



Judiciary must be committed to human dignity

The judiciary, while needing to discharge its role in specific times and context can only be a judiciary worthy of its name, if its pronouncements are underpinned by core values that are cemented in its commitment to the dignity of the human being and the respect that such dignity commands.

Speaking on day one of the 6th Biennial Caribbean Association of Judicial Officers' (CAJO) Conference, Mr. Lynn Young, Honorary Consul of Canada in Belize, said that a judicial system is only as strong and independent as the belief and faith of the people in it.

"The judiciary must never forget the value of each human being while also never forgetting that the community has interests that must be protected by reasonable restraints on the activities of individuals," he reminded.

The Canadian-funded Judicial Reform and Institutional Strengthening (JURIST) Project supported the Conference which was held from October 31 - November 2, 2019 in Belize City, Belize under the theme "*Judicial Integrity – The Pathway to Public Trust and Confidence.*" Every two years, CAJO brings together judicial officers



Mr. Lynn Young, Honorary Consul of Canada in Belize addresses participants at the 6th Biennial CAJO Conference

(including appellate, superior court and district judges) from all CARICOM Member States as well as representatives of the judiciaries of the wider Caribbean for a major judicial education conference. The biennial conferences provide a forum for the sharing and exchanging of ideas, best practices and experiences in relation to a rich variety of topics that are of interest to judicial officers.

Mr. Young added that core values that uphold the dignity of the human being are what makes for the Rule of Law. He continued: "And it is the Rule of Law that will allow human society to continue in a spirit of solidarity. The Rule of Law in any time and in any context will allow humanity to not only survive but to flourish in peace and prosperity."

The Government of Canada, through its Feminist International Assistance Policy (FIAP), fosters judicial systems that respond to the needs of all women, girls, and marginalized groups, while promoting and protecting their human rights. He noted that it was also important to support women's leadership and representation at all levels of legal and judicial systems. "This people-centred approach recognizes the importance of not only working with institutions like the judiciary, but also supporting the unique needs of the diverse people who need to access those institutions," Mr. Young explained.

He stated that judicial education and future innovations go hand in hand, but it is also important to recognise that while judicial officers may be at the forefront of policy formulation and implementation in their respective judiciaries, and actively seek novel approaches in the improvement of judicial administration, an overarching principle remains. This overarching principle is the protection of the Rule of Law and the human rights of all people, including the poorest and most vulnerable.

Mrs. Gloria Richards-Johnson, Director, JURIST Project gave an overview of the Project and spoke about its achievements to date and plans for the future.

Read more about the 6th Biennial CAJO Conference on page 2.

In this Issue

Dear Reader,

We are pleased to present to you Issue 14 of *JURIST News*.

In this issue, we take a look at some of the exciting judicial reform work and events in the region which occurred during the period October, 2019 to January, 2020.

You will read about the interesting discourse which took place during the 6th Biennial Caribbean Association of Judicial Officers' (CAJO) Conference held in Belize from October 31 - November 2, 2019.

We also feature some highlights from the inaugural Eminent Caribbean Jurists Gala and Awards Ceremony which was held on October 7, 2019 at the Hyatt Regency Trinidad, where

the contributions of the region's distinguished judicial officers and legal professionals to the development of international law were honoured. The event was the first of its kind in the Caribbean region.

The Project also supported several initiatives during the period and these and other interesting stories are included in this issue. We hope you enjoy reading the articles in this issue.

As always, we take this opportunity to remind you that we welcome and appreciate feedback from our readers. We encourage contributions, information or material that we can include in future issues of the Newsletter.

- *The JURIST Project Team*

CAJO hosts successful 6th Biennial Conference

Over 150 judicial officers including chief justices, judges, magistrates, registrars, and court administrators from throughout the Caribbean met in Belize City, Belize from October 31-November 2, 2019, for the Caribbean Association of Judicial Officers' (CAJO) 6th Biennial Conference.

This year's Conference was hosted by the Judiciary of Belize and supported by the Canadian-funded Judicial Reform and Institutional Strengthening (JURIST) Project, under the theme "Judicial Integrity - the Pathway to Public Trust and Confidence."

It was launched with a well-attended opening ceremony on day one which featured remarks by the Right Honourable Dean Barrow, Prime Minister of Belize; the Honourable Mr. Justice Kenneth Benjamin, Chief Justice of Belize; and the Honourable Mr. Justice Peter Jamadar, Chairman of CAJO and Judge of the Caribbean Court of Justice (CCJ).

In his remarks, Prime Minister Barrow expressed his appreciation of courts in the region, stating "all sectors in our societies therefore, including the executives themselves, ought to be grateful for the checks that judicial officers impose on either genuine governmental mistakes or deliberate overreach."

The highlight of day one of the conference was the keynote address presented by Dr. Terrence Farrell, former Deputy Governor of the Central Bank of Trinidad and Tobago. Dr. Farrell delivered a thought-provoking presentation in which he explored the various reasons why public confidence in court systems throughout the region is low.

He asserted that to reverse this low level of public confidence, it is necessary for courts to implement several changes including ensuring that every: "Judicial appointment commission has the means to impose intermediate sanctions, including de-rostering and suspending judges for poor performers out of the judiciary, and where needed, to refer judges to Employee Assistance Program (EAP)-type counseling, all within the confines of the judiciary itself without any involvement of the executive or legislature."

The second keynote address was delivered on the second morning of the conference by Ms. Roberta Clarke who currently serves as the Chair of the Executive Committee of the International Commission of Jurists (ICJ) and President of the Trinidad and Tobago Coalition against Domestic Violence (CADV).

Her presentation examined how sex, gender, and socio-economic class shape the experiences of people interacting with the justice system.

The conference also covered a number of other topical issues relevant to judicial officers in the region including pre-trial detention, the rights of indigenous people, environmental pollution,



Regional Heads of Judiciary along with the Right Honourable Mr. Dean Barrow (centre), Prime Minister of Belize sit at the head table at the opening ceremony of the CAJO 6th Biennial Conference



The Right Honourable Mr. Dean Barrow, Prime Minister of Belize delivers remarks at the opening ceremony of the CAJO 6th Biennial Conference

and the use of social media. At the end of the conference, CAJO passed a number of resolutions one of which, urged that the courts in the region be regarded as essential services and recommended the adoption of disaster preparedness and response plans by courts.

Additionally, CAJO expressed concerns over lengthy acting appointments for heads of judiciaries and singled out the position of

Chancellor of Guyana which has not had a substantive office holder since 2005.

The CAJO also reasserted that it is the duty of all courts to guarantee integrity and to secure the trust and confidence of the people of the Caribbean.

For full details of the conference including the papers presented please visit the CAJO website www.thecajo.org.

Gender training for the Barbados judiciary – Removing bias from the courtroom

Judicial officers in Barbados working with counterparts across the region are taking an introspective look at their approaches to administering justice for all without barriers of gender bias or other impediments.

“I think we are going in the right direction,” stated His Worship Mr. Ian Weekes, Acting Chief Magistrate during remarks on Saturday, December 7, 2019, at the closing ceremony of the Gender Sensitive Adjudication and Training workshop. The training, held December 6-7, 2019 was organized by the Canadian-funded Judicial Reform and Institutional Strengthening (JURIST) Project in partnership with the judiciary of Barbados. It was the second of a three-part training program, with the third scheduled for early 2020.

Mr. Weekes, one of the 10 magistrates, 18 judges and other participants who took part in the training held at the Radisson Aquatica Resort, described the interactive sessions as “refreshing” and beneficial to have a more open-minded approach “as to what we can achieve as judicial officers.”

Ms. Barbara Cooke-Alleyene, Registrar of the Barbados Supreme Court noted the training presentations and discussions assisted in helping participants explore and address the potential personal bias that could impact the administering of the judicial system.

Her Excellency Marie Legault, High Commissioner of Canada to Barbados and the Eastern Caribbean said: “We are making a difference together in the lives of the people we serve.” She added that gender biases and stereotypes within the justice system contribute to women’s marginalisation, reinforce limiting

stereotypes regarding masculinity and ultimately stymie access to justice for women and men.

“This gender sensitive adjudication training was therefore intended to build the capacities of judicial officers to apply a gendered lens to their adjudication of family law matters and gender-based violence cases,” she said.

Canada, through its Feminist International Assistance Policy (FIAP) has made a commitment to support the attainment of gender equality in all countries. For Canada, gender equality is neither a ‘woman thing’ nor is it meant to marginalise men. Rather it means that:

- Equal value will be given to the views, needs and interests of both men and women as we progress toward more equal gender relations; and
- Achieving gender equality does not mean that women become the same as men. Instead, equality means that one’s rights or opportunities do not depend on being male or female.

The end goal of the FIAP is to support the creation and sustainment of more inclusive societies where all individuals, regardless of race, ethnicity, sexual orientation, abilities and socio-economic circumstances, can have equal opportunity to access socially-valued goods, resources and rewards.

Her Excellency reiterated that by engaging in this training programme, the Barbados judiciary has made the advancement of gender equality its responsibility.

Mrs. Gloria Richards-Johnson, Director, JURIST Project indicated that the ongoing training provided a forum for the exchange of information, challenges and

solutions. She noted it was a key ingredient to judicial reform efforts throughout the region, along with policy formation. The aim was to provide for more equitable judicial systems that efficiently responded to the needs of community members, including women, girls and marginalized groups.

“We are committed to self-introspection, committed to acquiring knowledge and committed to putting that knowledge into practice,” added the Honourable Mme. Justice Jacqueline Cornelius, Judge, High Court of Barbados and one of the trainers at the workshop.

Justice Cornelius, along with colleague the Honourable Mme. Justice Lisa Ramsumair-Hinds, Judge, High Court of Trinidad and Tobago, shared that they both had recently returned from South Africa where they shared their knowledge of gender protocols and sexual violence against women and girls in the Caribbean region.

Justice Ramsumair-Hinds, another trainer, pointed out the appropriateness of the JURIST Project’s training session being held during the “16 Days of Activism Against Gender-Based Violence,” an annual international campaign initiative supported by UN Women which advocates for the end of violence against women and girls. She cited the importance of ensuring “equal access to justice” for those persons who might face barriers against justice.

The Honourable Mr. Justice William J. Chandler, Acting Chief Justice of Barbados, expressed gratitude to the Canadian government for its support of the JURIST Project, and praised the training presenters for their stellar efforts in sharing their expertise with participants.



Participants and the trainers at the second part of the gender training in Barbados

CCJ President praises Caribbean jurists for role in international law

The Caribbean has always played an ‘outsized role’ in the field of international law.

This was the view of the Honourable Mr. Justice Adrian Saunders, President, Caribbean Court of Justice (CCJ) during the CCJ Academy for Law’s inaugural Eminent Caribbean Jurists Gala and Awards Ceremony which was held on October 7, 2019 at the Hyatt Regency Trinidad. The event, which was supported by the Judicial Reform and Institutional Strengthening (JURIST) Project and honoured the contributions of the region’s distinguished judicial officers and legal professionals to the development of international law, was the first of its kind in the Caribbean region.

The CCJ Academy for Law is the educational arm of the Caribbean Court of Justice (CCJ) and was established to, among other things: “promote the recognition of judges and other legal practitioners who have made a consequential and lasting contribution to Caribbean jurisprudence, and to memorialize that contribution.”

Speaking at the ceremony, Justice Saunders said it was not by accident that the realm of international law was identified as the first area in which the jurists would be honoured.

The Guyana-born former Secretary General of the London-based Commonwealth Group, Sir Shridath Ramphal; the Jamaican Judge, the Honourable Mr. Justice Patrick Robinson from the International Court of Justice; The Honourable Mr. Justice Anthony Lucky, Judge from Trinidad and Tobago and of the International Tribunal on the Law of the Sea; and Guyanese nationals, Ambassador Dr. Bertrand Ramcharan of the United Nations Refugee Office and Professor Duke Pollard, who served as a judge on the CCJ, were the five jurists honoured.

Justice Saunders said the CCJ, established to replace the London-based Privy Council as the region’s final court, has a special relationship with international law and that quite apart from its work as a final appellate court, the Revised Treaty of Chaguaramas mandates the Court’s judges to apply “such rules of international law as may be applicable” when interpreting the Revised Treaty which governs CARICOM.

“But even beyond this responsibility, we at the CCJ are forever conscious of the fact that international law is of the most profound value to the people of this region,” he stated.

He added that it is international law which secures the region’s integrity as mini-states in a “volatile world” and that it also provides a framework for states like



Professor Duke Pollard (left), who served as a judge on the Caribbean Court of Justice (CCJ) is congratulated by the Honourable Mr. Justice Adrian Saunders, President, CCJ

Guyana and Belize to resolve border disputes, with far more populous and powerful neighbouring states, “in ways that are peaceable, respectful and based on predictable rules.”

Justice Saunders continued: “It is to international law that we must turn if our small and vulnerable island states are to meet the existential threat posed by climate change. It is an international legal order that allows my own country, St. Vincent and the Grenadines, of only 110,000 souls, proudly to take its place, as a member of the UN Security Council alongside and with the same single vote as the mightiest nations on earth.”

Justice Robinson delivered the feature lecture “Independence is a Right, not a Gift: Lessons from Resolution 1514 and the Chagos Advisory Opinion.” There was also the formal launch of a book containing samples of the work of these jurists under the title: Eminent Caribbean International Law Jurists: The Rule of International Law in the Caribbean. This publication is intended to provide a lasting resource which will add value to the work of legal practitioners and others. The book will also serve to deepen the understanding of the culture of international justice.

Update on Criminal Bench Book

The Criminal Bench Book for Magistrates and Parish Court Judges in the Caribbean Region is currently in the final stages of development.

Submissions which emanated from the Eastern Caribbean Supreme Court’s (ECSC) 2019 Magistrates Conference are being incorporated.

Each chapter was reviewed and updated with legislation from around the region in 2019, with the most recent being in the area of traffic offences. Short term consultancy support is also being pursued to ensure that the final publication date of May 2020 is achieved.

The Criminal Bench Book is a compilation of rules of procedure distilled from primary legislation, case law, policy and significantly, the contributions and experience of judicial officers practicing in the summary jurisdiction. It includes guidance on judgement writing and giving of reasons, procedures for dealing with vulnerable defendants and witnesses, sentencing options and methodology, and extradition proceedings, among others.

The Criminal Bench Book consolidates these rules of procedure, statutory provisions, recent amendments to primary legislation, and the guidelines set out in appellate judgments from the magisterial courts, into an easily navigable, concise treatise on summary procedure that Magistrates and Parish Court Judges can easily refer to, regardless of the territory in which they happen to be sitting.

PEEWG meetings convened in Guyana and Barbados

The judiciaries of Guyana and Barbados in collaboration with the Judicial Reform and Institutional Strengthening (JURIST) Project convened their first Public Education and Engagement Working Group (PEEWG) meetings on December 3 and 5, 2019 in Guyana and Barbados respectively.

The PEEWGs will support the judiciaries in the development, delivery, implementation, monitoring

and evaluation and sustainability of public education and engagement programs with regards to reform activities in Guyana and Barbados.

A holistic approach to public education and engagement is being encouraged and the PEEWGs include a wide cross section of stakeholders from the justice sector, media, Bar Association, and NGOs among others in the development and roll-out of programs.