

Acknowledgements

Mr. Speaker, it is an extraordinary privilege for me to represent the people of the great constituency of North East St. Andrew in this Honourable House, and for a fifth consecutive term.

I thank the voters of North East St. Andrew for the confidence they continue to repose in me to represent them in this Honourable House;

To the Prime Minister the Most Honourable Andrew Holness for the faith in me to lead the Ministry of Justice;

My gratitude to the attorneys at the Ministry of Justice, the Attorney General and Solicitor General and their staff;

Permanent Secretary, Mrs. Carol Palmer the management and staff of the Ministry of Justice for the hard work and dedication in the Ministry and to the people of Jamaica;

To our donor partners for their sustained support to the reform programme - the Canadian Government, European Union, US Embassy and the British High Commission, different arms of the United Nations and the Inter-American Development Bank

I applaud the work of the PIOJ and the partnership of Citizen Security and Justice Programme and the National Integrity Action;

To the Judiciary for their sterling contribution to the preservation of Justice, the Chief Justice and judges of the Supreme Court, the President and other members of the Court of Appeal, the Parish Judges and the Lay Magistrates.

My thanks to the Director of Public Prosecutions and her staff, the Administrator General and her staff, and to all the other supporting personnel and agencies of the Ministry of Justice.

Finally, but by no means least, to my family for the personal sacrifices they make as I pursue the time consuming work of representational politics and my work as a Cabinet Minister. Mr. Speaker, I am happy to report that my wife is serving as a juror.

Mr. Speaker,

There is an urgent demand to fix the court system, which, admittedly, is dysfunctional.

There is an urgent demand to fix the court system, especially our court system, which, admittedly, is presently dysfunctional.

The imperative of a well-functioning court system is impatient of debate. It:

- i. prevents chaos and anarchy
- ii. provides confidence in the dispensation of justice
- iii. contributes to economic growth and development
- iv. improves and consolidates trust between the government and the governed and
- v. is the most effective deterrent to crime and violence

In truth, Mr. Speaker, I agree, without justice there can be no peace.

The State, Mr. Speaker, has an indispensable responsibility to provide the enabling environment and support for an open, responsive and efficient justice system. That responsibility involves financial, material, personnel, policy and legislative support. And, this Government, Mr. Speaker, more than ever, also has a responsibility to engage the citizens in the shaping of a new era in justice.

THE VISION FOR JUSTICE

Mr. Speaker, the vision for justice is for Jamaica to have a modern, people focused justice system that engenders trust and confidence.

This means:

We want a justice system that enjoys the trust and confidence of all.

We want a justice system that is easily accessible to all.

We want a justice system that is accountable, reliable and trusted.

We want a justice system that secures, safeguards and protects the fundamental rights and freedoms of all Jamaicans, and delivers justice in a reasonable time.

In a nutshell, Mr. Speaker, we need a justice system that works for all our citizens, the business and commercial sectors, and for the wider international community.

Let me remind this Honourable House that Justice has been the most neglected sector in this country for decades. We get less than two percent of the Budget. In a society, crying out for peace, security and justice, more resources and support must be provided to the Courts and the justice sector. And, this Minister will do all in his power to seek and obtain greater allocation to the justice system. But, even while we wait for additional resources, which will come, we must make the best use of what we have and ensure that value is delivered from the limited resources provided. In truth, Mr. Speaker, we have a far way to go, to recover from years of neglect, to make up ground and move the justice system into the 21st century.

The good news, Mr. Speaker, is that my opposition counterpart is also committed to the reform of the justice system. I wish to acknowledge and express my appreciation for the tremendous work he did,

and for the support that he continues to give to the reform programme. Some things, Mr. Speaker, must transcend the boundaries of partisan discourse, and the achievement of justice for all the people of Jamaica must qualify as one of those areas that defy the narrowness of partisan considerations.

Our Commitment to the People

This Government, Mr. Speaker, campaigned on specific promises in the areas of justice and Human Rights. In the first year as government, I am pleased to report to this Honourable House and the people of Jamaica that we have delivered on a great number of these commitments, as we move to modernise the justice sector.

We made some very specific commitments to the people. These are:

1. Re-energise the justice reform programme;
2. Institute a programme to remove and repeal outdated legislation;
3. Start the process to reduce criminal and civil case backlogs;
4. Strengthen the independence and capacity of the judiciary and prosecutorial service;
5. Modernize and maintain the courts;
6. Provide more court spaces;
7. Protect vulnerable groups;
8. Establish a Human Rights Commission.

Moving from Commitment to Action

After one year, I present my report card to the people of Jamaica.

1. A re-energised justice reform programme

This Government has continued the wholistic and far-reaching reform of the justice sector.

We have started a national movement on the ground with key stakeholders, getting them on board and involved in the justice reform programme. More than 2700 community leaders including Justices of the Peace, leaders in our communities and other outstanding citizens such as Teachers and Pastors have been sensitized on justice services and engaged in a constructive way to contribute to the reform programme. Since January of this year some 2400 JPs have been exposed to information in a number of areas in which they provide advice and act in the normal course of their duties.

The focus on JPs especially is intended to strengthen the capacity of the justice system to function in a more facilitative manner in quasi-judicial settings. The message is reaching the nooks and crannies of Jamaica. Four hundred and thirty-nine (439) JPs were commissioned during the last fiscal year.

There were 486 new applications for JPs for the fiscal year. I am on record of saying that the JP/Citizen ratio should be in the region of 1:100. Some areas are more underserved than others such as inner cities, deep rural communities and some parishes are lagging behind such as Portland.

During the fiscal year, five hundred and nine (509) JPs benefitted from qualifying training, an additional 49 were trained in Mediation and 140 in Restorative Practices.

Institute a Programme to Remove and repeal Outdated Legislation

Mr. Speaker, the trending discussion has been the outdated fines which certain breaches attract. There is a programme that is being executed by the Legal Reform Department of the MOJ to review and repeal 600 pieces of legislation to bring penalties up to date and current. This work has started and is now being fast tracked. Many of the laws have never been changed and many still have imperial

measures, which should have been changed decades ago. I warn this Honourable house that, In due course, we may have to work three days per week to update the laws of the land.

Reduce Civil and Criminal Case backlog

Mr. Speaker, we have started the work in earnest to reduce the backlog of cases in our Civil and Criminal Courts. The Chief Justice has instituted a Statistical Case Management System that identifies cases that have gone into backlog (defined as cases that are delayed for five years or more) to be dealt with. We need to reduce this standard. I would like to see Jamaica attain a standard of three years by 2020. Training is ongoing in best practices for effective case management, and key personnel from across the Justice Sector are being sensitised to the system. This work is being done as part of the wider reform of the Justice Sector.

We are engaging more Judges and have sought the support of the Ministry of Finance and the Public Service to engage part-time judges. To do so will require Constitutional changes that have already been approved by Cabinet and the appropriate Legislation will come to this House soon.

Arrangements are in place to provide additional court spaces for trials to take place. Discussions are progressing to employ additional court personnel and to upgrade the current posts.

But, Mr. Speaker, the Government does not have unlimited resources to allocate to the Justice sector – every Ministry needs more. I accept that the appropriate allocation to the Justice Sector will not come overnight. In the meantime there is need to reduce the demand on the system. The current level of demand is unsustainable, even with additional resources. Other means and ways to settle disputes must be tried and encouraged, long before they become court cases or even

when they are in the courts. Alternative paths to resolve and dispose of existing court cases must be strengthened and more extensively relied on.

Support has been given to the Chief Justice and more support is forth coming to reduce the backlog of probate and divorce matters.

Strengthening the ADRs Infrastructure

The strategic intervention being pursued by the Ministry is to create an infrastructure in alternative dispute resolution (ADR) mechanisms that will see a significant percentage of cases diverted from the traditional court system to Restorative Justice, Child Diversion, Mediation and Arbitration. This approach has worked well in other jurisdictions. For example, in Canada, budgetary constraints, the challenge of finding high quality people to sit on the bench and a steady flow of new cases every year have been identified as push factors in advancing ADR to complement the court system.

In the United States more than 90 per cent of criminal cases are resolved by way of plea bargaining which is considered as part of the menu of ADRs. I suspect, without reliable figures, that it is the reverse here. With the passage of the Plea Negotiation and Agreement Act, I will go into overdrive campaign mode, as we seek to promote reconciliation, mercy, forgiveness and rehabilitation in our criminal justice system.

At present, about 40 per cent of civil cases are resolved by way of mediation at the Supreme Court. We want to see an increase. But, we want more mediators and more mediation centres, accompanied by a more embracing and positive posture from all stakeholders. At the Parish Court level, we hope to see a more aggressive application of ADR processes.

Restorative Justice and Child Diversion

The legal framework is in place for Restorative Justice and advanced for Child Diversion.

Mr. Speaker, we have some special guests in the House this afternoon. They are from the Tower Hill Restorative Justice Centre. Mr. Speaker, these community leaders—pastors, teachers, neighbours—are living the RJ dream and turning around their community utilising compromise not conflict; embracing forgiveness and choosing love.

Here is what some have to say:

Claudette: “I found peace again in my family.”

Devina: “We learnt how to let go of pain.”

Marilyn: “Justice is here!”

I applaud the community of Tower Hill and the leaders who are here this afternoon with the RJ Centre Manager Roydon Hall. Restorative Justice Mr. Speaker, works. RJ eases the pain, while healing troubled lives, restoring relations and bringing peace within families, neighbourhoods and communities.

That is why we are rolling out the ADR infrastructure – to give people hope and communities a chance to dream again. That is why we are supporting and increasing the number of Restorative Justice Centres across the island. Two new RJ centres will open in Tivoli and Denham Town shortly.

We are establishing 14 Parish Justice Centres that will have responsibility for the coordination of ADR processes in the parish. Restorative Justice, Child Diversion and other ADR related services will be available at these Justice Centres.

We expect Mr. Speaker, that a significant number of the cases that would normally be resolved in the traditional court system will be diverted to these Justice Centres. Members of the public who have need for legal aid can go to these parish centres and have access to legal advice with one phone call.

The first Parish Justice Centre will be opened in St. Ann in July. The Parish Justice Centre for St. Mary will be opened in August. We expect the Portland Parish Justice Centre which is to be located in Buff Bay to be opened by October. Others will follow soon after and completed in this fiscal year.

Mr. Speaker, the Parish Justice Centres will be the hub of alternative dispute resolution mechanisms and justice services and support. 'Iconic' is the word I would use to describe the place that these centres will occupy in the justice system.

Mr. Speaker we are changing the face of Justice in this country.

Modernize and Better Maintain Courts

We promised to repair and better maintain the Courthouses. We have spent more than \$192M to repair, maintain, construct and improve court facilities for the 16/17 fiscal year. We have also sought to equip all our parish courts with photocopiers which were procured with the assistance of the US Embassy. These photocopiers are important to the Committal Proceedings especially in light of the discontinuation of preliminary hearings. Several Courthouses have been outfitted with new air conditioning units and computers to the tune of more than \$20 Million.

Mr. Speaker,

Works have been undertaken at:

- Justice Square Public Building East, Downtown
- Justice Square Public Building West

- Public Building North
- Corporate Area Civil Court
- Coroner's Court at Maxfield Avenue
- Hagley Park Road Complex
- Corporate Area Criminal Court
- East Street Car Park
- Black River Parish Court
- Balaclava Parish Court
- Lucea Parish Court
- Westmoreland Parish Court
(Savanna-La-Mar)
- Green Island Courthouse (Hanover)
- Gordon Town Courthouse
- Manchester Parish Court (Porus)
- Montego Bay Parish Court
- St. Thomas Parish Court
- Clarendon Parish Court Lionel Town
- St. Mary Parish Court (Port Maria)

Mr. Speaker, we have also completed the relocation of the Ministry to the Constant Spring Complex, which members are invited to visit.

The construction of the Family Court Attendance Centre in Kingston will be built using the containerised concept.

The Coroners Court on Maxfield Avenue will shortly be completed and opened to the public.

The expansion of the Court of Appeal should start shortly and be completed in this fiscal year to provide for a third appeal court and enough chambers to accommodate at least 12 Appeal Court Judges.

The expansion of the Traffic Courts is expected to begin once the MOU for the lease has been finalised with the owners of the property.

In keeping with the objective to make our courts accessible to the physically challenged, we installed accessibility devices at the St. Elizabeth Parish Courts in Black River and Santa Cruz.

Mr. Speaker, we are changing the face of justice one court at a time.

Mr. Speaker, 78 courtrooms in 19 Court buildings will be outfitted with state of the art Audio visual technology and digital recording of evidence with major support from the EU. This includes 21 fixed units and 22 mobile units. Two of these fixed units have already been installed in the Kingston and St. Andrew Parish Court funded by GoJ and the Supreme Court funded by the United States Embassy.

One mobile unit is being used and Jamaica was recently commended by the US following the use of the unit for live link testimony- the first international use under the Evidence (Special Measures) Act.

We have completed the Jury Management System and it is now being tested in the Supreme Court. The Jury Management System will allow us to automate the Jury selection process, and the summons will be generated from the system electronically. The tracking of payments will also be done electronically.

We have experienced some delays not on our side, but on the side of the supplier in delivering the audio visual equipment. We are in constant dialogue with our EU partners. We expect delivery and installation by the second quarter of this fiscal year.

Strengthen the Independence and Capacity of the Judiciary and the Prosecutorial Service

Jamaica has always prided itself on respecting and maintaining the independence and integrity of the Judiciary as provided for by the Constitution. This Government has no intention of trespassing on that independence which we recognise to be fundamental to the dispensation of justice and the preservation of our democracy.

Let me say, this Minister neither in my capacity as a practising Attorney for more than 34 years or as a Minister of Government has ever or will ever seek to interfere with the independence of the Judiciary. I have done everything in my power as Minister to address the concerns of the members of the Judiciary. But everyone, including the Judiciary must see the link between economic growth and the performance of the Court system. There is a need to respond to the demands of the citizenry for improved performance. The irony is that I get blamed for the performance of the Court system but some Jamaicans do not know that I have no say in the administration of the Courts.

A few weeks ago the report from the Independent Commission for the Judiciary was Tabled in the House.

That report enquired into the remuneration for judges and made recommendations on how this should be treated going forward. That matter has been the subject of discussion by the Cabinet. I am happy to report that Cabinet has signed off on the recommendations of the report bearing in mind the constraints within which the country is operating.

Mr. Speaker, the same Commission Members have been re-appointed to look into the salaries for Masters in Chambers, Registrars and Parish Court Judges.

At the same time, we must bear in mind Jamaica's legislative framework on judicial accountability which is primarily concerned with conduct or misbehaviour for which removal of a Judge from office may be required. There is no expressed

provision regarding disciplinary concerns in matters which may not rise to the level of potential removal from office. In an era of reform, Jamaica needs to consider the appropriate mechanisms that should be in place to raise the bar of accountability in the judiciary.

Mr. Speaker, we continue to support our judiciary. Last fiscal year we bought 21 new vehicles for judges at a cost of more than \$170 Million, in discharge of the obligation of the Ministry and to ensure our Judges have working vehicles.

Last summer, the Ministry supported the Court system with the placement of 36 Judicial Clerks. I do not believe that any number of the Judiciary could complain about the support that it has received over the last fiscal year.

Prosecutorial Service

We have taken steps to strengthen the Prosecutorial arm of the Justice System by increasing the human resource capacity of the Office of the DPP and providing that office with computers. Based on the advice of the DPP, seventeen new members of staff including 9 lawyers have been provided for in the 17/18 fiscal year for the ODPP.

The unification of the prosecutorial service is being actively pursued and we expect that the legislation will be in place by the end of this quarter.

Mr. Speaker, it has been a long period of gestation but hopefully the building now occupied by the Accountant General will be vacated shortly to allow for the expanded Appeal Court to be accommodated and for the Office Space of the DPP to be expanded, which will allow more prosecutors to be appointed and accommodated comfortably.

Provide More Court Spaces

We promised to create more Court spaces Mr. Speaker, and in addition to the works that were mentioned, we have also provided space at the:

- Westmoreland Parish Court;
- Supreme Court, Public Building East where five additional courts were established.

We have looked at every available space, cleared out rooms, relocated some offices to provide additional space.

Protect Vulnerable Groups

As a Government, we have an indispensable role to protect the weak, the voiceless and the vulnerable in our society. During the last fiscal year more than 2,226 matters were settled through Legal Aid services and 3,030 by Duty Counsel compared to 1,618 and 2,216 over the 2015/16 fiscal year.

One hundred and Twenty (120) mentally challenged clients benefited from representation from legal aid. Thirty-two Attorneys have been assigned to Department of Corrections facilities and Police lock-ups to provide legal representation to the mentally challenged.

In January of this year we launched the mobile Legal aid unit and since then, 24 communities have been visited with approximately 450 persons benefitting. Mr. Speaker, the Legal Aid Council has empanelled 658 Attorneys. We are also doing much better in the payment of Attorneys providing legal aid services, and are fairly up to date with payments. We now have more Attorneys providing services to more Jamaicans in more communities across Jamaica.

The Legal Aid Mobile Unit will visit several communities this month. They were in: Canterbury (Sunday), and Kencot (today). They will be going to the communities of:

Allman Town, Anchovy, St. James, Majesty Gardens, Brown's Town/Franklyn Town, Whitehall, Red Hills Road, Glendoven, St James, Turners, Clarendon, March Pen, St. Catherine. The Unit is visiting two or three communities per week and providing valuable legal services.

No one, Mr. Speaker, will be left behind.

The Administrator General's Department has closed 678 cases including 479 back log cases for this fiscal year. The Department continued the prudent management of funds with the Common Fund reaching \$2.341B under management. More than \$550M was paid out to beneficiaries during the fiscal year.

Mr. Speaker, we are changing the face of Justice in this country one person at a time, one family at a time and one community at a time.

Support to Victims

Our victims of crime and violence need to know that the State stands with them. During the last fiscal year, 5,933 new clients were provided with support including counselling and court support services. One thousand Eight Hundred and Thirty-One (1,831) children benefitted from the Children in Court Project.

At the West Kingston Satellite Counselling Centre, 409 new clients benefitted.

The Victim Support services tries to reach to victims of crime across Jamaica.

Mr. Speaker, the new face of justice is about helping individuals, families and communities heal, recover and prosper.

Establish National Human Rights Commission

Mr. Speaker, no government can delegate the protection and the advancement of the human rights of its citizens. It is the indispensable role of every Government everywhere. This Government is committed to advance the human rights of Jamaicans and we intend to use the National Human Rights Commission to provide the framework for us to move forward. We have completed the consultative requirements and are now in a position to move the process forward having ensured that the necessary provisions are appropriately represented in the Cabinet Submission.

Legislative Achievements

Mr. Speaker:

We had an active legislative year, pushing through key pieces of legislation to support the reform agenda and advance the Government's pursuit of good governance.

Arbitration Act seeks to repeal the 1900 Arbitration Act with more modern legislation that is intended to facilitate domestic and international trade and commerce by encouraging the use of arbitration as a method of resolving disputes. The Interpretation (Amendment) Act, 2016 to impose more appropriate and realistic monetary penalties for breach of the regulations.

The Jury (Amendment) Act, 2016 to amend the number of jurors for non-capital murder from 12 to 7.

Law Revision (Amendment) Act, 2016 to include provisions concerning the Constitution of the Law Revision Committee, the provisions regarding the Law Revision Commissioners and the conduct of meetings.

Law Reform (Miscellaneous Amendments) (Restorative Justice) Act, 2017 which seeks to amend the Criminal Justice (Reform) Act, and the Child Care and Protection

Act, the Corrections Act, and the Parole Rules, in order to provide the rule of Restorative Justice Procedures as an option in the Criminal Justice System.

Law Reform (Miscellaneous Provisions) (Child Diversion) Bill which seeks to make provision for diversionary measures regarding children found to be in conflict with the law is awaiting comments from stakeholders.

Integrity Commission Bill, should be passed presently. It provides for the establishment of a single body to be known as the Integrity Commission. This entity is intended to promote and strengthen the measures for the prevention, detection, investigation and prosecution of acts of corruption and to provide for other related matters.

Plea Negotiations and Agreements Act, was passed in the lower House. It seeks to repeal the Criminal Justice (Plea Negotiations and Agreements) Act and make new provisions for a system of plea negotiations and plea agreements; and for connected matters.

Mr. Speaker, this Government is committed to removing the scourge of corruption from Jamaica and making Brand Jamaica a place that is known for its integrity. Last year, more than 19,000 persons filed declarations with the Commission for the Prevention of Corruption – a record since 2002.

THE NEW FACE OF JUSTICE

Mr. Speaker, in one fiscal year we have done more to change the face of justice than has been done in decades:

We have pushed justice services closer to the ground:

- With the establishment of the Western Civil Registry for the Supreme Court by the previous Administration, there is now need to establish a Civil Court in that part of the island based on the workload. We will facilitate the establishment of the court in this fiscal year;

- By strengthening the infrastructure for alternative dispute resolution mechanisms with policy and legislative provisions for Restorative Justice and Child Diversion;

- With the establishment of a mobile Legal Aid Unit that allows people including the mentally challenged and communities that are hard to reach easy access to justice;

- By advancing the legislative agenda to allow JPs to play a greater role in the quasi-judicial process;

- By expanding court spaces, increasing the number of courts, rehabilitating and maintaining our courts;

- Through the implementation of a systematic programme of backlog reduction that involves, Case Management System, diversion of cases to ADRs, increasing the number of judges and other court personnel;

- Strengthening the prosecutorial services through capacity building, institutional strengthening and by increasing the human resource capacity;

- Improving accountability and transparency in the justice system;
- Increasing the number of Justices of the Peace and empowering them to be more effective in their communities and to enable them to play a greater role in the justice system.

We have moved the justice system forward over the last year but there is a lot more work to be done to address decades of neglect.

We will continue with the reform of the justice system with support from our partners. The Justice Undertaking and Transformation (JUST) programme will continue to strengthen the judiciary through training, development of manuals and improvements to the systems. The Justice, Security, Accountability & Transparency (JSAT) Project will advance the work that has been started to install the new technologies in the courts and to contribute to the timely disposal of cases and improve witness protection.

The forward agenda for justice reform is expected to cost \$7 billion to complete all major aspects of the reform by 2020. This does not include the cost for infrastructural works and institutional capacity. I am confident that the people of Jamaica will see a seismic shift in the justice system.

2017/18 Fiscal Year

Mr. Speaker, we will put the ADRs infrastructure in 1,000 schools. Many persons do not understand the power of ADRs.

Mr. Speaker, this year:

Every JP must attend at least one training for the year or risk losing their commission.

We will establish 14 Parish Justice Centres starting with St. Ann, St. Mary and Portland which will be opened by the second quarter of the fiscal year. We are not unmindful of the fiscal constraints so we are utilising existing vacant public properties to get the most out of the resources.

We will continue to provide support to the Supreme Court to reduce the back log of case files.

Mr. Speaker, already, the face of justice has changed. People are getting excited and involved in the justice system.

More JPs will be trained and available to provide a better quality of service to their communities and to the court system.

This year's budget will allow us to provide some support to the offices of the custodes once again demonstrating our commitment to strengthening the capability of the justice system to respond to the needs of the citizenry.

This fiscal year will be a watershed year.

We are targeting at least a 10% reduction in back log cases this year and a reduction in the number of cases that will be resolved by way of traditional court processes.

Mr. Speaker, the people of Jamaica can expect more and better and they deserve better from the justice sector.

We will not give up as we continue to change the face of justice.