



**PRESENTATION BY PROFESSOR TREVOR MUNROE AT THE
PROJECT LAUNCH AND STAKEHOLDERS FORUM
TERRA NOVA HOTEL
THURSDAY, OCTOBER 10, 2019 AT 10:00 AM**

Chairperson Lenny, NIA’s Legal Advisor, Honourable Minister Delroy Chuck, Project Manager of the EU in Jamaica, Ms. Livia Galita, Honourable Director of Public Prosecutions, other distinguished public officers present, associates of NIA and in particular, members of the NIA-sponsored high school integrity clubs, some of whom have come from schools as far away as Westmoreland in the west, St. Elizabeth, St. Thomas, St. Catherine in addition to Kingston Metropolitan area, welcome and good morning.

Let me first of all express appreciation to the European Union for accepting our proposal for this project “Combatting Corruption in Jamaica: Improving Citizens Access to Justice, Due Accountability, Transparency and Access to Information”. Your acceptance of our proposal and granting of the related award suggests confidence in NIA, a confidence based on the fact that NIA does not just issue news releases and make presentations, but engages in activity on the ground to build integrity and to combat corruption. I recall a post in social media in the last few days casting NIA as one of the “chatting” organizations. Of course, chatting is



important and we do not ever intend to keep silent. However, in addition to speaking out, the EU in making its award must have taken note of our record of action; action in building integrity in communities and in schools and universities, most of all in training and building capacity in Jamaica's Justice Sector.

In that regard, under a previous EU project entitled "Combatting Corruption in Jamaica: Improving Governance and the Justice System", between April 2016 to April 2018, NIA sponsored training and sensitization seminars involving over 250 justice sector officials, including clerks and deputy clerks of the court, court administrators, court staff and police officers. Moreover, benefitting from grants, from our other international development partners, DFID and USAID, between 2012 and 2016, NIA supported weekend training and sensitization sessions involving almost 1,000 participants, judges at all three levels in our court system, clerks of the courts, prosecutors from the DPP's office, police and other investigators. Since 2016, thanks to USAID's support over 1500 justice sector officials and almost 500 justices of the peace have been engaged in a range of areas to expand their role in strengthening the administration of justice. In this regard, we want to express our appreciation of the partnership between NIA and the Ministry of Justice, embodied in a Memorandum of Understanding signed by Minister Chuck and myself; as well



as our collaboration with the Court Management Services and the Justice Training Institute. We are happy that they are represented here today.

This Project therefore represents an additional stage in NIA's long standing activity and sustained work to strengthen the administration of justice in our country, a commitment born of the understanding that it is co-equal to the Executive and the Parliament, the other two branches of Government. It must therefore be a matter of the most serious concern that in important respects Jamaica has been falling short in the delivery of justice to our citizens.

In that regard, twelve years ago, the blue ribbon Justice Sector Reform Task Force, co-chaired by Professor Chevannes and Chief Justice Wolfe, found that a major problem is **“the perception that individuals are not accorded equal treatment by the justice system nor do they receive equal benefit or protection of the law”**. Two years later, after a comprehensive consultation with the people, our **National Development Plan**, Vision 2030 set certain targets, but today only one quarter of these are being met. Many of the key targets not being met under successive administrations relate to building a safe, just and cohesive society: in 2018 we were behind target on the **rule of law indicator** (-0.16 versus 0.04) as well as behind



target on the **control of corruption indicator** (-0.17 versus 0.13). Of overall concern is that trust and confidence in our justice system has been on the decline for some years. **This is not to deny outstanding features and recent exceptional achievements in the sector. For example, our people and the international community have consistently acknowledged the independence of our judiciary and their ability to stand up to and overrule both the Parliament and the Executive** where necessary in upholding Jamaica's Constitution and in defending the rights of the people. Our judges have now produced Sentencing and Conduct Guidelines for themselves, which allow each and every one of us to go online and speak out if any judge violates either the sentencing guidelines or the guidelines for conduct.

Most dramatically, in the last few months, one of the targets set in Vision 2030 to achieve in ten years' time, namely one hundred percent court clearance rate has now been achieved and surpassed in 2019. But much more needs to be done, as revealed in Don's survey findings – there is only 59 percent satisfaction of the 16 percent who accessed in 2019, hence NIA's engagement in this Project. The major overall objective that we have set ourselves, in this and similar projects, is to strengthen **public trust and confidence in justice sector institutions and services**



by identifying areas for improvement, advocating and working with various stakeholders to ensure this improvement and by taking deliberate actions to strengthen capacity, build greater awareness amongst the public and assisting with the provision of basic legal advice.

Recent events make this project and these objectives even more timely and urgent. In the **first** place, strengthening public trust and confidence requires sustained and effective action to implement a fundamental democratic principle and a consistent call by NIA: ensure that there is one law for all – the big and the small. In that regard, the arrest of former Minister Reid, President of the CMU Pinnock and members of Reid’s family indicates an application of this principle – an application that has to be sustained through the stages of prosecution and adjudication. In the **second** place, NIA and other stakeholders have identified Access to Information as a critical area for reform. We are happy that the Government retreated and call on them not to seek to advance yet again the completely unacceptable proposal to extend by fifty years the provision to hide Cabinet documents from the people, rather than reducing, as is happening in so many other countries, the period during which such documents are unavailable to citizens. **We urge that the first order of business of the proposed Joint Select Committee to review the Act, is to accept**



and recommend immediate implementation of the proposals to strengthen citizens' access made by a previous Joint Select Committee eight years ago and supported, at least in words, by different administrations formed by the PNP and the JLP. I mention two: repeal the old colonial Secrets Act, passed in 1911 and transform the Access to Information Unit into a statutory authority empowered to ensure that Ministries, Departments and Agencies provide citizens promptly with the information they require in order to hold Government and public authorities accountable. Making more aspects of the justice system available online and promoting our citizens' awareness of that access shall also be an important reform to be advocated during the life of this project.

A **third** and key area of activity shall be building public awareness, particularly amongst the youth and students of their rights and responsibilities, school tours for youth month and of the role of different institutions in the justice sector, the Office of the Children's Advocates, the Office of the Political Ombudsman. This is a two-way street, citizens taking the effort to become more knowledgeable on the one hand, but at the same time, institutions like The MOCA, The Integrity Commission, The Office of the DPP, the Financial Investigation Division of the Ministry of Finance – most of all each needs to improve their application of the fundamental principles of



transparency and accountability. Without prejudice to other aspects of their mission, each must regularly and systematically make information available to the public regarding their performance. The Government must provide the necessary resources to facilitate this obligation. **In this regard, the Office of the Chief Justice has blazed the path and set the example by publishing every quarter how the Courts are performing, and the Major Organized Crime Anti-Corruption Agency with support from NIA has been following suit by monthly updates available online to the public.** One reason why MOCA is the agency with which the public is most satisfied. Under this Project NIA is committed to strengthening the transparency of Justice Sector institutions, at the same time as utilising face to face engagements in the schools and communities, town hall meetings and press releases to build public interest, participation and demand for Justice Sector Reform.

Fourthly, we shall build on previous activity in training of justice sector officials in areas such as Alternative Dispute Resolution, Mediation and Child Diversion.

Fifthly, we shall, through our Advocacy and Legal Assistance Centre, in partnership with similar institutions, strengthen the provision of free, confidential legal advice, as part of the process of helping witnesses and victims of corruption and persons



who have suffered some form of injustice, to be aware of their rights, to hold authorities accountable and to ensure greater justice for the disadvantaged. Over the years our ALAC team, with the full engagement of our Legal Advisor, who is chairing this function, have hosted justice sector legal fairs in Rockfort, Port Maria, May Pen, Sav-la-mar, Santa Cruz and most recently in Half Way Tree, St. Andrew.

We are confident that these areas of activity embraced in the Project being launched today shall bear fruit in strengthening the administration of justice in Jamaica and in improving the findings of the survey which Don shall conduct in one year's time. NIA would best be able to contribute to this objective in partnership with stakeholders represented here. We anticipate and look forward with great hope and expectation to their collaboration and to greater success on that basis in combatting corruption and strengthening integrity in Jamaica.

We conclude with a critical observation recorded in our Justice Sector Task Force Report of 2007 “the rule of law can in the end, only be maintained if it rests on the absolute confidence and support of the people...the people must believe...that the law will be applied without fear or favour to the strong and the weak alike”. The



decline in that confidence must be arrested and restored if Jamaica is to improve in good governance.