



OECS-CIDA  
Judicial and Legal  
Reform Project

## National Consultation on Justice Issues

St. Vincent and the  
Grenadines

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## National Consultation on Justice Issues

### St. Vincent and the Grenadines

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## 1.0 BACKGROUND

The Judicial and Reform Project is a five-year project, funded by the Canadian International Development Agency (*CIDA*), and designed to support improvements to the administration of law and quality of justice within the member states of the Organisation of Eastern Caribbean States (*OECS*). The project is intended to benefit all citizens of the OECS, with special sensitivity to the needs of women and youth.

In an effort to strengthen the judicial and legal system to provide an *enabling environment for equitable social and economic development*, reform initiatives have been directed along three paths:

- 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 education system;
- To promote fairness by developing and supporting alternatives to conventional justice system processes - “*Complementary Measures*”.

Complementary Measures are activities directed towards developing institutional and community capacity to enhance the quality of justice. These activities include *Legal Aid, Alternative Dispute Resolution, Sentencing Policies and Alternatives, Counselling Services, and Public Legal Education*.

It was agreed that one of the components would be to inform the public with respect to the Project and issues related to Complementary Measures. This would be administered through a series of consultations in the OECS region. In this connection, the Policy Advisory Committee (PAC) organized and coordinated a national consultation, in collaboration with the Project Team, scheduled for March 11<sup>th</sup> –12<sup>th</sup>, 2002. This is the last in the series. The dates of the other consultations were as follows:

- St Kitts and Nevis: November 27<sup>th</sup> –28<sup>th</sup> 2001.
- Antigua and Barbuda: November 29<sup>th</sup>–30<sup>th</sup> 2001.
- Dominica: January 29<sup>th</sup> –30<sup>th</sup> 2002.
- St. Lucia: March 4<sup>th</sup> –5<sup>th</sup> 2002.
- Grenada: March 7<sup>th</sup> –8<sup>th</sup> 2002.

## 2.0 INTRODUCTION

The last in the series of OECS / CIDA JLR Consultations was conducted in St. Vincent and the Grenadines on March 11<sup>th</sup> –12<sup>th</sup> 2002, at the Conference Room of the Sunset Shores Hotel.

### 3.0 OPENING CEREMONY

A brief opening ceremony set the stage for the Consultation. It was chaired by the Honourable Judith Jones-Morgan, Attorney General. After the singing of the National Anthem by the invited dignitaries, and participants, the invocation was delivered by Pastor Jones of the Christian Assembly Ministries. The OECS/JLR Project Manager, Mrs. Jennifer Astaphan expressed appreciation for the enthusiasm that St. Vincent and the Grenadines has been showing in the Project.

The keynote address was delivered by High Court Judge, Justice Odel Adams. He challenged the participants to recommend judicial reform initiatives that are people friendly. In this connection, an enabling environment would have to be created through a system of public legal education, and this, he advised, *“must be a syllabus of learning to be imparted by lawyers, who must begin to accept that they are social engineers favoured with the knowledge of law and capable of playing major roles in the ultimate development of our society”*. The full text of this address is presented at [Annex A](#).

Welcome remarks were given by the Honourable Prime Minister, Dr. Ralph Gonsalves. After welcoming the project personnel, resource persons, and participants he reminded delegates of the importance of the objectives of the consultation. He then commended Justice Adams on his timely address, and recommended to the national Policy Advisory Committee (PAC) that the text be circulated, in its entirety, in the print and electronic media. Dr. Gonsalves stressed the need for the *“regionalisation”* of the Magistracy, under the direction and supervision of the Chief Justice. He was confident that this initiative would ensure accountability, which would be manifested in the improvement in the quality of the delivery of legal services in the OECS region. Highlights of these welcome remarks are presented at [Annex B](#).

The vote of thanks was offered by Ms. Cheryl Johnson, Project Field Officer, Ministry of Social Development.

### 4.0 REPRESENTATION

#### **Project Personnel**

The OECS/JLR Project Head Office was represented by the Project Manager, and Administrative Officer, Mrs. Nahdjla Bailey. Ms. Judith Fowler, Technical Specialist in Alternative Dispute Resolution, represented the Canadian International Development Agency – the Executing Agency.

#### **Resource Persons**

The resource persons were from Jamaica, Grenada, and St. Vincent and the Grenadines. This list and the topics presented can be read at [Appendix A](#).

## **National Policy Advisory Committee (PAC)**

The members of PAC were in attendance. A list of their names can be read at [Appendix A](#).

## **5.0 PARTICIPANTS**

Participants were invited from a cross-section of stakeholders and interest groups, such as the legal profession, the public sector, the business community, trade unions, non-governmental organisations, community based organisations, religious organizations, and the wider civil society, among others. A list of the distinguished delegates is presented at [Appendix B](#).

## **6.0 PROFILE OF THE PARTICIPANTS BY DAYS 1&2**

Over the two-day period there was a total of 45 participants, of which 53.33% were females (government, and non government representing 26.66% respectively). Of the 46.66% male representatives, 22.22% were from the government sector while 24.44 % represented the non governmental sector. In summary, there were 48.88% government and 51.12% non government representatives at the consultation.

There were youth representatives, and personnel from agencies involved with youths. A tabular presentation is at [Appendix C](#).

## **7.0 ISSUES DISCUSSED**

The four main areas, under the Complementary Measures were presented:

- Legal Aid
- Alternate Dispute Resolution
- Sentencing Alternatives
- Counselling

One additional area, Public Legal Education (PLE), was also looked at because of its importance and interrelatedness to the main focus areas.

## **8.0 FORMAT OF SESSIONS**

After the opening exercises, the sessions took the following format:

Each session was managed by a chairperson, who introduced the resource person(s) to make a presentation on one of the Complementary Measures. This was followed by a brief discussion period, workgroup sessions, and resultant group presentations. On the first day, Legal Aid and Alternate Dispute Resolution and on the second day Sentencing Alternatives, Counselling Services, and Public Legal Education were the areas presented. A list of the chairpersons and the resource persons is presented at Appendix A.

In the final general plenary session at the end of the presentations on day two, a brief summary of the consultation was presented by the facilitator, after which the Project Manager, Mrs. Astaphan gave an overview of the way forward, the next steps, and the project proposal guidelines for the access to funding. She informed participants that with the exception of PLE, the project will use the pilot approach. Participants were then asked to complete an evaluation form.

The two-day consultation ended with the Chairman of the PAC, Mrs. Paula David, thanking the OECS and CIDA for their assistance to the Government and People of St. Vincent and the Grenadines.

## DAY 1

### 9.0 SUMMARY OF PRESENTATIONS - LEGAL AID (Chairperson: Mr. Richard Williams, Senior Magistrate)

There were two presentations on this topic. The *first* was presented by *Ms. Nancy Mae Anderson, Executive Director of the Legal Aid Council, Jamaica*.

In her introductory statement, she stressed that even though every citizen has rights to a fair trial under the Constitution, these are “*empty*” rights if these citizens do not have access to legal representation. She also spoke about the “*cost barriers*” and the intimidating face of the legal system to persons who have no exposure to the Court system, and who are further handicapped by poverty and lack of education.

She explained that the Legal Aid program provides “*access to legal representation and advice for a fee, related principally to the ability of the individual to pay and, where necessary, without cost at all.*”

Ms. Anderson then gave a description of the two basic legal aid models:

- **Judicare System** - private legal practitioners are chosen by the client, court or state to represent the client, but are paid either by the state, or by the organisation which provides the service.
- **Clinic** - attorneys are full time employees of the clinic, and take on work only for the clinic.

In between, there are the following hybrid types:



- **Clinic Plus** - private attorneys agree to take on legal aid matters (Clinic plus Judicare).
- **Public Defender:** - salaried attorneys in the employment of the State (*it has independence from government*)

In conclusion, an overview was given of the practices in the wider Caribbean

- St. Lucia: different hybrid (attorneys sign up and donate time).
- Trinidad & Tobago: judicare
- Belize: straight clinic
- Cayman Islands: judicare with clinic only for domestic violence
- Bahamas: trying to establish a clinic
- Barbados: judicare
- Guyana: operating clinic for over twenty years
- Jamaica: judicare for most serious cases
- Grenada: clinic plus

The **second** presentation was made by *Mrs. Ann Peters, Director of the Legal Aid and Counselling Clinic (LACC) of Grenada.*

She gave an overview of the LACC, which was established, in November 1987, by the Grenada Community Development Agency (GRENCODA), a non- profit, non partisan, non governmental agency, governed by a Board of Directors.

Mrs. Peters outlined the goals of the organisation, its target groups, and the types of programmes offered, which were stated as: legal service, counselling, community outreach, advocacy and public education and research. However, she stressed that legal issues cannot be separated from the “baggage” of social issues, that usually surround the client – hence the approach must be of an holistic nature. The average daily intake was 12 to 20 clients, and no one has ever been turned away because of his/her inability to pay.

The LACC has its own organisational structure, comprising of counsellors, a team of lawyers and a bailiff. The day-to-day management of the LACC is facilitated through funding from local, regional, and international organisations, with partial funding from the World Council of Churches. Fees allow for flexibility, where clients are unable to pay. Generally, they represent 20% of the average cost of legal services, available nationally. The annual budget is approximately EC\$ 400,000.00.

In conclusion, Mrs. Peters informed the participants that most of the success of the LACC could be attributed to the creativity and commitment of all stakeholders and interest groups.

## Summary of Discussions From the Plenary and Small Groups

### Plenary

Legal Aid services are important to defend the rights of workers and disadvantaged persons.

Unions need legal aid services.

In Jamaica, there is a civil and a criminal jurisdiction in the court, to deal with each particular type of case.

It was stated that the way in which some lawyers conduct themselves in court intimidates the victim and even the witness. In some member states, there is the Legal Profession Act, even though there may be some attorneys that become over exuberant when dealing with some cases. In the LACC in Grenada victims are prepared for and oriented to the court scene.

Sometimes clients feel that attorneys offering legal aid services are not as committed as to their own practice and are therefore suspicious about the level of representation.

### Workgroup

**Type of Cases requiring Legal Aid assistance:** The types of cases requiring Legal Aid assistance were listed as:

- Family matters (domestic violence & child welfare)
- Landlord/tenant (rent and arrears)
- Action against police
- Coroner's inquest
- Property rights
- Collection of debt
- Indictable matters & high court matters

**To whom would these services be delivered:** No person should be discriminated against for these services, but *all* persons would be subject to a "*means*" test, to ascertain who financially qualifies... then a reasonable amount can be set. Children should be represented as well as all criminal matters brought before the High Court. Clients, too, should be asked to contribute.

**Delivery models best suited nationally:** The **Legal Aid** services would be delivered through the following models:

- Clinic Plus
- Judicare (*pro bono*)

- Joint efforts with the Attorney General's Office, Magistracy / Judiciary, Ministry of Finance and the Bar Association
- Established by NGOs and supported by subvention from Government
- Clients' contribution
- Involvement of international agencies

**Funding Arrangements:** A broad based system of funding is being recommended, which will incorporate contributions / financial assistance, both in cash and in kind. These include:

- Direct government subvention to support NGOs
- Funding from international agencies
- Contribution from recipients of the service
- Clients' contributions
- Bar Association (*time, man /woman power*)

**Barriers to Implementation:** Factors that may impede the implementation of the process were identified as:

- Lack of funding (need start up capital, building, supplies & staff)
- Public perception of the legal aid
- A non-integrative/collaborative/supportive approach to the service

**Priority Legal Aid services:**

- Domestic Violence
- High Court Criminal matters
- Matters related to the child welfare
- Legal advice (*will making & drafting of legal documents*)
- Counseling
- Probation services (*skills training*)

## **10.0 ALTERNATIVE DISPUTE RESOLUTION**

**(Chairperson: Mr. Perry Joseph, Barrister at Law)**

The presenter of this topic was *Mrs. Donna Parchment, Executive Director of the Dispute Resolution Foundation in Jamaica.*

In this presentation, she stated that it should always be borne in mind that justice belongs to the citizen, hence the main goals of the Dispute Resolution Foundation is to offer options to resolve disputes. All efforts are focused on how to make the justice system more responsive....in other words providing measures that are supplementary and complementary to the Court.

In any conflict resolution there are three inter-related elements: the issue, the relationship, and the emotion, hence bearing this in mind, some of the types of ADR services that can be used other than the courts were described as...

**Mediation:** “a voluntary dispute resolving process in which a third party – the mediator – facilitates and coordinates the negotiations of the disputing parties”;

**Restorative Justice:** a process that brings together those affected by a crime to collectively resolve how to deal with the aftermath of the offense and its implications for the future;

**Conciliation:** prior to any actual court hearing, a neutral third party assists both parties, identifies the issues, ensures proper disclosure of information, and assists both parties in searching for a satisfactory outcome; and

**Arbitration:** empowering the third party to decide the outcome of the dispute.

Participants also learned of an ADR service for students in Jamaica, called **PALS** – “**Peace and Love in Schools**”.

In conclusion, Ms. Parchment reiterated that ADR services have facilitated faster access to the justice system, elimination of court backlogs; greater satisfaction of both parties with the final result, thereby making it an increasingly strong and credible addition to the legal system in a relatively short time.

## **Summary of Discussions From the Plenary and Small Groups**

### **Plenary**

In some cases conciliation and mediation could be used interchangeably, but whoever is delivering the service should be appropriately trained.

In a criminal sentence, restorative justice should be used as a facilitator. It is a more pragmatic approach, and not a legal approach, nor an additional sentence.

### **Workgroup**

**Types of Alternative Dispute Resolution (ADR) Services needed:** All ADR services are needed. However, the following processes were listed as the services with the greatest impact:

- Restorative Justice
- Mediation / Conciliation (*limited distinction*)
- Arbitration

**Delivery of Services:** This workgroup focused on Restorative Justice, which it was felt could best be delivered through the following methods:

- Initiation from Government
- Invitation to NGOs and private sector to offer rehabilitation services (*through the offer of tax deduction incentives*)
- Assistance from other agencies

**Barriers to Implementation:** Factors that may impede the implementation of the process were identified as:

Lack of legislation

(*desirable, not necessary, ie. the importance of implementation first*)

- Initial acceptance by society
- Cost of paying mediators
- Training for mediators
  - Possible use of the Justice of the Peace
  - Need for certified mediators

**Public Perception of ADR Services:** At first, there would be a certain amount of scepticism. Confidentiality and trust are two important requirements in small states, so the public would need to be assured of the following:

- Transparency and fairness in all areas
- Evaluation of the success of the ADR measures
- Critical role of Public Legal Education to market ADR

**Funding Arrangements:** The following sources of funding were considered:

- Government - need to sell ADR service to government showing cost saved in court trial time (*repeat offenders could be reassigned to ADR*)
- Contributions from parties based on means test
- International donors

## **DAY TWO**

*The second day of the National Consultation began with a prayer by Ms. Denese Lewis, NGO Representative.*

### **11.0 SUMMARY OF PRESENTATIONS - SENTENCING ALTERNATIVES**

**(Chairperson: Mr. William Henry, Commissioner of Police)**

This presentation was made by *Senior Magistrate, Mr. Richard Williams.*

Using the theme “*the Sentencing Dilemma*”, he explained the four traditional *principles* to be considered in passing and suggesting alternative sentences as:

- Punishment - there is no real great divergence of views, this is still valid;
- Retribution - two interpretations: showing the offender that society disapproves of the misconduct; and revenge;
- Deterrence - deter the would-be offenders by protecting society;
- Rehabilitation or reformation improve the conduct of the offender.

He stated, however, that the following two questions should always be asked:

*Do severe sentences deter? Are all criminals reformed?*

The current modes of sentencing, as listed under *Section 23 of the Criminal Code* of St. Vincent and the Grenadines, were stated, but he focussed on

- Imprisonment
- Fine

With respect to Alternative Sentencing (*Alternative to Custody*), participants were informed of a legal framework that has been set up within which there are statutory criteria for the use of fines, the newly created community sentencing, and custody.

In order for the process to be holistic, the role of social services, the probation service and enforcement were seen as critical elements. In this connection, Mr. Williams stressed that sentencing alternatives should be viewed “a free standing sentencing with bite” rather than merely soft alternatives to custody. He also stated that all attempts should be made at *striking the right balance*.... “not only looking at new but new ways for the current ones.”

## **Summary of Discussions From the Plenary and Small Groups**

### **Plenary**

The management of community sentencing would require properly trained personnel. On the other hand, the rehabilitation of a person may require the institutionalization of that person to benefit from the care, support, and commitment of professionals. A proper infrastructure would therefore require cross-departmental cooperation and financing.

Concern was expressed that persons are still being sent to prison, even though the conditions therein need serious improvement, but it was explained that some offences can only appropriately be dealt with in this manner. The main task is to protect the public.

Prison officers are not the only stakeholders in the rehabilitation programme after imprisonment. Other stakeholders are the Ministry of Justice, the inmates, the family, and

society. Barbados has a program whereby the community is included in arrangements for the re-entry of persons into the community.

The giving of persons, who were convicted, an opportunity to be employed, trained, or educated in society, through bonding or keeping the peace were considered “*finding of new ways to old sentencing*”. This could help the offender to stay focus.

The prison system in Taiwan was cited, where the compound was like a university campus, and the prisoners were all enrolled into an education programme. The prison officers were known as teachers.

The need for members of society to consider an “adopt-a-prisoner” or the “big brother” programme was seen as urgent initiative, which, if developed properly, would help to reduce the high rate of recidivism. It was felt that some prisoners were more comfortable in prison, rather than to face the hostile world on the outside. Such a programme could assist the prisoner to develop a new respect for freedom and survival.

There is room for police discretion for prosecuting offences. Some matters which come before the court are so minor that they do not warrant the court’s time.

Deferred sentencing is useful. A discharge could be granted to the person who completes the assigned task within the allotted time period.

More focus should be placed on the prevention of these offences and in this connection, a more holistic programme is needed in the schools.

## **Workgroup**

**Types of Sentencing Alternative Services needed:** All the various types of Sentencing Alternatives are needed, but implementation would depend on the availability of resources. The main focus, however, would be on:

**Community sentencing:** combined with rehabilitation measures eg probation orders, mandatory submission to counselling; alcohol and drug treatment.

**Deferred sentences:** with options eg. (finding a job)  
Curfew orders – individual to come up for sentencing upon violation of restrictions

**Mandatory submission to treatment:** eg. in cases of drug abuse (very small amounts)

**Public Perception:** There was the general view that unless the new alternatives are presented and implemented with the requisite public legal education, the public would be skeptical and hesitant about these changes.

Some members of the public may view these sentencing options as “*soft*” options and not consistent with a true sentence.

**Role of the Community:** The community has a critical role to play in the rehabilitation of the offender, in view of the fact that the majority of offenders will return to their community. There should be a partnership in which the type of assistance offered could also be geared towards improving the quality of life of the individual. This should be handled on a case-by-case basis.

The following services could be provided:

- Big brother/sister partnership
- Counselling (*professional judgement*)
- Not “*stigmatizing*” the *exoffender*
- Including the *exoffender* in community activities
- Corporate support (*employment*)
- Forgiveness
- Assisting the family in crisis

The **primary responsibility** for implementing sentencing policy would be the Courts, even though all stakeholders would have an integrated interest.

**Method of implementing Sentencing Alternatives:** The three ways discussed to implement Sentencing Alternatives were:

- legislation
- mass public education
- cooperation of all stakeholders

**Barriers to Implementation:** Factors that may impede the implementation of the process were identified. The existing technical and financial resources are inadequate to implement the services. Additional constraints were listed as:

- Absence of public legal education
- Lack of cooperation and a negative attitude

**Funding Arrangements:** The following sources of funding were considered:

- Government
- Private sector initiatives / involvement
- NGOs
- Volunteerism
- International agencies

**Priority Sentencing Alternatives:** All Sentencing Alternatives should be made available through legislation. The Court, on a case-by-case matter, would determine which sentencing is appropriate. Two, however, were singled out as combination community based orders, & rehabilitation orders; and deferred sentencing.



## 12.0 COUNSELLING

(Chairperson: Mrs. Yvonne Raymond, Social Worker)

There were two presentations under this topic. The first was made by *Ms. Denese Lewis, Counsellor and NGO Representative.*

The counselling services offered in St. Vincent and the Grenadines can be categorized into two main types:

The **Clinical level:** Based on a medical diagnosis, this service is rendered to persons with psychological issues such as trauma, grief & loss, depression, abuse, personality disorders, marriage & family problems, addictions, and family violence.

The **Supportive level:** Government and non governmental organizations provide - social services to families in crisis, public education on issues, advocating and networking between social agencies and communities. Examples were given of some of these agencies.

Ms. Lewis stressed the importance of a supportive mechanism including counsellors, psychologists, psychiatrists, and social workers to facilitate long term and residential care, - a major shortcoming, which impacts negatively on the judicial system.

The related programs and outcomes must be in response to all clients:

**Services to victims of crime:** including foster homes, shelters, and family guidance.

**Services to the community:** moving to proactive involvement through public education will *“be an instrument for the advancement of public safety”*.

**Services to the offender:** must take into consideration the *“expectations of the justice system, reducing recidivism, and restorative justice.”*

A list of recommendations was made for training in counselling for the judiciary, police and prison officers, and community mediators.

The second presentation was made by *Mr. Earl Daniel, Prison Officer and Social Worker.*

In his introductory statement, he stressed the need for a review of attitudes towards counselling, since it is perceived by most persons in society as a *“sign of weakness”*. Added to this misnomer, is the non existence of the extended family structure, and the fear of trusting strangers, which together tend to leave persons, who need the help, *“out in the cold”*.

In the national prison system, *crisis counselling* is mainly offered, but the following programs are currently being developed to complement this service:

- Meet the inmate – allowing visits by certain persons in the community;
- Meet the victim – this is arranged when the inmate is ready for such a visit;
- Inmate one-on-one interaction – venting of feelings that caused the anger;
- Work programme – permitting inmates to earn a wage;
- Family visits – promoting contacts with the family.

Preventative counselling was just as crucial and “*less expensive financially and socially*”. The focus should be on training persons in conflict detection and resolution, and this should be an integral part of the school system.

He cautioned, however, that the issues of confidentiality and disclosure would need to be addressed.

## **Summary of Discussions From the Plenary and Small Groups**

### **Plenary**

There should be services and programs that also focus on the psychological effects of the families of the victims.

There is no protection under the law for counsellors, and by extension, client / counsellor privilege, even though the judiciary may exclude evidence, which may impinge on such a privilege. There is no legal proviso, however, to implement such a privilege.

Standards need to be set as to who may be called a counsellor. The necessary qualifications and requisite training should be made known.

Counselling services should always have the cooperation of the offender.

There is the need for counselling services for the prison officers.

### **Workgroup**

**Existing Counselling Resources:** There are quite a number of institutions and agencies that provide counselling services:

- Marion House
- House of Hope
- VINSAVE (P)
- VINCARE (P)
- Parenting Partners
- Planned Parenthood
- Ministries in Action (P)
- Family Services (P)

- Youth for Christ (P)
- NCOP
- Bethel Care

*P = professional services*

**Types of Counselling Services Needed?:**

- School system
- Mixed legal emotional counselling for court preparation
- Screening of clients to determine which services are needed
- Victims of rape and other sexual offences
- Rape/trauma unit in police force
- Psychiatric assessments for offenders and victims
- Continuum of care (*follow up*)
- Counselling for prison officers (stress & trauma management; critical incident briefing)
- Court referrals
- Support family counselling

**Delivery of Services:** Some of the methods to be employed are:

- Networking / referrals
- Residential care
- Mentoring (*big brother/sister*)
- Zoning to cover the entire nation

**Barriers to Implementation:** Factors that may impede the implementation of the process were identified as:

- Insufficient counsellors
- Absence of trained counsellors
- Lack of government commitment / sensitivity
- Unwillingness to pay for services
- Unsuitability of physical facilities
- Cost (*training & facilities*)
- Lack of proper coordination of services
- Lack of understanding of the purpose and role of counselling
- Cultural belief (*stigma of seeking help*)
- Lack of confidence and trust

**Funding Arrangements:** The following sources of funding were considered:

- Government, regional, international
- Clients pay-as you-can (*means test*)
- Private sector

- Medical Insurance
- Churches
- Donor agencies

**Volunteerism:** There were two interpretations to this question:

- Firstly, *with respect to the actual service*, counselling should be institutionalized. Clients should not have any problem nor waste any time in accessing the service. A voluntary system could be perceived as “*downplaying*” the importance of Counseling.
- Secondly, *with respect to the client* who is unwilling to receive the service, he/she could be persuaded or educated on the advantages of counselling, but the will of the client to participate in the program has to be voluntary.

**Standardised Requirements:** There should be standardised requirements to qualify or certify counsellors. In addition there should also be continuous evaluation and refresher courses.

**Priority Counselling Services:** The type of counselling services that would be of priority are related to:

- Family
- Drugs
- Re-integration into the community

### **13.0 PUBLIC LEGAL EDUCATION**

**(Chairperson: Ms. Paula David, Solicitor General)**

**Presenter: Mr. Parnel R. Campbell, President of the Bar Association**

In his presentation Mr. Campbell stated emphatically “*ignorance of the Law is no excuse*”. It was therefore very critical that the general populace in any society not only has knowledge of the Law, but the availability of the required services. He stressed that the Law is too important to be a privately available service, with some exceptions; in this connection “*it should be seen as something designed to serve the interests of society, so that when these interests change, the Law should also change in order to maintain its relevance.*” In this regard, a systematic approach to Public Legal Education (PLE) is urgently required. He informed that currently it is done on a limited and ad hoc scale, and only a minority of persons is involved in legal work.

Mr. Campbell mentioned that the television programme “*The Law and You*” that is aired one night per week for one half hour was designed by him particularly to keep the populace informed of the Law on a continuous basis. The 229<sup>th</sup> programme was presented during the week of this Consultation.

In a related fashion, he recommended additional ways in which PLE can be delivered. These are:

**Schools:** Teachers do not necessarily have to possess a law degree, but they should acquire the basic knowledge and utilize the lawyers as resource persons. This process should start at the primary school level.

**Radio Stations:** The radio station itself could sponsor a PLE programme by making time available, and solicit the collaboration of the Bar Association to make lawyers available.

**Website, brochures, drama (role playing):** Other ways that could be developed.

Mr. Campbell was careful to point out that PLE can only be successful if it is systematic, continuous, and carefully targeted.

## **Summary of Discussions From the Plenary**

At the CXC/CAPE levels a PLE syllabus has been developed for students.

It would be easy to introduce PLE at the primary school level, since the current subject, Social Studies, touches on some legal issues.

Documentation for PLE would require a collaborative approach by all stakeholders. International funding is available, and should be sourced.

Printed information also exists on children and the law at Gender Affairs.

The proper development of the PLE process is necessary to increase the knowledge of the justice system, reduce the fear of intimidation, and promote the philosophy of equity and fairness.

## **14.0 FACILITATOR'S VIEW OF THE DISCUSSIONS**

With respect to the *plenary sessions*, the resource persons were very knowledgeable of the subject matter presented, and were well prepared. They were also able to deliver their presentations in the allotted period of 15-30 minutes.

These presentations provoked some lively discussions. Some generated more discussion than others. The participants from legal background assisted in clarifying issues thereby enhancing the discussions.

On the whole the presentations adequately gave an overview of the complementary measures, and together with the discussions set the stage for the small *work-group*

*sessions*, where the mix of participants was responsible for the high level of participation generated.

The guidelines that were distributed helped to keep the groups focussed and the emanating discussions on the right track.

Although all participants would have been sensitised to the issues from the plenary sessions, some of the participants who remained fairly silent in those larger sessions, were fairly vocal in the small group sessions.

There were approximately the same amount of participants on each day. On day one, there were two workgroups for Legal Aid and one for ADR.

On day two, there were two workgroups for Sentencing Alternatives and one for Counselling. The chairpersons managed their respective groups fairly well with respect to guidance and time management.

The rapporteurs captured the gist of the discussions, and this was reflected in the quality of their presentations in the final plenary session.

On the whole, the small group sessions were an excellent idea, because it provided the opportunity for cross fertilisation of ideas, which would not have been too effective in the plenary.

The presentations of the workgroups at the *final plenary session on each day* were of a very high standard, facilitated by the use of the flip charts. There was not much discussion on the presentations, which could be attributed to the fact that each group had already exhausted the topics; so there were no serious additions nor deletions to the findings presented.

In summary, all the discussions were enlightening, informative and educational. The mix of participants, from the various disciplines, and their willingness to share their knowledge, were responsible for the high quality of discussions in the overall sessions.

## **15.0 PRIORITIES**

Following from the discussions a list of priorities was identified under each complementary measure.

After the identification of the various sets of priorities, it would have been beneficial if participants were afforded an additional 30 minutes to short list and agree on the best mix of national priorities, that could be programmed into pilot and general projects. The importance of public legal education, however, was stressed in every discussion.

Notwithstanding, a few programme areas are being suggested, but these are solely the views of the facilitator, since they were not discussed with the PAC, in view of the time frame for the Report.

### **Legal Aid**

Formalisation of the establishment of Legal Aid services in St. Vincent and the Grenadines to handle civil matters, focussing especially on the family matters, domestic violence, legal advice, indictable and high court matters. This would build on the pro bono work currently been delivered by some attorneys.

### **Alternative Dispute Resolution**

All ADR services were considered necessary, but restorative justice was considered as top priority - hence the critical need for training of mediators, particularly at the community level. PLE was also needed to reduce skepticism of this measure.

### **Sentencing Alternatives**

Combination community based orders, & rehabilitation orders; and deferred sentencing.

The adopt-a-prisoner and /or the big brother programmes should be explored.

### **Counselling**

The establishment of a national mechanism to identify and coordinate the delivery of counselling services, thereby ensuring the “continuum of care”. Special focus areas: family, drug abuse rehabilitation, and reintegration of persons into the community. Counselling services for prison officers was also critical.

Formalised training for potential counsellors, from a cross section of institutions.

### **Public Legal Education**

An aggressive public relations programme on PLE – print and electronic media, (*brochures, TV role playing, panel and call-in radio/TV programmes, school, website*). In addition, a mechanism should be developed to simplify the Law, thereby making it more people friendly.

## **16.0 NEXT STEPS**

More discussion time was needed to focus on next steps. Participants have been given the guidelines for the access of funding for projects, so it will be incumbent upon them to consult with the PAC, so that an agreed set of national priorities can be arrived at.

With respect to the state of readiness in St. Vincent and the Grenadines for judicial and legal reform, the manifestations at the Consultation prove that there is political will; the government support is high; and there is full support from the legal community, as manifested by the presence of the Bar Association complemented by support from other stakeholders and interest groups.

The momentum gathered and the commitment evidenced at the Consultation should not be allowed to wane. In this connection the following steps are being proposed:

1. Participants receive a report of the Consultation
2. A reminder to participants to submit the PLE project proposal
3. Meeting of PAC to identify programmes for pilot projects
4. A continuous public relations programme on the follow-up activities.

## **17.0 CONCLUDING REMARKS**

The National Consultation on Complementary Measures showed that there is significant work in progress at the national level, in varying degrees and at various levels, on judicial and legal reform. There is also a certain amount of inter-relatedness about and inter-dependence among the measures. In view of this, joint approaches to implementation, at the multi-disciplinary and multi-sectoral levels, will be critical, and cost effective. The general commitment is already there, as evidenced from the discussions at the sessions, but there will be the need to continue the partnership with all stakeholders, through the linkages already forged, particularly at the community level, so that they can be fully aware of their role in this continuous, interactive, and integrative process.

This forum was very timely and all efforts should be made to benefit from the Project.



## ***APPENDIX C***

### ***Profile of Participants***

**Table A: Breakdown by gender**

	<b>Total</b>	<b>Females</b>	<b>Males</b>
<b><i>Total</i></b>	45 (100%)	24 (53.33%)	21 (46.66%)
<b><i>Govt</i></b>	22 (48.88%)	12 (26.66%)	10 (22.22%)
<b><i>Non govt</i></b>	23 (51.11%)	12 (26.66%)	11 (24.44%)

## ***APPENDIX E***

### ***DAY 1***

#### **LEGAL AID WORKGROUP - # 1**

***Chairperson: Mr. William Harry***

***Presenter: Ms. Raemona Fredrick***

##### **Members**

Patricia Frazer

Jestina Charles

Richard Williams

Sharon Cummings

Yvonne Raymond

Erica Morgan

Coleen Mc. Donald

Camie Matthew

Denese Lewis

#### **LEGAL AID WORKGROUP - # 3**

***Chairperson: Mr. Parnel C. Campbell***

***Presenter: Mr. Blazer Williams***

##### **Members**

Dave Roberts

Inez Cuffy

Bridget Nurse

Alice Manderville

Muriel Byam

Nancy Anderson

Cheryl J. Johnson

#### **ALTERNATE DISPUTE RESOLUTION WORKGROUPS - #2 & #4**

***Chairperson: Mr. Perry Joseph***

***Presenter: Ms. Simone Churuman***

##### **Members**

Paula David

Jacinta Thomas-Elliott

Anthony Anderson

Peggy Hull

Brian Andrews

Noel Collis

Earl Daniel

Patrice Roberts

Clive Baptiste

Dennis Gaynes

Reginald Telemaque

Victor C. Nwoye

Patricia Cumberbatch

Monica Dacon

David John

Morite Selby

**DAY 2**

**SENTENCING ALTERNATIVES WORKGROUP - # 1**

***Chairperson: Mr. Parnel C. Campbell***

***Presenter: Ms. Inez Cuffy***

**Members**

Bridget Nurse

Dave Roberts

Jonathan Pitt

Cheryl T. Johnson

Alice Manderville

**SENTENCING ALTERNATIVES WORKGROUP - # 3**

***Chairperson: Mr. William Harry***

***Presenter: Mr. Camie Matthew***

**Members**

Richard Williams

Jestina Charles

Yvonne Raymond

Raemona Frederick

Erica Morgan

**COUNSELLING WORKGROUPS - #2 & #4**

***Chairperson: Mr. Earl Daniel***

***Presenter: Mr. Noel Collis***

**Members**

Deborah Dalrymple

Monica Dacon

Victor C. Nwoye

Norral Mc. Kenzie

Peggy Hull

Anthony Anderson

Jacinta Thomas-Elliott

Morite Selby

David John

Denese Lewis

Reginald Telemaque

Dennis Gaynes

Brian Andrews

Clive Baptiste

Patrice Roberts

Paula David

## ANNEX 2

### ***Highlights from the Welcome Remarks by the Honourable Prime Minister, Dr. Ralph Gonsalves.***

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After welcoming the project personnel, resource persons, and participants Prime Minister, Dr. Ralph Gonsalves reminded delegates of the importance of the objectives of the consultation. He then commended Justice Adams for his timely address, and recommended to the national Policy Advisory Committee (PAC) that the text be circulated, in its entirety, in the print and electronic media.

Dr. Gonsalves stressed the need for the “regionalisation” of the Magistracy, under the direction and supervision of the Chief Justice. He was confident that this initiative would ensure stronger accountability, which would be manifested in the improvement in the quality, and timeliness of the delivery of legal services in the OECS region.

Mr. Parnel Campbell was complimented for the sterling job he is performing with his weekly television program “*the Law and You*”, where he uses topical issues to get the message across to the nation.

The Government is seeking to build on the framework for Counselling services, but funding is needed to develop this service properly.

With respect to Alternate Sentencing, there must be serious supervision, and proper mechanisms put in place. If not they become “*soft*” options and the criminals do not deem them serious.

Any thought of community sentencing must be critically studied because of the “*new*” set of criminals, who roam around the entire country with cell phones.

The charge made to all participants to be *tough on crime* and *tough on the root causes of crime*. A mechanism should be put in place to assist judges and magistrates to devise a strategy to deal with this, after which the recommendations should be presented to all stakeholders..

The Prime Minister concluded his remarks by reiterating his gratitude to the OECS and CIDA, on behalf of the Government and People of St. Vincent and the Grenadines.