



OECS-CIDA
Judicial and Legal
Reform Project

National Consultation
on Justice Issues

Grenada

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National Consultation on Justice Issues

Grenada

Prepared by: Spencer Thomas

OECS
P.O. Box RB2474
Castries,
St. Lucia, West Indies
Telephone: (758) 452-4149
Facsimile: (758) 452-4157
E-mail: oeecs_cida_jlr@candw.lc
Web: www.oeecs-cida.org

Canada
1331 Brenton Street,
Halifax, NS,
Canada, B3J 2K5
Telephone: (902) 421-1720 ex 14
Facsimile: (902) 422-5343
E-mail: mgardner@gardnerpinfold.ca

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1.0 OVERVIEW

1.1 Background

The OECS/CIDA Judicial and Legal Reform Project's National Consultation on Justice Reform Issues was held in St. George's, Grenada on March 6-8, 2002. The consultation focused on complementary measures consistent with the major objectives of the Project that includes the following:

- To increase the efficiency and effectiveness of the courts in hearing cases.
- To promote better management of the justice system through the development of a legal information system and
- To promote fairness by developing and supporting alternatives to conventional justice system processes.

The Grenada consultation forms part of a series of national consultations carried out in the OECS member states participating in the project

1.2 Objectives of Consultation

The objectives of the National Consultation were as follows.

- To Provide stakeholders with an opportunity to collectively discuss issues related to complementary measures.
- To examine ways in which these approaches have been and can be implemented in the OECS.
- To discuss the state of readiness in Grenada for various types of justice reform measures.

1.3 Complementary Measures Focus Areas

The focus areas of the Consultation were as follows:

- Legal aid
- Alternative dispute settlement
- Counseling services
- Sentencing policies and alternatives
- Public and legal education.

1.4 Consultation Format

The format of the consultation included the following

- Expert presentations/ Panel
- Questions and Answers Sessions
- Plenary Sessions

- Working Group Deliberations
- Conclusion/ Way Forward.

1.5 Participants

The participants included senior officials of the public sector and senior representatives of civil society including the private sector.

The participants also included members of the National Project Advisory Committee.

The list of participants is attached.

1.6 Process

The Attorney General of Grenada officially opened the consultation on March 6, 2002.

Copy of the agenda for the opening ceremony is attached.

The consultation reconvened the following morning in plenary with a presentation by the Project Manager detailing the major elements of the project and setting the stage for the work to follow as per 1.4 above.

Copy of the agenda for the two-day deliberations March 7 and 8 is attached.

The presentations were made in plenary sessions by regional and local experts on the Complementary Measures identified above. Corresponding questions and answers sessions were done following presentations.

The working group utilized a standard format for the conduct of a modified SWOT analysis on the various issues.

The participants were divided into working groups for the four complementary measures with the exception of public legal education.

The working group session on Legal Aid and the working group session on Alternative Dispute Resolution were conducted simultaneously. The working group session on Counseling and Alternative Sentencing were conducted simultaneously.

Two working group were established to deliberate on each topic. No working group was convened for public legal education.

The participants for each working group are attached.

Copies of the working groups guidance notes are attached.

The Consultation concluded in a plenary session with brief summary, recommendation and discussion on the way forward.

2.0 LEGAL AID

Resource person, Mrs. Ann Peters led the discussion on legal aid with a presentation on the Legal Aid and Counseling Clinic (LACC) of Grenada. This was followed by a presentation on Public Legal Education by Mr. Ruggles Ferguson of the Grenada Bar Association.

Copies of the two presentations are attached.

2.1 Summary of Issues

2.1.2 Plenary

The presentations and ensued discussions provided national baseline information on the local circumstances and identified critical gaps and capacity building needs relevant to the topic. The following issues were discussed

- Capacity limitations of LACC
- Structure and activities of LACC
- Need to use LACC as pilot activity
- Role of the citizenry in Public Legal Education
- Funding
- Role of Government and other partners
- Capacity constraints of LACC
- Legal rights of the citizenry
- Public knowledge and information on rights
- The examination of the system of legal education
- Need to demystify the law and the justice system
- Ethics in the legal profession
- Religious beliefs, cultural practices and the law.
- Suggested reform measures and activities.
- Economic aspects of legal services.

2.1.3 Group Discussion on Legal Aid

Summary of group discussion on Legal Aid is shown in Table 1 below

Table 1

| Q. | Working Group A | Working Group B |
|-----------|--|--|
| No. 1 | Criminal: Property dispute Civil Maintenance Appeal Family | Stick to present Format (family/civil matters/juveniles) |
| No. 2 | Differently able: Unemployment Civil Juvenile offenders Elderly persons | Low Income: People who financially qualify up to \$15,000 |
| No. 3 | Budget Human Resources Awareness of the service based on referrals to LACC Offices (GRENSAVE; NCH, Social Services) | Improve on HRD finances . Client base fees |
| No. 4 | More Public Education and Awareness Train and increase staff (field visits and Follow up) More finances and funding Technical staff, Councilors, Lawyers Decentralize LACC Offices | Budget: Advise services through media Target local persons for funding: public awareness; additional staff; equipment for data collection; appropriate office space |
| No. 5 | Increase Government Subvention Fund raising activities Source funding from International and local agencies Lawyers, Counselors to give free time Corporate citizens assistance (Cash or kind) LACC should be included in Government Poverty Reduction Programme Develop Network Organizations (good referral) Increase fees by 10% | Government Subvention; source funding through local firms Employers and Government contribute towards an insurance for legal assistance Contribution fund to be set up |
| No. 6 | Domestic Violence: Juvenile delinquent Property dispute Child abuse (physical/ sexual) Divorce Labour issues (domestic/non-unionized workers) | Juvenile Public education Counseling Research Legal representation |

3.0 ALTERNATIVE DISPUTE RESOLUTION

Resource person Mrs. Donna Patchment led discussion on Alternative Dispute Resolution.

Copy of presentation is attached

3.1 Summary of Issues

3.1.1 Plenary

The major issues considered were as follows.

- Infrastructure for dispute resolution
- Elements of conflict and human behavior
- Concepts relating to ADR
- Element of ADR
- Integrity and equity issues
- Role of the parties
- Examination of rationale for ADR systems
- Cost of access to services

3.1.2 Group Discussion on Alternative Dispute Resolution

Summary of group discussion on Alternative Dispute Resolution is shown in Table 2 below

Table 2

| Q. | Working Group A | Working Group B |
|-----------|---|---|
| No. 1 | All by priority: | All the ADR Services |
| No. 2 | Arbitration Conciliation Mediation Restorative justice Through an ADR Service/Agency properly structured umbrella body to coordinate. To facilitate what the next step or relevant body to deal with | Government affiliated community agencies Division by Police Prosecutors |
| No. 3 | Barriers: Cost Willingness of people Human and financial services Clients attitude and willingness - People want to go to Court; Tradition Lack of public education | Misinformation, insensitivity. Lack of awareness, attitudes. Lack of a system |
| No. 4 | Perception Mixed – depend on how it is presented Sensitize public; Benefits Experience around the world Promote win situation | Depends on how it is marketed |
| No. 5 | Funding Government/State ongoing fund Charge for services External/intervention source Mediators pay registration fees | Local and external funding |
| No. 6 | Prioritize Cannot prioritize at this time | All are necessary but mediation and restorative justice would be at the top of the list |
| No.7 | | A time frame would be necessary to manage the services effectively |
| | | A cadre of persons from this forum should volunteer to be trained as mediators to work along PAC to ensure implementation within a specific time. ADR Services could be implemented through CIDA |

4.0 COUNSELING

Resource person Ms. Myra Lewis led the discussion on the topic of Counseling.

A copy of the presentation is attached.

4.1 Summary of Issues

4.1.1 Plenary

The major issues considered were as follows:

- Capacity constraints in Public Sector and Ministry in particular
- Quality of service issues
- Infrastructure for counseling
- Emerging trends in counseling
- Collaboration and cooperation issues
- Impact of counseling
- Public education and awareness
- Role of various stakeholders

4.1.2 Group Discussion on Counseling

Summary of group discussion on Counseling is shown in Table 3 below

Table 3

| Q. | Working Group A | Working Group B |
|-----------|--|--|
| No. 1 | Formal at Ministry of Education, Ministry of Social Services, Carlton House, Seventh Day Adventists, Legal Aid and Counseling Clinic, Religious Committee, Grenada Planned Parenthood Association, NGO's Red Cross, retirees Informal at village level Greater awareness of all stakeholders | In limited scopes, ability and availability Human Resources Facilities (limited and inadequate) |
| No. 2 | Administration: Stress management Perpetrator: Support services Order counseling by Judge Counseling required at all levels | Psychiatric Psychological (clinical, child) Mediators, peers, teen, family, mentoring, grief counselors (loss), rape, paralegal, conflict resolution |
| No. 3 | Deliveries: Organize existing agencies Improve and increase stations in outer parishes Database / register of persons Charges in statutes | Government Non Governmental Organizations Semi-private Agencies Private Agencies |
| No. 4 | Barriers: Finances, training, statute does not make provision for counseling Physical facilities Stigmatization Acceptance Lack of education Lack of political will- priority Personnel available – career guidance | Low status given to social workers, work and counseling Inadequate trained personnel Inability to lobby: lack of counseling fraternity No networking among practitioners Unavailability of specialized services Stigmatization of clients |
| No. 5 | Local and overseas input Assets of drug offenders Fees | Government; International Agencies; Private Sector; Community; Users fee; Insurance (mental health) |
| No. 6 | Yes and no | No. The voluntary nature has and will diminish the status. It should be a professional service paid Pro bono work at the discretion of counselor |
| No. 7 | Yes. | Yes. Results: Quality service The profession's status enhanced The public will respect and appreciate value of mental health |
| No. 8 | Supportive counseling; Clinical counseling Institution for mentally ill; Parenting | |

5.0 SENTENCING ALTERNATIVES

Due to the unavailability of the scheduled speaker, an adhoc panel of participants was convened to lead the discussion on sentencing alternatives.

Each panelist was allowed to speak for a few minutes on a specific aspect of the subject following which a lively and involved debate ensued.

The structure of the panel was as follows:

- Donna Patchment - Overview of Sentencing Alternatives
- Wilan Thompson - Factors Influencing Sentencing
- Joslyn Sylvester - Sentencing Options in Grenada
- Roy Raymond - Problems with Custodial Sentencing
- Judy Fowler - Restorative Justice Issues

Inspector Vannie Curwen moderated the panel.

5.1 Summary of Issues

5.1.1 Panel Discussion

Major issues considered were as follows:

- Analysis of Issues in Discussion Papers on Complimentary Measures
- Objectives of Sentencing
- Analysis of risk and societal needs
- Sentencing from the perspective of the Magistracy
- Capacity constraints
- Legislative constraints
- Gaps in the institutional structure
- Baseline information on Custodial System
- Best practices examples of restorative justice systems
- Reform measures

5.1.2 Summary of Group Discussion on Sentencing Alternatives is Shown in Table 4 Below

Table 4

| Q. | Working Group A | Working Group B |
|-----------|--|---|
| No. 1 | Probation Community Service Work Counseling/Education/Treatment Orders | Probation Suspended sentences Community service Counseling education / treatment orders |
| No. 2 | Public perception will be based on the level of preparatory public education - Benefits to the overall social development of the country, economic benefits and human resource benefits Explore current inadequacy of the system Address concerns of issues of security Level of confidence in the system Focus on rehabilitation | Accepted and welcomed if public is educated and sensitized |
| No. 3 | Acceptance Moral support After care community groups with linkages at the level of the Prison and other national support agencies State financed Multi sectoral linkages Linked to an institutionalized programme | Yes. Individuals; counselors, social workers etc Groups: community groups / churches ADR Agency, family involvement Sentencing circles and parish reviews |
| No. 4 | Government Court Community | The Court Others will have a vital role to play: |
| No. 5 | Legislation Public education One major executing agency with multi sectoral agencies Appropriate capacity building Lack of political will Objection by the Judiciary | Have alternatives legislated re educating prosecutors Increase the awareness of the Judges and Magistrates Barriers: Reluctance of Magistrates and Prosecutors Public acceptance; Limited resources (human/financial) |
| No. 6 | Government International funding | Government/State International Agencies Private Sector Communities |
| No. 7 | High trauma children; Ex-prisoners; Clinical therapic Institutionalized Clinical child psychology; Trained therapist | |

6.0 FACILITATOR'S VIEWS ON DISCUSSIONS

It is the considered view of the Facilitator that the discussions on the Complementary Measures were very interesting, informative and relevant.

The ensuing recommendations will provide an appropriate platform to determine projects for the forward in the reform process.

The Consultation was well attended throughout and the participants were totally involved, sometimes very passionately, in the deliberations.

The Consultation attracted the senior managers, decision makers among the public and private sector with respect to the Project at hand, thus facilitating a higher quality output.

It must be noted that the quality of the documents circulated to the participants and the preparatory work done by the project management team greatly contributed to the successful outcome of the Workshop. In fact, the role of the Facilitator was made much easier as a consequence.

The time periods allocated for the various activities were adequate even though there was a sense at times that participants were willing to engage in further dialogue.

There was sufficient flexibility in the agenda to allow for the various demands.

The logistic, administrative and resource personnel support provided by the Project and the Advisory Committee were adequate.

7.0 PRIORITIES

The identified priority areas include national capacity building, institutional strengthening and focused public awareness and information programming.

The attendant activities include the following:

- Sourcing of financial resources
- The provision of training and education
- Human resource development
- Inter-agency cooperation and collaboration
- Public awareness / information programme
- Institutional audit
- The provision of physical infrastructure
- The ensuring of access to services

8.0 NEXT STEPS

The next steps includes inter alia:

- Meeting of the National Project Advisory Committee
- Assessment of the outcome of the Consultation
- Public awareness and information activity
- Engagement of PAC member with selected stakeholders
- Completion of the **request** for proposals process
- Review of proposals
- Periodic meetings of PAC
- Project monitoring and evaluation activities

9.0 CONCLUDING REMARKS

The Judicial Legal Reform Project is a well-conceived and timely project that will deliver significant benefits to the people of the Caribbean region in general and the OECS States in particular.

The process and output of the Consultations on complementary measures held in Grenada are entirely consistent with the overall objectives of the Project. Continuous engagement and participation of the citizenry is a necessary ingredient for the success of the Project.

Day 1: Legal Aid

Group 1 and 3

Group 1:

Ms. Marium Andall - Chairperson

Ms. Myra Lewis - Presenter

Ms. Linda Toussaint

Ms. Dale Neptune

Ms. Cecilia Ann John

Mr. Dave Alexander

Mr. Martin Baptiste

Mr. William Thompson

Group 3:

Mr. Cyril Dickson - Chairman

Ms. Bernadette Guy - Presenter

Mr. Isaac Bhagwan

Mr. Alfred Horsford

Ms. Janelle Francis

Mr. Lester Paul

Mr. Clement Francis

Day 1: ADR

Group 2:

Mr. John Williams - Presenter

Ms. Jeannine Sylvester - Recorder

Mrs. Jocelyn Thompson

Mr. Cecil Greenidge

Ms. Susan Peters-Hosten

Ms. Joslyn Sylvester

Day 1: ADR

Group 4:

Mr. Michael Philbert - Chairperson

Maurice Darius - Presenter

Mr. Justin Francis

Ms. Ann Antoine

Ms. Gelisia Hamilton

Mrs. Gloria Payne-Banfield

Mr. Roy Raymond

Mr. Freddy D. Williams

Day 2: Sentencing

Group 1:

Mr. Martin Baptiste - Chairperson

Ms. Linda Toussaint - Presenter

Ms. Marium Andall

Mrs. Ann Peters

Mr. Dave Alexander

Ms. Cecilia An John

Ms. Dale Neptune

Ms. Bernadette Guy

Day 2: Sentencing

Group 2:

Mrs. Jocelyn Thompson - Chairperson

Inspector Vannie Curwen - Presenter

Mr. John Williams

Mr. Franklyn Marshall

Mr. Cecil Greenidge

Ms. Joslyn Sylvester

Mrs. Susan Hosten

Ms. Jenny Sylvester

Day 2: Counseling

Group 3:

Mr. Isaac Bhagwan - Chairperson

Mr. Clement Francis - Presenter

Ms. Janelle Francis

Mr. Lester Paul

Mrs. Gemma Bain-Thomas

Mrs. Gloria Payne-Banfield

Mr. Cyril Dickson

Day 2: Counseling

Group 4:

Mrs. Ann Antoine - Chairperson

Mr. Michael Philbert - Presenter

Mr. Justin Francis

Ms. Gelisia Hamilton

Mrs. Oforiwa Augustine

Mr. Roy Raymond

Mr. Maurice Darius

Mr. Freddy D. Williams