

## Comprehensive reform in the justice sector

The crucial importance of an everyday issue such as accommodation, in the administration of justice and indeed judicial reform, was highlighted in the address by the Chief Justice of Barbados, the Hon. Sir David Simmons, K.A., B.C.H., at a Special Sitting of the Supreme Court, 10 February 2006. His topic was “***Re-Positioning the Administration of Justice***”.

In that address, he gave an overview of nine (9) areas identified for reform which included a re-evaluation of the system of Assizes; an extension of the hours of business; the provision of opportunities for continuing education and training; re-organisation of the Registration Office; improvement of the functioning of the Judicial Council; improvement of relations between the Bench and the Bar; greater recognition of the Magistracy and improvement in the quality of service by the issuing of appropriate Practice Directions from time to time. He also mentioned three initiatives already underway, which if continued would provide the overarching strategic infrastructure for modernisation of the administration of justice. These were (i) the construction of the new **Judicial Centre**, (2) the enactment of new rules of Civil Procedure and (3) the wide scale introduction of contemporary technology across the justice sector through the Justice Improvement Project. Among the broad policy reforms which are being undertaken the Chief Justice, in the above address, singled out the **Judicial Centre** as the “most important component in the package of reforms to reposition the justice system and improve the delivery of legal services. The Judicial Centre is a project being undertaken by the Office of the Attorney General.

It should be noted that although judicial reform is spearheaded principally by the Chief Justice and the Judicial Council, the Office of the Attorney General executes 21 subprograms and provides administrative support to several agencies which in one way or another make a contribution to the administration of justice, that is, it services *the Solicitor General; the Chief Parliamentary Counsel; the Royal Barbados Police Force;*

*the Registration Department; the Forensic Sciences Centre; the Financial Intelligence Unit; the Community Legal Services Commission; the National Task Force on Crime Prevention; the Police Complaints Authority; the Justice Improvement Project; and the Project Unit, as well as the Director of Public Prosecutions.*

Several matters which concern the administration of justice, within a context of judicial reform, relate directly to the work carried out by the Office of the Attorney General, principally through the Registration Department, the Justice Improvement Project and the Project Unit. However the other offices and agencies listed also have an important role to play. For example, the Chief Parliamentary Counsel has had the responsibility of drafting the laws to reflect the reforms such as the proposed new Rules of Civil Procedure, under the direction of the Chief Justice.

A major actor in this sector is the Registration Department which provides services to the Supreme Court and Magistrates Courts in relation to a range of issues, for example, it oversees the provision of clerical support to the courts and also the service provided by the Marshals of the Court Process Office. That Department also sees after the general state of accommodation for the Courts and for its staff; the provision of a wide range of services to the general public, and the charging of fees for those services, inter alia. It is a central agency for the provision of services to the public in the justice sector, and this is reflected in its **Customer Service Charter** launched in August 2004.

In turn the role of the Office of the Attorney General (OAG) is to provide policy direction and administrative support for the Registration Department. OAG provides the interface between the Registration Department, and for example (i) the Personnel Administration Division, (ii) the Ministry of the Civil Service ( regarding conditions of service, and staffing) ; (iii) the Ministry of Finance ( in relation to budgetary and financial matters and fees); (iv) the Training Division( for training in modern management such as case and court management) ; and (v) its own Project Unit ( in relation to repairs to accommodation for the Registration Department and the Courts, or indeed through the

construction of new accommodation). In addition, in relation to matters such as the application of technology and ICT matters, the IT section of the OAG provides valuable assistance.

Another key contribution to judicial reform, is through the Justice Improvement Project (JIP), a US\$12.5 million Inter American Development Bank (IADB) funded project, administered directly by the JIPS Secretariat, supported by the Office of the Attorney General which oversees the project implementation and which provides the project with policy direction and administrative support, in collaboration with the Ministry of Home Affairs. The three main areas of judicial reform in which activities are carried out under this project are (i) **Sector Management** (including the proposed Judicial Enforcement Management System (JEMS) or Court Management software, to help track cases, schedule trial dates, and provide Court related reports; the establishment of a modern court reporting system using aids such as Computer Aided Transcription (CAT); and the proposed establishment of IJIS an Integrated Justice Information System aimed at enhancing current sector planning and research; (ii) **Access to Justice** including the introduction of modern Case Management techniques in the Court System; development of ADR (alternative dispute resolution) methods to resolve disputes and broaden access to justice, and review of the current Legal Aid Structure, and (iii) **Youth and rehabilitation** which seeks the institutional strengthening of Juvenile Justice Agencies, the Probation Department, and the Prison, and includes proposals for civil works (for, inter alia, a Young Offenders Institution and an At Risk Industrial School for adolescents).

As indicated by the Honourable Chief Justice in his February 2006 address, the Judicial Centre and the general improvements to accommodation are central to judicial reform efforts, and the Centre (or Halls of Justice as it is also called) is to be equipped with modern facilities and appropriate technology, and will be the most exciting development in recent times in the administration of Justice in Barbados. It will house 12 Courts, that is, the No 1 Court and local Court of Appeal; 4 (four) Criminal Courts; 3 (three) Civil Courts; 3 (three) Chamber Courts and 1 (one) Family Court; the Registration

Department; the Court Process Office (the Marshalls); and the Community Legal Services Commission. The Centre will consist of 3 (three) floors and a semi-basement. It will also be equipped with the latest technology in relation to court and case management and information systems in general. Close attention has been paid to security and the provision of adequate facilities for all users of the building, including the general public. Construction is well underway. The Judicial Centre is being constructed under a BOLT (Build, Own, Lease and Transfer) arrangement by a Special Purpose Vehicle, Whitepark Development Limited, and significant attention is being paid to the operation and future maintenance of the Centre. It is expected to be completed in the first quarter of 2008. OAG plans also include the improvement of accommodation in general for the other participants in the law and order sector.

All the above fits neatly within the National Strategic Plan of Barbados for 2005-2025. While noting that Barbados has a well developed judicial and legal system in which fundamental human rights, and civil liberties and respect for the rule of law are strongly upheld, Objective No 1.4, "Ensuring Social Justice" of that Plan includes a strategy to *"ensure that legal justice and social justice coincide so that people perceive that there is fairness in society. This requires the fair and impartial application of the law, while ensuring that there is not only access to justice for all but the timely dispensation of justice"* This approach is further developed in the **Sectoral** objectives of the **Governance Sector**, particularly sections 4.3 "To improve the Efficiency of the Justice System" in which there are three objectives of particular interest to the current topic : Objective 1.1: "to improve the Efficiency of the Justice System"; Objective 1.2 "to effectively manage new trends in Crime and Law enforcement, and Objective 1.5 "to adequately outfit and modernise the agencies responsible for Law and Order".

It should be noted that the elements relating to justice in the Strategic Plan are influenced by the earlier Draft Plan on Justice, Peace and Security in 2003, and the Report of the National Commission on Law and Order in 2004, both commissioned by the Office of the Attorney General, and in which close attention was paid to the several aspects of judicial reform and the administration of justice. These are essential in a

civilised society like Barbados which places the total wellbeing of its citizens and residents, protection of their rights, and the effective enabling of their access to justice, at the centre of all its developmental efforts.

**Office of the Attorney General**