



Knowledge sharing among Sexual Offences Courts in the Caribbean

The Judicial Reform and Institutional Strengthening (JURIST) Project is currently designing and facilitating a Knowledge Exchange which will look at the implementation of the *Model Guidelines for Sexual Offence Cases in the Caribbean Region*, in Antigua and Barbuda (through the Sexual Offences Model Court – SOMC), and the Sexual Offences Courts in Guyana.

The SOMC was established by the JURIST Project at the High Court of Antigua and Barbuda in January 2019, to test the Model Guidelines; and to provide timely, gender-sensitive and coordinated responses for the protection of complainants and vulnerable witnesses in sexual offence cases. The SOMC is defined as “set of specialised court procedures for the

treatment of sexual offence cases. The SOMC includes a dedicated courtroom and a presiding judge assigned to hearing sexual offence cases according to these specialised procedures.”

The SOMC was intended to remedy several perceived deficiencies in the court’s handling of sexual offence cases, including:

- Inordinate delays in completing sexual offence cases.
- Lack of data and systems to hold courts to account for the management of sexual assault cases.
- Insufficient coordination between courts and

other agencies that provide services to sexual offence complainants and vulnerable witnesses.

- Sexual offence complainants who refuse to pursue cases due to fears of re-victimisation or re-traumatisation through traditional court procedures, resulting in high attrition and low conviction rates for sexual assault cases relative to other criminal proceedings.

Since its establishment, the SOMC has reported an improvement in case management of sexual offences, and that complainants and vulnerable witnesses in sexual offence cases are better informed and better prepared when a case goes to trial. However, the onset of the COVID-19 pandemic has presented some unique challenges for court administrators and judicial officers. In 2020, due to the prevailing public health concerns, a decision was made to halt jury trials, which has had a direct impact on the adjudication of sexual offence matters.

An integral part of the Project’s ongoing support to the SOMC is strengthening its leadership and relevant actors/stakeholders for ensured sustainability and success of the court and building its capacity to remain responsive to the needs of court users.

In this regard, the JURIST Project is facilitating a Knowledge Exchange between the SOMC and Guyana Sexual Offences Courts to:

- Connect the jurisdictions of Guyana and Antigua and Barbuda to enable the jurisdictions to share lessons and best practices.
- Develop knowledge products that capture the lessons, strategy and best practices.
- Enable the jurisdictions within the Organisation of Eastern Caribbean States (OECS) to participate and learn about the best strategies for implementing the *Model Guidelines for Sexual Offence Cases in the Caribbean Region*.

The Knowledge Exchange commenced in January 2022 and will be completed in March 2022. The outcomes of the Knowledge Exchange will be highlighted in subsequent newsletters.

In this Issue

Dear Reader,

The Canadian-funded Judicial Reform and Institutional Strengthening (JURIST) Project is pleased to convey to you, our dear readers, Issue 20 of *JURIST News*.

This issue covers the period October 2021 – January 2022, and highlights some of the activities the JURIST Project has been engaged in during the period as well as some of the strides being made by judiciaries across the region in the area of judicial reform.

The Project is in the process of facilitating a knowledge building and exchange between the Sexual Offences Model Court (SOMC) in Antigua and Barbuda and the Sexual Offences Courts in Guyana. It is anticipated that through this exercise there will be an identification and synthesis of best practices and lessons learned directly linked to Guyana’s and Antigua and Barbuda’s management of sexual offences cases.

During the period September to October 2021, the JURIST Project through a partnership with the Caribbean Association

of Judicial Officers (CAJO) administered a Judicial Needs Assessment Survey to regional Magistrates, Parish Court Judges and Heads of Judiciary. Feedback received from this survey will inform the judicial education initiatives that will be developed for and delivered to regional Magistrates and Parish Court Judges.

In Belize, there has been an announcement of personnel and infrastructural changes for the judiciary, while Guyana is in the process of drafting new sentencing guidelines. The Honourable Mr. Justice Bryan Sykes, OJ, CD, Chief Justice of Jamaica launched the judiciary’s Remote Hearing Guidelines.

These and other stories are contained in this issue. We hope you enjoy reading the articles. As always, we take this opportunity to remind you that we welcome and appreciate feedback from our readers. We encourage contributions, information or material that we can include in future issues of the Newsletter.

We urge everyone to continue to keep safe.

- *The JURIST Project Team*

Personnel and infrastructural changes announced for Belize judiciary

The opening of the new legal year 2022-2023 in Belize took place on January 17, 2022, with a virtual commencement exercise coordinated and produced by the Government of Belize Press Office, using the court's new virtual judicial management system, APEX. The virtual commencement featured important announcements of new judicial personnel and major changes in the structure of the High Courts in the country.

During her presentation preceding the adjournment of the opening, the Honourable Magali Marin-Young S.C., Attorney General and Minister of Legal Affairs, Belize, announced that the Government is currently drafting a Senior Courts Bill by means of which a total rearrangement of the Supreme Court will be carried out. One of these changes will be the renaming of the Supreme Court, which will become known as the High Court of Belize.

The Attorney General gave some insights as to what changes will be made. "Firstly, it is proposed that the Supreme Court is to be renamed Belize's High Court, since it is a misnomer to call it the Supreme Court when it is not our apex court. Under a newly restructured Court of Appeal and a new High Court, there is to be a Chief Justice whose judicial function is to be recast to administratively supervise the performance of all High Court and Court of Appeal judges and allowing for him or her to sit on either court from time to time in the important matter of his or her choosing," she explained.

Under the proposed restructuring, there is to be one judicial leader, namely the Chief Justice who will head both the High Court and the Court of Appeal and will be assisted by two senior high court

judges, one in the civil division and the other in the criminal division.

In the civil division, there is to be a Public and Administrative Law Division, a Family and Trust Law Division, and a Commercial Law Division. The Chief Justice will continue to chair the Judicial and Legal Services Commission and will ensure that matters are dealt with efficiently.

Besides the restructuring of the Bench, the Government is also promising an infrastructural upgrade for the court. Marin-Young announced that the Government is also planning the construction of a judicial complex. This complex is to feature larger courtrooms that are retrofitted for virtual hearings, which have become more prevalent during the pandemic and will become "the new normal."

As far as judicial personnel are concerned, all three divisions of the judiciary had to engage in the recruitment of legal personnel last year. To date, five new magistrates were added to the lower court, while an additional four Supreme Court Justices and three new Justices of the Court of Appeal were appointed.

The Honourable Mme. Justice Michele Arana, Chief Justice of Belize (ag), noted that last year, a total of 1,343 new civil cases were lodged in the Supreme Court, with 603 of those cases being disposed. In the Criminal Division, a total of 81 new criminal indictments were heard, with 70 cases in that Division being disposed. At this time, the remanded population at the Belize Central Prison stands at a total of 355 persons, with 187 remanded for murder.

Also announced were upgrades to court buildings across the country and relocation of various courts to more suitable building locations.



The Honourable Mme. Justice Michelle Arana, Chief Justice of Belize (Ag)



The Honourable Magali Marin Young S.C., Attorney General and Minister of Legal Affairs, Belize

About the Model Guidelines for Sexual Offence Cases in the Caribbean Region

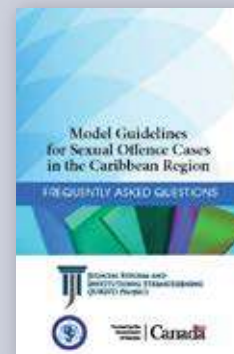
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To support the framework of the SOMC, the JURIST Project supported the development of *Model Guidelines for Sexual Offence Cases in the Caribbean Region*. The Model Guidelines aim to:

- Increase public confidence in the justice system as it relates to the handling of sexual assault cases.
- Improve responses to survivors that will enable their full participation in the justice system, increase offender accountability and reduce secondary victimisation.

- Ensure a trained and skilled cadre of cross-sectional professionals including judges, court personnel, police and attorneys to efficiently respond to sexual assault cases, survivors and witnesses; and
- Ensure speedy adjudication of cases and reduction of case backlogs over time.

Further information on the Model Guidelines for Sexual Offence Cases in the Caribbean Region is available on the Project's [Caribbean Judicial Information System \(CJIS\)](#).



Model Guidelines for Sexual Offence Cases in the Caribbean Region: Frequently Asked Questions

JURIST Project building the capacity of Magistrates and Parish Court Judges

The Judicial Reform and Institutional Strengthening (JURIST) Project is working with the Caribbean Association of Judicial Officers (CAJO) to undertake a necessary needs assessment and the design of two training programmes to equip regional Magistrates and Parish Court Judges with the knowledge and skills to enhance their work and function.

The CAJO is a regional judicial education body that aims to provide training and education opportunities for the Caribbean region's judicial officers.

In February 2021, the Project published a study on the Caribbean region's Magistracy in a report titled: *"Regional Magistracy Improvement Recommendations."* Based on the findings of that report, the Project sought to determine the existing needs of regional Magistrates and Parish Court Judges.

During the period September to October 2021, the CAJO conducted phase one of this activity - a research-based needs analysis for Magistrates and Parish Court Judges in the region. This needs

assessment interrogated and identified the strengths, gaps, and opportunities and will aid in the development of relevant programming.

Two digital surveys were administered and were designed based on the internationally recognised ICEE(+W) model (developed by the Commonwealth Judicial Education Institute – CJEI) which explores Impartiality, Competency, Efficiency, and Effectiveness (including a needs assessment around Wellness). One survey was administered to Magistrates and Parish Court Judges and the other to Heads of Judiciary. It was important that the surveys not only explore Magistrate and Parish Court Judge insights, but also the administrative heads of each judiciary.

Phase two includes the development and deployment of two training programmes based on the results of the needs analysis for Magistrates and Parish Court Judges in the region. The findings of the assessment are available on the Project's [Caribbean Judicial Information System \(CJIS\)](#).



The Magistrates' and Parish Court Judges' Needs Assessment Survey Report

Jamaica judiciary launches Remote Hearing Guidelines

The judiciary of Jamaica has launched its Remote Hearing Guidelines aimed at providing guidance on the technological arrangements for the conduct of remote hearings in all courts. The guidelines were designed to ensure consistency and uniformity in these proceedings.

The Honourable Mr. Justice Bryan Sykes, OJ, CD, Chief Justice of Jamaica said the publication of the Remote Hearing Guidelines is part of the judiciary's thrust to improve access to justice and to incorporate greater use of technology in its operations.

"It is a document that will guide how persons can gain access to the court remotely and how court will conduct its proceedings. It's really in simple English; easily understood. It's on our websites and can be downloaded," he explained.

The Remote Hearing Guidelines can be retrieved from any of the judiciary's websites: courtofappeal.gov.jm; supremecourt.gov.jm; parishcourt.gov.jm and cad.gov.jm. These guidelines apply to all remote hearings conducted in open court or chambers in any court in Jamaica. They came into effect immediately and will continue to be in effect until amended or revoked by the Chief Justice. The guidelines were produced in consultation with stakeholders including the private Bar, the Office of the Director of Public Prosecutions, and the Department of Correctional Services.

Among other things, a judge shall ensure that hearings are conducted in a manner that ensures all parties are able to fully participate and that their rights to procedural and substantive fairness are observed.

Chief Justice Sykes launched the Remote Hearing Guidelines at a handover ceremony for two mobile buses retrofitted with audio-visual technology to



The Honourable Mr. Justice Bryan Sykes, OJ, CD, Chief Justice of Jamaica with a copy of the judiciary's Remote Hearing Guidelines

hear testimonies from witnesses remotely. The units were handed over to the Court Administration Division at the Ministry of Justice offices in St. Andrew on November 5, 2021.

Digital courts critical for administration of justice

Digitally driven courts will be critical to the continued administration of justice as COVID-19 lingers on, and even beyond the pandemic.

This was the view of Her Ladyship, the Honourable Mme. Justice Dame Janice M. Pereira, DBE, LL.D, who was at the time speaking at the virtual opening of the 2022 Law Year of the Eastern Caribbean Supreme Court (ECSC) which was held on January 11, 2022, under the theme: *“The ECSC: Re-imagining the justice system in the era of COVID-19 and beyond.”*

Justice Pereira, in her remarks, examined what the justice system will resemble in the next five to ten years. She noted that courts around the world have arrived at the conclusion that digitally operated courts and services are here to stay as the administration of justice through digital platforms was a welcomed transformation, because the COVID-19 pandemic forced the judicial system into survival mode.

Ms. Dawn J. Smith, Attorney General of the Virgin Islands (BVI) delivered remarks on behalf of the Attorneys General in the ECSC jurisdiction and the Bar of the Virgin Islands. She questioned what direction the jurisdiction will go in “as for some years now, we (the legal profession in the Eastern Caribbean) have pushed the boundaries of the practice of law and dispute



**The Honourable Dawn J. Smith,
Attorney General of the Virgin Islands (BVI)**



**The Honourable Mme. Justice Dame Janice M. Pereira,
DBE, LL.D, Chief Justice of the Eastern Caribbean
Supreme Court (ECSC)**

resolution. Most recently, we have adapted to remote access for the conduct of case management conferences, hearings, and other interactions in the dispute resolution space as we have braved extreme natural disasters and a global pandemic. My question today is simply – where do we go from here?”

The Attorney General congratulated the Chief Justice on her steady and visionary leadership and also congratulated the ECSC Bench and Bar for their resolve to follow her into the digital age and urged them not to downplay the significance of the steps taken thus far.

Guyana to get new sentencing guidelines

The justice system in Guyana is expected to drastically improve with the introduction of sentencing guidelines expected to come on stream by mid-2022.

The Honourable Anil Nandall, Attorney General and Minister of Legal Affairs made the disclosure during an interview on January 15, 2022.

“The Ministry of Legal Affairs and the Attorney General’s Chambers are spearheading a project which includes the hiring of a

consultant for the drafting of sentencing guidelines. In fact, there is a public advertisement currently out, in accordance with Inter-American Development Bank (IADB) stipulations, because they are the funding agency, seeking to enlist the services of a consultant to undertake the project which is to draft sentencing guidelines. Many countries in the Caribbean have sentencing guidelines and in the United Kingdom there are sentencing guidelines,” the Minister explained.

He said these sentencing guidelines will assist in bringing regularity, consistency and predictability to sentencing because these three factors are important in sentencing and tribunals must apply the law and sentencing, uniformly and consistently.

He noted that members of the public are also entitled, with reasonable prediction, to say what the sentence is going to be for specified offences, especially when there are similar facts repeating themselves.