

Healing our ailing justice system

The justice system is indispensable to a free and democratic society. It is the ultimate source of protection of the rights of the citizen, holding the scales between one citizen and another and between the citizen and the State. How efficiently and fairly it functions defines the quality of our democracy and, indeed, the quality of our lives.

Our justice system is creaking from years of neglect resulting in a pile-up of more than 400,000 cases. Poor physical facilities, shortage of personnel and archaic judicial and administrative procedures have rendered our justice system an obstacle - not a facilitator - to our development. We are committed to changing that.

Our Pledge

19.1 Commitment to Justice Reform Programme

We are committed to a 10 year Justice Reform Programme supported by the necessary policy decisions and allocation of resources as recommended by the Jamaica Justice System Reform Task

Force.

19.2 Use of technology for speedier disposal of cases

- Provide computer-based audio and text recording in the Appeal Court, Supreme Court and all Resident Magistrates Court to facilitate real-time production of testimonies and submissions.
- Provide for computerization of and online access to transcripts, notes of evidence and judgements.
- Expand the Justice Training Institute to train existing Court staff and as well as those required to operate new procedures.

19.3 Rehabilitation and modernization of Court Houses

Establish a 5-year programme for the rehabilitation and modernization of all Court Houses to better accommodate the case load and the introduction of the appropriate technology.

19.4 Better utilization of Court facilities and elimination of case backlog

- Improve the utilization of court facilities by having Courts operate two shifts where necessary and sit for more days where possible and necessary.
- Increase the number of Family Courts to facilitate greater access and allow for sittings to be held at locations which do not carry a “court house” atmosphere.
- Establish special Courts to deal with cases involving domestic violence.
- Increase the number of Resident Magistrates, prosecutors and Court staff
- Recruit on a temporary basis from among retired judges and the private Bar persons to serve as Resident Magistrates and prosecutors to assist in disposal of the huge backlog of cases in the RM Courts.

19.5 Better management of cases

- Introduce an efficient case management system in RM Courts to track and expedite the trial of cases or, where possible, refer for mediation.
- Require that objective timelines be set for the various stages and eventual disposal of each case with the ultimate aim being to have cases disposed of within 6 months.

19.6 Better provision for witnesses

- Provide better facilities for witnesses to attend Court
- Expand the Witness Protection Programme
- Increase the number of shelters for victims of domestic violence especially women and children.

19.7 Improved jury selection

- Improve the jury selection process by providing better facilities and remuneration.
- Launch a public education programme to sensitize the public as to the critical importance of jury service to the justice system.

19.8 Law Reform

- Establish a Permanent Law Reform Commission to conduct a review existing statutes and make recommendations for changes.
- Repeal offences that are no longer necessary or appropriate.
- Enact the necessary amendment to make certain minor crimes ticketing offences.

19.9 Review of Court jurisdictions

Review and restructure the existing jurisdiction of the Lay Magistrate’s Court, the RM Court and the Supreme Court to achieve optimal allocation of responsibilities consistent with the required level of jurisprudence.

19.10 Appointment of Judges

- Increase the number of Judges of the Appeal Court from 7 to 11 and appoint additional Judges of the Supreme Court
- Provide a more transparent process for the appointment of Judges

19.11 Constitutional protection and security of tenure for Resident Magistrates

Amend the Constitution to recognize Resident Magistrates as part of the judiciary and provide them security of tenure in furtherance of the principle of the independence of the judiciary.

19.12 Restorative Justice

Enact the necessary legislation to enable Courts to order convicted persons to compensate victims who have suffered personal loss or damage as a result of the offence.

19.13 Community Justice Tribunals

Establish Community Justice Tribunals to be conducted by Justices of the Peace to resolve disputes between citizens that do not involve criminal

offences, and which are heard with the consent of the disputing parties. Settlements agreed on would be enforceable by the Courts.

19.14 Judgement debts owed by the government

Enact provisions to make it a statutory requirement similar to provisions for payment of public debt, for the government to pay to a citizen such amounts as have been ordered by the Courts.