16 was **J\$188,000,000** and achievements to date are:

- The contractor is completing the Assessment for the Rehabilitation & Equipping of Selected Courts with New Technology Island wide. An extension of this assignment has been granted to July 8, 2016. A Tender Dossier is to be developed based on the recommendations from this Assessment.
- The contractor to conduct the need assessment of an Electronic Case Management System for Selected Courts Island wide commenced duties on June 10, 2016.
- The contract for the procurement and delivery of equipment is being finalised for execution over a phased basis starting with courts that do not require extensive rehabilitation. This is to enable the equipment of 19 courts (totalling 68 rooms) with facilities for Live-Link and Digital Audio Recordings.

**Inter American Development Bank (IDB) and the Department for International Development (DFID) – Citizen Security and Justice Programme (CSJP III):**

Support to the Ministry of Justice falls under Component Three: Community Justice Services of the CSJP III Programme. The areas of support include Restorative Justice (RJ) which provides a holistic alternative to addressing crime and its impact, and Child Diversion, which aims to provide an effective response by the State to the circumstances of child offenders so as to employ international approaches that use incarceration as a last resort. The CSJP III is a four year intervention also provides support to the Victim Services Division, the training of Justices of the Peace through the Justice Training Institute, the Legal Aid Council, primarily for the provision of a mobile legal aid and justice services clinic, and support to the Dispute Resolution Foundation.

The budget for 2015/16 was **J\$125,265,000<sup>1</sup>** and the achievements to date are:

### **Restorative Justice:**

- An additional Restorative Justice Centre was established in Montego Bay. The 7th International Restorative Justice Conference was held in February 2016.
- Legislation to recognize the utilization of the Restorative Justice Programme was recently approved by Cabinet for tabling in the Parliament.

### **Child Diversion Policy**

- The National Child Diversion Policy which provides the formal framework to address the circumstances of children in conflict with the law was approved by Cabinet and submitted for tabling in Parliament. Legislation is being to permit the utilization of Child Diversion in the formal justice system.

### **Legal Aid:**

- **Legal Aid Mobile Justice Services Unit:** The unit was procured and is being commissioned into service.
- **Legal Aid for Mentally Ill Persons who are deemed unfit to plead**

The Legal Aid Council is providing representation for approximately **one hundred and five (105)** mentally ill persons who are presently in the care of the Department of Correctional Services. These persons are categorized as Unfit to Plead, Remanded at the Governor General's Pleasure, and Remanded at the Courts Pleasure (since 2003<sup>2</sup>)/ Many of these persons have been in the system for extensive periods without an opportunity to have their matter heard. To date the Legal Aid Council's representation of mentally ill inmates has resulted in the release of six inmates from the Tower Street and St. Catherine Adult Correctional Centres. The Legal Aid Council filed twenty four (24)

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<sup>1</sup> As amended by Supplementary Estimates approved in Parliament. This budget is to also cover the implementation of both the Restorative Justice and Child Diversion Programmes for 2015/16.

<sup>2</sup> See Mollison Ruling 2003.

Applications to Relist on behalf of mentally ill inmates in several Courts. An application for the review of inmates held at the Courts' Pleasure was also made in the Supreme Court. Several matters are pending in Court and the Legal Aid Council is preparing other applications. The Council has received support from the Department of Corrections, Bellevue Hospital and the Offender Management Division of the Ministry of National Security.

In its attempt to build greater efficiency and effectiveness in the Justice System, the Government of Jamaica has benefitted on an on-going from assistance by the United States Government through the provision of real time Court Reporting equipment, as well as computers and other equipment to the Supreme Court and the ODPP.

## APPENDIX IV

### LEGISLATION AND POLICY

The following legislation and policy are works in progress that will continue:

- Constitution (Amendment) Bill – To replace Her Majesty the Queen with a Non-Executive President as Head of State.
- Constitution (Amendment) Bill to address the judicial review of the decisions of the DPP.
- *Constitution (Critical Bodies) (Amendment) Bill* to give constitutional entrenchment to the Office of the Contractor – General and other critical bodies.
- Criminal Justice (Plea Negotiations & Agreements) (Amendment) Bill – to amend the Criminal Justice (Plea Negotiations & Agreements) Act, 2010 and provision for reduced sentences on guilty pleas.
- Interpretation (Amendment) Bill - To increase maximum penalty imposable under regulations. The bill was approved at Legislation Committee and will be finalized for tabling in Parliament.
- *Integrity Commission Bill*, to enact legislation which will provide for impeachment proceedings to be brought against corrupt public officials. This Bill will shortly be considered by the Cabinet.
- Law Reform (Notice of Alibi) Bill to make new provision for the notice of alibi in criminal proceedings. The CPC has amended the Bill which will be submitted to Cabinet for approval.
- Law Revision (Amendment) Bill to modernize the procedures for the appointment of the Law Revision Commissioners. The bill was approved at Legislation Committee.
- Mutual Assistance (Criminal Matters) (Amendment) Bill - To introduce evidence by TV link and video recorded evidence.
- Arbitration Bill, to repeal the Arbitration Act 1900 and enact a new arbitration legislation to provide a modern system of domestic and international arbitration in Jamaica. The finalized draft Bill has been sent to the Attorney General's Chambers for comments.

- Amendment to the INDECOM Act will shortly be considered by Cabinet.
- The Public Defender (Amendment) Bill - Amend legislation to expand the duties and responsibilities of the Public Defender and establish a National Human Rights Institute.
- Judicature (Resident Magistrate) (Amendment) Bill and *Judicature (Appellate Jurisdiction) (Amendment) Bill* to provide a right to appeal by the prosecution against manifestly inadequate or unlawful sentences, to allow for retrial where a verdict has been contaminated by an administration of justice offence (e.g. jury tampering), and to stiffen the penalties for obstructing or perverting the course of justice. *Further drafting instructions forwarded in February 2016 and a letter forwarded to the Attorney General Chambers for their comments.*
- Child Diversion – legislation amended to include child diversion methods and practices.
- *Broadening of the rules for Joinder of Offences*, amending various pieces of legislation so as to facilitate the broadening of the rules of joinder of offences to remove anomalous restrictions on the jurisdiction of the Courts among other things. *Further Drafting Instructions were issued. The Attorney General Chambers is to provide comments on the matter.*
- *Evidence (Special Measures) (Video Recorded Evidence) (Criminal Proceedings) Rules 2016*. Awaiting approval by Rules Committee.
- *Matrimonial Rules*. Currently with the Rules Committee.
- *Civil Procedure Rules*. Currently under review and to be amended to also include the *Insolvency Rules*.

Cabinet Submissions, Drafting Instructions and Policies in Development:

- **Establishment of Judicial Education Institute**

Consideration and approval for the establishment of a Judicial Education Institute (JEI) under the Office of the Chief Justice.

- **Amendment to Trafficking In Persons Act**

Proposal to amend the Trafficking in Persons (Prevention, Suppression and Punishment) Act to enable offences under that Act to be tried without a Jury. The Cabinet Submission has been drafted and is awaiting input from the relevant stakeholders.

- **Fixed Date for General Elections** - Cabinet Submission to be prepared.

- **Samples of drugs as Evidence**

Amend the Dangerous Drugs Act and the Evidence Act, to enable drug samples, and photographs of evidence, to be received as evidence of large exhibits in Court Proceedings respectively. Additionally, order the destruction of seized drug in their entirety, provided that appropriate samples of the drugs have been taken safely, and are adequately secured. Lastly, the Evidence Act is to be amended to facilitate the destruction of other large items, not being drugs.

- **Amendments to the Spirit Licence Act**

Amend the Spirit Licence Act to update licencing regime for persons selling alcohol to the public, the marketing and advertisement of alcohol directed at children or in proximity to places frequented by children and to make new provisions prohibiting the sale of alcohol.

- **Making Jamaica a Republic**

Drafting instructions prepared for amendments required to the Constitution to make Jamaica a Republic, for enabling legislation to be drafted.

- **Youth Criminal Justice Regime**

Research and development of a comprehensive Policy treating with Youth Justice is now complete. Up to this time, there was little or no provision in Jamaican Law to treat with youth offenders.

The main goal in this regard is to reduce the number of child offenders incarcerated through the use of restorative justice mechanisms, to streamline provisions for the diversion of children from the formal criminal justice system and provide for the rehabilitation and reintegration of children in conflict with the law in keeping with a restorative approach to justice.

- **Judicial accountability**

Development of recommendations for legislative and administrative measures mechanisms to enhance and ensure judicial accountability for performance and behavior in office.

- **One Stop Shop for Marriage Licences**

To facilitate the ease of doing business with the Tax Administration Jamaica for persons seeking the Marriage Licence service from the MOJ. Also included in this proposal is the increase in the Stamp Duty for the Minister's Marriage Licence from \$4,000 to \$8,000, given that such adjustment is long overdue.

- **Policy Paper on the Drug Court Rehabilitation for Children**

The Policy Paper seeks to remedy the problem that a large number of children who appear before the Children's Court and the Children's Division of the Family Courts throughout the island suffer from drug dependency problems which cause them to have behavioural issues and in many cases to recidivate. The current legal framework for dealing with drug dependent offenders is the Drug Court (Treatment and Rehabilitation of Offenders) Act, 1999 (Drug Court Act) and Regulations, 2001, which exclude treatment for persons under the age of seventeen. This exclusion of children presents a gap in the range of treatment services offered by the Drug Court.

- **Changes to the Justice of Peace Regime**

The proposed changes are to include:

- Expanding the geographical jurisdiction of Justices of the Peace to give island-wide coverage;
  - Sanctions where Justices of the Peace are involved in criminal activities;
  - Increased sanctions where negligence has resulted in the loss of the Justice of the Peace Seals; and
  - Breaches in charging for services rendered
- **Payment of Stipend to Justices of the Peace Sitting in the Parish Courts**

The proposal is for consideration of a stipend that offsets the costs to Justices of the Peace who serve in the Courts. These Justices of the Peace spend between four hours to six hours per day to adjudicate the cases to which they are assigned each year and must forgo economic activities to do so.

- **Notary Public Review**

The revision of the Notary Public Act and the consideration of a revision of the Notary Public fees, based on proposals and discussions with the Notary Public Society.

The MoJ is also examining provision for an increase in the number of Notaries Public to allow for improved access to citizens.

## Appendix V

### Physical Infrastructure Development



- i. Rehabilitation of seven Parish Courts across the island (Lucea Family Court, Corporate Area Criminal Court, Mandeville, Port Antonio, Gordon Town, Buff Bay and Lucea Parish Courts).
- ii. Rehabilitation and re-opening of the court facility in Gordon Town, St. Andrew, after several years of closure.
- iii. The re-opening of a rehabilitated Santa Cruz Parish Court which is also equipped with a vertical wheelchair lift to ensure access to the two-storey building for persons with physical disabilities.
- iv. Rehabilitation of the Black River Parish Court.
- v. Retrofitting of existing space to create an additional court room at the Savanna-la-mar Parish Court.
- vi. Rehabilitation and expansion of Office space for Court Administration Staff at the Spanish Town Parish Court.
- vii. Installation of a \$48 million, High Density Filing System for the Civil Registry of the Supreme Court in Public Building North.

- viii. The installation of a video-link system at the Corporate Area Parish Court in Half-Way-Tree to allow vulnerable witnesses and witnesses unable to attend court to give evidence from a safe remote location.
- ix. The Installation of a video-link system in Court Room number 3 at the Supreme Court funded by the United States Embassy.
- x. The opening of the Western Civil Registry of the Supreme Court in Montego Bay, to allow court documents to be filed by litigants or counsel there instead of in Kingston. This is also the new home for the Montego Bay Legal Aid Clinic, and the Western Jamaica office of the Administrator-General's Department.

### **Relocation of the Ministry of Justice**

The relocation of the Ministry of Justice was in order to alleviate the risks to staff health posed by poor air quality experienced at its previous location, and to accommodate several departments and units, including those located elsewhere, at one location and at a reasonable cost.

For a number of years, and particularly since 2012, there have been several instances where the air quality at the NCB South Towers, 2 Oxford Road, has been investigated by the health authority and found to be substandard. Consequently, staff members, particularly those with respiratory challenges, have been badly affected by the poor air quality and have to seek medical attention. The Ministry has received claims from at least five staff members who have been badly affected by the Oxford Road location.

The Ministry has identified a suitable temporary location, while long term plans, which include a UDC proposal, are being finalised. The Ministry has also secured a lease agreement for the location at Commerce Gate Office Complex, situated at 61 Constant Spring Road, Kingston 10.

Relocation took place in March 2016 of all departments that were located at the NCB towers, with the exception of the Attorney General's Department (AGD). The AGD is currently planning to relocate to rented premises downtown. They are managing this activity, with the assistance of the MoJ.

## **Refurbishing of Public Building West (PBW), Office of the DPP (ODPP), the Court of Appeal (COA)**

- i. In order to increase the number of courtrooms at the COA, and to satisfy one of the conditions of the EU's 11<sup>th</sup> EDF Budget Support Grant Funding, the Ministry commenced plans to use the space that will become available with the relocation of the Accountant General's Department for the expansion of the Court of Appeal and Office of the Director of Public Prosecutions (ODPP). Given the magnitude of the project, the Ministry will also engage the requisite technical services to produce the contract documents and to oversee the implementation of the project. Currently, the security upgrade to the ODPP's facility is being undertaken, based on recommendations being made by the JCF.

### **Provisions for compliance with the Disabilities Act**

- ii. All buildings that house Ministry functions are to be made fully compliant with the requirements of the Disabilities Act. It is acknowledged that some of the current building stock may not be able to accommodate modification in order to attain compliance.

The requirements of the Act speak, not only to persons with physical disabilities, but also to persons who are hearing and visually challenged. Therefore, consideration for these persons as well as considerations currently being contemplated for the physically challenged will form part of future capital expenditure.

The EU has committed to assist the MoJ with the assessment required of all Courts island wide to become compliant with the Disabilities Act. This work is projected to be completed within two months of the start date.

It is envisaged that major capital expenditure will be required to formulate the plans and implement the works to make the Ministry fully compliant.

## **Relocation of the Coroner's Court**

This is to improve the working conditions of the staff and customers of the Coroner's Court thereby facilitating improved access to justice. Preliminary works commenced for the relocation of the Coroner's Court to premises at 2A Hagley Park Road. Major components of the project include: refurbishing and improvement of existing buildings. Work being undertaken by UDC. This location is also slated to house the relocated Corporate Area Traffic Court. Fire that destroyed the Coroner's Court on December 30, 2015 has added urgency to the efforts for relocating this court. Temporary accommodation has been identified at 119A Maxfield Avenue for the location of the Court until the permanent facilities are ready. The Family Court Attendance Centre is temporarily being accommodated at the Scots Kirk. The Ministry has sought the reassignment by the NLA of the lot at the corner of East and Beeston Streets (former home of the Civil Court). A containerized facility is being contemplated.

## **Administration**

### Corporate Services – Shared Legal Services through the Attorney General Department

The Ministry made a Cabinet Submission in December 2015 for the centralization of legal services to the Government of Jamaica to be done under the Attorney General Department. The Attorney General Department has a constitutional responsibility to provide legal services to the Government of Jamaica. The rationale for this proposal includes the challenges and the gaps with respect to the existing legal services framework that needs to be addressed. On January 11, 2016, the Cabinet gave its approval in principle for the framework proposal and for the specific protocols for the operationalization of the centralization framework to be submitted to the Cabinet for its review. This framework document is currently being developed by the Department of Justice, Canada for submission to the Ministry.

## **Administrator-General's Department (AGD)**

### Procurement of Estate Management Software

The AGD continues its efforts to secure the service of a software developer to provide an enterprise wide Trust and Estate Management Software (TEMS) solution that will integrate data of the estate administration, property and trust accounting sections. TEMS, when

implemented, will provide for improved efficiency as most of the manual systems will be fully automated and would eliminate the need for stand-alone databases which are currently being used.

### **Office of the Parliamentary Counsel**

Supporting the Public Services Commission, the Ministry is currently assisting with recruiting to fill the vacant position of Chief Parliamentary Counsel. The strategy being used is to advertise the post region wide and the assistance of the Commonwealth Secretariat and the Canadian High Commission has been sought. The MOJ is also exploring the possibility of a fast tracked training programme done to attract attorneys with the aptitude.

## **APPENDIX VI**

### **OTHER INITIATIVES**

#### **National Task Force Against Trafficking in Persons**

The National Task Force Against Trafficking in Persons (NATFATIP) was established in 2005 as a multi-agency approach by the Government of Jamaica to strengthen Jamaica's legislative, institutional and operational capacity to combat Trafficking in Persons (TIP).

The NATFATIP is organised in three subcommittees Protection of victims, Prevention/Public Education and Prosecution which drive the work of the Task Force through their implementation of its National Plan of Action for combating Trafficking in Persons in Jamaica.

The NATFATIP is implemented within the portfolio of the Ministry of National Security, but the chair of the Task Force is the Permanent Secretary in the Ministry of Justice.

Jamaica has been classified as a country of origin, transit and destination for human trafficking. In its 2015 Trafficking in Persons Report, the US State Department retained the Tier 2 Watch List ranking for Jamaica although the State Department in its report acknowledged the significant efforts the country was making in order to comply with the minimum standards for the elimination of severe forms of trafficking set out in the Trafficking Victims Protection Act (TVPA) and consistent with the UN TIP Protocol. This unfavourable ranking is being made for the second consecutive year as Jamaica had received the same ranking in the US State Department's 2014 TIP Report. Prior to this, (but with the exception of the year 2012) Jamaica had consistently ranked at Tier 2.

Since the year 2000, the United States Department has reported annually on the anti- human trafficking efforts of countries in accordance with the provisions of the 2000 Trafficking Victims Protection Act and the standards set out in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, as well as the United Nations Convention against Transnational Organised Crime (commonly referred to as the "Palermo Protocol"). Persons in vulnerable populations in Jamaica, especially women and children, are among the victims of trafficking. Investigations conducted over the last five years have revealed that traffickers have been exploiting the island's air, sea and land space to carry out their criminal activities.

The 2008 amendment to the Trafficking Victims Protection Act (TVPA) mandates that any country that has been ranked at Tier 2 Watch List for two consecutive years, starting from the 2009 Report, must be downgraded to Tier 3 in the third year unless the country demonstrates either of the following:

- a) Sufficient progress made over the ensuing nine months to warrant an upgrade to Tier 2 or Tier 1.
- b) Qualification for a waiver of the automatic downgrade provision.

Jamaica is at risk of suffering an automatic downgrade to Tier 3 if no progress in meeting the minimum standards established under the TVPA and the Palermo Protocol is achieved. The country is also at risk of losing development aid support from the United States and other International Development Partners, as well as non access to funding for participation in cultural and educational exchange programmes. The next scheduled assessment by the US State Department is 2016.

#### US Recommendations for the Government of Jamaica (2015)

- 1) Vigorously prosecute, convict, and punish traffickers, including any officials complicit in sex or labour trafficking **(To date five cases relating to human trafficking were prosecuted in the Home Circuit Court. The latest conviction was secured on March 3, 2016.)**
- 2) Identify and assist more victims of forced labour and sex trafficking including prostituted Jamaican children
- 3) Develop a new comprehensive National Action Plan with adequate funding dedicated to implement the plan
- 4) Fully implement government wide standard operating procedures to guide police, labour inspectors, child welfare officials and health workers in the proactive identification of local and foreign victims of forced labour and sex trafficking, including children under 18 in prostitution in night clubs, bars and massage parlours.
- 5) Develop and implement standards for shelter and trafficking victim care designed to move victims toward self-sufficiency
- 6) Provide the necessary authority and support to the newly appointed National Rapporteur on trafficking in persons to carry out the mandate to investigate reports of human trafficking, report on

violations of the rights of victims and provide an annual report to the Government.

- 7) Continue efforts to raise awareness about human trafficking of Jamaican citizens and foreign nationals.

The Jamaican Prosecution secured one conviction in March 2016. It is anticipated that having secured a conviction the ranking of Jamaica will be improved from Tier 2 watch list, if assessed objectively.

### **Ganja Advisory Committee Exempt Events and Cultivation of Ganja for Religious Sacrament**

Based on the Dangerous Drugs (Amendment) Act, 2015, which came into operation on April 15, 2015, the Minister with responsibility for Justice may by order:

- a. authorize adherents of the Rastafarian faith to cultivate ganja on lands designated by the Minister for religious purposes as a sacrament in adherence to the Rastafarian faith;
- b. prescribe procedure and criteria for registration of places of Rastafarian worship; and
- c. declare an event which is primarily for the purpose of the celebration or the observance of the Rastafarian faith, an "Exempt Event".

In order to ensure authenticity of applicants as adherents of the Rastafarian faith, a Committee was established to advise the Minister on such matters. This Committee was convened in July 2015.

Application Forms have been developed for the purposes of Applications submitted to the Committee, and these Forms have been published on the website of the Ministry of Justice.

### **Bail Review Committee**

Arising from the death in custody of Mario Deane in 2014, a Cabinet Subcommittee was established to conduct a Review of the Detention System and to develop a Strategic Response to the issues of the treatment of Persons in Lockups and Correctional Facilities. The recommendations of this subcommittee were laid in parliament as Ministry Paper 89/15.

In order to address the recommendations made specifically in relation to the Bail Act and the bail and detention process in general the Minister appointed a committee was to review the recommendations in April, 2015. The last meeting of the committee was held on January 28<sup>th</sup>, 2016.

### **The Report from the West Kingston Commission of Enquiry**

The West Kingston Commission of Enquiry into the events of the May 2010 joint police and military operation in West Kingston concluded its public hearing at the Jamaica Conference Centre on February 19, 2016. The Commission has completed its report which was delivered to the Ministry in June 2016. The total approved budget for the Enquiry from 2014/15 to 2016/17 was **\$416.73M** and expenditure to date was **\$384.55M**.

## **APPENDIX VII**

### **WHAT WE MUST ACCOMPLISH OVER THE NEXT THREE YEARS**

#### **Justice Reform Implementation Plan (JRIP) - Building on the Justice Reform Agenda**

The Justice Reform Implementation Plan (JRIP) sets out the major strategic objectives and priority initiatives that will be conducted over the next five years, commencing in the Fiscal Year 2015/16. It represents selected recommendations drawn from the Report of the Jamaica Justice System Reform Task Force (2007) and other priorities of the Government of Jamaica, including the 3-year cyclical Strategic Business Plans of the Ministry of Justice. The JRIP recognizes the Justice Sector's critical contribution to the Vision 2030 National Development Plan, and will also facilitate budget support being provided to the Government under the European Union's 11th European Development Fund (EDF) beginning in 2017.

The JRIP is not a new plan as it draws from the Cabinet approved vision for a Justice Transformation Agenda based on a rights based culture for Jamaica's justice system. Under the previous Jamaica Justice System Reform Policy Agenda Framework, thirty-nine (39) of the ninety-nine (99) reform actions were completed; thirty (30) have been partially achieved; while twenty-seven (27) are not yet achieved. Three actions were determined to be no longer necessary owing to a policy shift.

The JRIP provides detail to the actions for transforming the justice sector, and includes initiatives and indicators that enable the projection of Government expenditure to the sector over the medium term, as well as the mobilization and disbursement of funding from international donor partners.

Between 2006 and 2007 a comprehensive review of the Justice System was undertaken as a joint effort between the MoJ and the Public Sector Reform Unit (PSRU) of the Cabinet Office. The Canadian Bar Association was engaged as consultants who assisted the Jamaican Justice System Reform Task Force, which comprised representatives from across the justice sector and other stakeholders, to undertake this review.

The MoJ has undertaken a number of initiatives to address the recommendations for justice reform that this Task Force made. This Justice Reform Implementation Plan 2015 – 2020 (JRIP) incorporates and adds to

major justice sector initiatives being undertaken by the MoJ, including the management of the inventory of cases, the reduction of case backlog in the courts, the strengthening of legislation and the legislative process, the retooling and capacity development of major institutions within the justice system, the introduction of other institutions – such as the National Human Rights Institute – and the development of a Social Component that will support improved access to justice at the community level and increased “public trust and confidence” in the justice system.

The JRIP, which consists of sixty-eight (68) reform actions, places focus on a collaborative approach to implementation that involves partnership with the international development community, civil society, and the local private sector. It identifies and costs priority initiatives around seven strategic objectives:

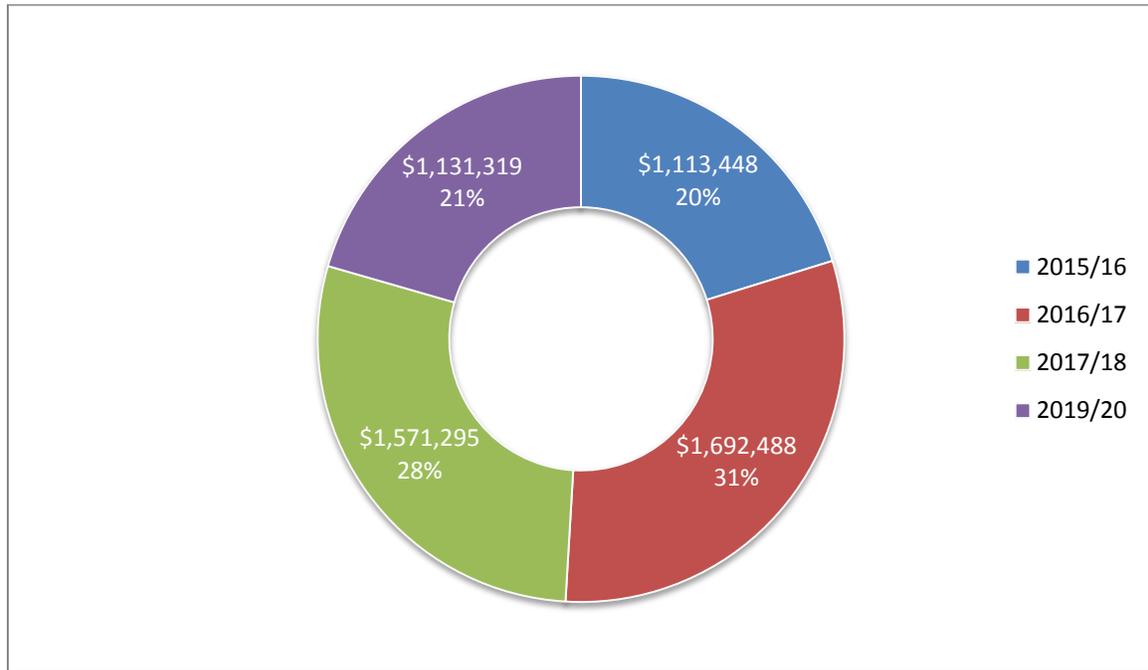
1. Ensuring fair and timely case resolution
2. Improving access to justice
3. Strengthening the judiciary and its workforce
4. Strengthening linkages between justice sector institutions
5. Establishing a sound court infrastructure
6. Implementing a social component to the delivery of justice
7. Strengthening public trust and confidence

The cost to implement this Justice Reform Plan is estimated at J\$6.90 Billion<sup>3</sup>. This overall cost is spread over five years beginning in the Fiscal Year 2015/16 and ending in Fiscal Year 2019/20. The figure is primarily comprised of capital and other implementation costs and does not include recurrent costs already provided for in the Ministry's budget, such as the cost of paying civil servants, physical plant and supplies.

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<sup>3</sup> Using an exchange rate of US\$1.00 = J\$116.00, CAN\$1.00 = J\$95.00, and €1 = J\$131.00.

The cost per annum for the implementation of the Justice Reform Implementation Plan is as follows:



Year	Cost (J\$ 000's)
2015/16	1,113,448
2016/17	1,692,488
2017/18	1,571,295
2018/19	1,393,765
2019/20	1,131,319
<b>Total</b>	<b>6,902,255</b>

The cost to the GOJ is approximately **\$5,125,100,000**

International Development Partner Contributions:

- IDB/GAC/DFID (CSJP III) \$ 1,007,731,000
- GAC (JUST) \$ 135,880,000
- EU (JSAT) \$ 629,495,000

## **European Commission: 11<sup>th</sup> EDF (Budget Support)**

The National Indicative Programme for co-operation between the European Union and Jamaica for the period 2014 – 2020 was signed on September 2, 2014 between the European Commission and the Government of Jamaica. This programme of support under the 11<sup>th</sup> European Development Fund (EDF) commits €46 million of which €24 million are allocated for the Justice Sector. Actual allocation that would be available as budget support is **€22 million** (which excludes approximately €2 million toward Technical Assistance including Monitoring & Evaluation, grants to civil society, and communications & visibility). According to its Action Document prepared in October 2015, the Budget Support Component will be disbursed in three tranches: One (1) fixed tranche of EUR 5 Million and two (2) variable tranches of EUR 8.5 Million each over three years, starting in FY 2016/17. Support under the 11<sup>th</sup> EDF is geared toward the implementation of the Justice Reform Implementation Plan 2015 – 2020 (JRIP) which was approved by Cabinet to guide wider justice reform and modernisation. The JRIP builds on the work commenced under the *Jamaica Justice System Reform Policy Agenda Framework, 2009 – 2014* (JJSRPAF) in the context of the Jamaica Justice System Reform Task Force Report and the priorities of the government.

a) The general conditions for disbursement of all tranches are:

- Satisfactory progress in the implementation of the Justice System Reform Programme and continued credibility and relevance thereof;
- Implementation of a credible stability-oriented macroeconomic policy;
- Satisfactory progress in the implementation of the PFM Reform Action Plan
- Satisfactory progress with regard to the public availability of timely, comprehensive and sound budgetary information.

b) Specific conditions for disbursement of the variable tranches have been identified. The performance indicators established for the disbursement of the variable tranches will be agreed upon with the

corresponding sector institutions and will apply for the duration of the programme.<sup>4</sup>

The Financing Agreement for the 11<sup>th</sup> EDF is expected to be signed by December 2016.

The Ministry of Justice's Strategic Business Plan (2015-2018) and Operational Plan (2015/2016) also set out five (5) priority programmes and projects as follows:

- A. Justice Undertakings for Social Transformation (JUST)
- B. Justice Security Accountability and Transparency (JSAT)
- C. Citizen Security and Justice Programme (CSJP III) Components - Restorative Justice and Child Diversion / Children in Court
- D. Legislative and Constitutional Reform
- E. Physical Infrastructure Development

### **Justice Undertakings for Social Transformation (JUST)**

The JUST Programme was initially established in 2012 as a four year programme to improve the justice system in Jamaica. JUST was extended to the year 2020 with total funding support of Twenty Million Canadian Dollars (CDN\$20M) under a Grant Agreement between the GoJ and the Government of Canada, acting through Global Affairs Canada (GAC) formerly CIDA. The ultimate aim of this Project is a more efficient and transparent functioning of the Justice system in Jamaica as well as the increased capacity of Justice Sector institutions to manage and implement their core business. The JUST programme will now support the implementation of the Justice Reform Implementation Plan (JRIP) 2015 – 2020. The budget for 2016/17 is **\$125,088,000**.

### **Justice Security Accountability and Transparency (JSAT)**

This five year project aims to improve the standard of living and quality of life of Jamaican citizens by strengthening governance and oversight, with particular regard to the functioning of the security and justice systems. The purpose of this project is to improve the processes and capacities within the justice and security sectors to facilitate the reduction of case backlog and corruption and improve prosecutorial capacity particularly relating to

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<sup>4</sup> Action Document for Justice Sector Reform Programme, European Union, October 2015, Pages 20-21.

organised crime, including money laundering. JSAT is designed to improve administrative processes and implement Case Management within the Justice System and rehabilitate select court houses. The expected results are: Improved capability of the justice system to ensure timely treatment and disposal of cases by improved efficiency in the operation of the courts; and, improved witness protection and safeguard human rights of vulnerable witnesses as provided for under the new Evidence (Special Measures) Act. Implementation cost over the life of the project is **€8,185,000 (or J\$1,170,455,000)**. The budget for 2016/17 is **J\$145,589,000**.

The Ministry is also facilitating the implementation of the DFID provision allocated to INDECOM at a cost of **\$150,027,000**.

### **Citizen Security and Justice Programme (CSJP III):**

Support to the Ministry of Justice falls under Component Three: Community Justice Services of the CSJP III Programme. The areas of support include Restorative Justice (RJ) which provides a holistic alternative to addressing crime and its impact, and Child Diversion, which aims to provide an effective response by the State to the circumstances of child offenders so as to employ international approaches that use incarceration as a last resort. The CSJP III which is a four year intervention also provides support to the Victim Services Division, the training of Justices of the Peace through the Justice Training Institute, the Legal Aid Council, primarily for the provision of a mobile legal aid and justice services clinic, and support to the Dispute Resolution Foundation. The budget for 2016/17 is **J\$181,000,000<sup>5</sup>**.

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<sup>5</sup> As presented in the Estimates of Expenditure 2016/17. This budget is to also cover the implementation of both the Restorative Justice and Child Diversion Programmes for 2016/17.