



OECS-CIDA  
Judicial and Legal  
Reform Project

National Consultation  
on Justice Issues

Antigua and Barbuda

May 2002



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on Justice Issues

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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).

## 2.0 OBJECTIVES

The objectives of the Project are:

- To increase the efficiency and effectiveness of court management;
- To promote better management throughout the development of a legal education system;
- To promote fairness by developing and supporting “**Complementary Measures**”.

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

It was agreed that one of the components would be to inform the public re the Project and issues related to Complementary Measures. This would be through a series of consultations in the OECS region. In this connection, the Policy Advisory Committee (PAC) organised a national consultation, in collaboration with the Project Team, scheduled for November 29<sup>th</sup> –30<sup>th</sup>, 2001. The first consultation was held in St Kitts on November 27<sup>th</sup> –28<sup>th</sup> 2001.

## 3.0 INTRODUCTION

The second OECS / CIDA JLR Consultation was conducted in Antigua and Barbuda, as scheduled, on November 29<sup>th</sup> – 30<sup>th</sup> 2001, at the Royal Antiguan Resort.

## 4.0 OPENING CEREMONY

A brief opening ceremony set the tone for the Consultation. It was chaired by Mrs. Patricia Bird, Commissioner of Social Improvement. After the singing of the National Anthem, which was raised by Mrs. Lexs Forrester from the Department of Gender Affairs, the invocation was delivered by Pastor Winston Jones of the Antigua Christian Council. The OECS/JLR Project Manager, Mrs. Jennifer Astaphan expressed appreciation for the enthusiasm that Antigua and Barbuda has been showing in the

Project and the keynote address was delivered by Permanent Secretary, Mr. Eden Weston, on behalf of the Minister of Labour, Cooperatives, and Public Safety, Mr. Steadroy Benjamin. The vote of thanks was offered by Chairperson of the Policy Advisory Committee, Mrs. Clare Henry-Wason, Chief Magistrate. The programme is presented at Appendix A.

## **5.0 REPRESENTATION**

### **Project Personnel**

The OECS/JLR Project head office was represented by the Project Manager, and her Administrative Assistant, Mrs. Nahdjla Bailey. Other members of the project team were Project Director, Mr. Michael Gardner, and consultants, Ms. Judith Fowler, Technical Specialist in Alternative Dispute Resolution, and Mr. Donald Murray, Specialist in Criminal Procedures. These represented the Canadian International Development Agency – the Executing Agency.

### **Resource Persons**

The resource persons were from Jamaica, Grenada, and Antigua. 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.

## **6.0 PARTICIPANTS**

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

## **7.0 PROFILE OF THE PARTICIPANTS**

There was a total of 81 participants, of which 59.26% were females (39.51% government, and 19.75% non government). Of the 39.50% male representatives, 29.63% were from the government sector while 11.11% from the non government sector.

There were no student representatives from educational institutions but there were youths representing youth organisations, and personnel from agencies involved with youths. A tabular presentation is at Appendix C.

## **8.0 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.

## **9.0 FORMAT OF SESSIONS**

After the opening exercises, the Facilitator of the National Consultation, Ms. Yolanda Goodwin, outlined the format of the sessions, which took the form of a general description of the Project by Mrs. Astaphan, a presentation on each of the Complementary Measures by the resource persons. This would be followed by a brief discussion period; workgroup sessions and resultant group presentations; and a plenary session at the close of the presentations to chart the way forward.

## **10.0 PLENARY SESSIONS**

On **day one**, a chairperson introduced the topic and the presenters. (Appendix A).

Each presentation lasted for approximately 15 minutes, and was followed by a brief discussion period. There were approximately 81 participants in attendance.

## **11.0 WORKGROUP SESSIONS**

On **day two**, the participants were divided into four workgroups, each of which was given a set of questions to guide the discussions. The assignment was to discuss in detail the main topic assigned, and also to discuss in less detail the remaining three topics.

Each group selected a chairperson and a rapporteur, the latter of whom was expected to record the discussion and make the presentation to the plenary session. There were

approximately 14 participants per work group. The composition of these work groups can be read at Appendix D.

## **12.0 SUMMARY OF PRESENTATIONS - LEGAL AID**

**(Chairperson: Mr. Ken Kentish, Attorney-at-Law)**

There were three 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 once there is an unequal distribution of wealth, there will be “cost barriers”, which will result in inability of some segments in society to pay for legal services. Based on this, Legal Aid was conceptualised, thereby ensuring access to justice by all.

A report was later given on Legal Aid in Dominica and St Lucia. The main highlights of the presentation were:

- The concept of Legal Aid focussing on equal access and fair trial for all.
- An overview of the practices in the wider Caribbean
- The two basic models for the delivery of legal aid services:
  - The Judicare plan, in which a private legal practitioner is chosen by the client or assigned by the State;
  - A salaried legal services programme, which includes legal aid clinics; and/or public defenders.
- The historical CARICOM perspective
- The current initiatives of St. Lucia and Dominica

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 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.

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. But most of the success of the LACC can be attributed to the creativity and commitment of all stakeholders and interest groups.

The **third** presentation focussed on the national scenario. This was posited by Ms. Jose' Laurent, Crown Counsel. It was reported that there is no legislated Legal Aid Scheme in Antigua and Barbuda, although there is a limited form of Legal Aid provided for by law.

In civil matters, the Supreme Court order allows for persons to appeal any cause or matter in *forma pauperis* – on the grounds of impecuniosity. While in criminal matters, there is clear reference to Legal Aid, under the Act, in the section entitled “Legal aid to Appellants”.

A journey through the historical perspective revealed that there were varied attempts at Legal Aid. Typical cases were maintenance, domestic violence and land tenure.

The current position revealed that an office is due to be opened, staffed with paralegals, under the Ministry of Legal Affairs. The members of the Bar Association will be closely involved with respect to the management and conduct of the affairs. Currently, some of these members accept *pro bono* work and offer Legal Aid services on an ad hoc basis.

Antigua and Barbuda is much closer to establishing Legal Aid services, but in order for it to be successful, certain systems would have to be put in place.

## **Summary of discussions from the plenary and small groups**

### **Plenary**

Treatment of non nationals should not be any different to nationals, provided they are resident in the country. Legal Aid should be non discriminatory. There is no limit to persons seeking Legal Aid, each case is evaluated on its own.

In order for the government to establish and maintain Legal Aid services in Antigua and Barbuda, a participatory approach would have to be considered with key groups, such as the Bar Association and other non governmental organisations.

Although it appears that in the Jamaica scenario attention is paid to domestic violence and the youth, equal attention is placed on the elderly as one of the disadvantaged groups. This is also the case in Grenada.

In considering the establishment of a fully operated Legal Aid system, existing programs would need to be studied more closely.

### **Workgroup**

**Type of Legal Aid services needed:** The type of **Legal Aid** services needed was listed in the following two main groups - civil and criminal:-

- **Civil**
  - Maintenance (*child support*)
  - Landlord/tenant (*rent and arrears*)
  - Disadvantaged persons, especially women and youth
  - Domestic violence
  
  - Divorce
  - Letters (*writing*)
  - Notarising
  - Collection of debt
  
- **Criminal**
  - Maintenance
  - Crimes of passion
  
- **Other**
  - Financial qualification of services
  - Cases where rights are infringed

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

- Statutory
- Government subventions board (public & private)
- Properly staffed agency run by non-governmental organisations
- Government attorneys-at-law, in collaboration with members of the Bar Association

**Delivery of services:** There would be no discrimination for these services, but all persons would be subject to a “*means*” test, to ascertain who financially qualify. Then persons who are charged indictably, the unemployed, and detainees at the time of arrest would also be considered. It was felt that attention would need to be paid to the treatment of the elderly, and disadvantaged non nationals.

**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 and indirect government assistance
- Donors / sponsors {*project international bequest (land money)*}
- Volunteers in kind
- Clients’ fees
- Grants
- Fund raising

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

- Lack of funding – high costs of establishment of additional service in Barbuda;
- Lack of information regarding the advantages of the services;
- Lack of cooperation (*public authorities / government departments / NGOs...protecting own turf*);
- Indecision as to central body of management;
- Privacy / confidentiality not secured (*a small state culture*);
- Social attitude – perception of low quality of service from “cheap” legal service;
- Language barrier for non-English speaking residents;
- Absence of an ongoing process of proper public legal education;

### **13.0 ALTERNATIVE DISPUTE RESOLUTION (Chairperson: Dr. Hayden Thomas, The Ombudsman)**

There were two presentations under this topic. The *first* speaker was Mrs. Donna Parchment, Executive Director of the Dispute Resolution Foundation in Jamaica.

In this presentation, she stated that the perception and evidence are there in some societies, that the Court is designed more as a system of governance than a system of justice. She reminded that there are several ways to justice, and that Alternative Dispute Resolution (ADR) in one of them. She compared ADR to a “journey” in that although it started in the 1980’s it is still not widely known. Some of the types of ADR services that can be used other than the Court, were mediation, conciliation, facilitation, and arbitration.

Mediation was stressed as being very effective. In this system a third party facilitates the dispute in an effort to find “common ground” between parties. The role of the mediator is to get a resolution and not a decision. In this connection all efforts should be channelled into guiding the deliberations, identifying issues, and designing alternate options. But the parties must decide.

With respect to the students, participants also learned of an ADR service in Jamaica, called PALS – Peace and Love in Schools”.

Community ADR, and some of its benefits (whether connected to or outside of the jurisdiction of the Court) were also described as: user accessibility, affordability, preservation of relationships, education and empowerment, and reflection of social and community values.

The *second* presentation was made by Ms. E. Ann Henry, Attorney-at-Law, who presented the national scenario. In Antigua and Barbuda there are ADR services in

relation to labour relations. The conjoint effect of certain provisions of the Antigua and Barbuda Labour Code and the Industrial Court Act is that institutionalised ADR has been in existence since 1975 and it has been a precondition imposed in the Industrial Relations Dispute Resolution in 1976, when the Industrial Court Act was passed into law.

Mention was made of the new Rules of Court - the CPR 2000 – which is clearly conceptualised on a recognition that disputes are best resolved in a non adversarial system.

With the exception of the Labour Relations ADR system, initiatives for mediation outside of the Court system are therefore informal and ad hoc.

In an effort to establish a formal ADR system, proper identification would be required of areas where disputes are affecting the quality of life and appropriate mechanisms devised to deal with them.

## **Summary of discussions from the plenary and small groups**

### **Plenary**

Usually, certain agreements in Antigua and Barbuda permit arbitration, which may be binding or non-binding. In addition, the new Divorce Act requires mediation.

Individuals used as mediators are chosen from a cross section of the community – a fairly diverse group.

When a mediator is assigned to a case, they usually complete the report, sign the mediation agreement and present same under a cover letter.

Apart from referrals from the court, there are usually walk-in cases from the police, the workplace, and the business sector.

There are requests for training mediators from business agencies.

A lot more work has to be done, through PLE, in making services known to the public.

Persons are usually referred to tribunals, and the Ombudsman.

Attachments are possible at the Jamaica DRF.

### **Workgroup**

**Types of Alternative Dispute Resolution (ADR) Services needed:** All ADR services are necessary. However, the public perception is critical to the success of this service, both in terms of the building of confidence in and respect for the judicial system. The costs, however, would be dependent on whether there is a proper system in place; eg the Court appointed ADR individual.

The following processes were listed as the services with the greatest impact:

- Mediation/ Conciliation
- (*greatest impact on all levels – court, community, families, and individuals*);
- Police cautions (*warning discharges*)
- Restorative Justice (*this process is very necessary in the Magistrate’s Court. It would have an impact on the family, victim, the offender, and eventually the public*).
- Arbitration, on a wider scale (*presently used in industrial courts*)

**Delivery of Services:** The ADR services could best be delivered through the following methods:

- Mandatory (*legal framework*)
- Trained law enforcement personnel
- Diversion by the police (*requires more training for offenders in mediation /conciliation*)
- Intercept certain civil matters (*would require a more formal system*)
- Utilise existing facilities (*Citizens’ Welfare Department, Directorate of Gender affairs, Department of Social Improvement, Office of the Ombudsman, and trained volunteers -government and non government*).
- Court affiliated delivery
- Identification of an adjudicator for tracking civil cases for mediation / conciliation.
- Volunteers – use of retired and senior legal professionals, and religious ministers.

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

- Government as the primary source
- Private foundations, and international organisations
- A sliding scale for fees

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

- Lack of commitment by parties
- Acceptance by society
- Costs
  - Space
  - Training new or existing staff
- Sourcing sufficient persons for activities (*staffing*)
- Public Legal Education
  - Costs
  - Legislation (*absence of legal framework*)
  - Other resources

One of the main features of an ADR system was outlined as the reduction in the amount of time and money spent in the Court. This system would also help to reduce the backlog of cases. Another important feature was that ADR would facilitate the privacy in the settlement of some cases, where the parties do not consider themselves real adversaries.

## **14.0 SENTENCING ALTERNATIVES**

**(Chairperson: Mrs. Maureen Hyman, Senior Magistrate)**

The two presentations under this topic, were presented by Mr. Ralph Francis, and Mrs. Nelleen Murdoch, Attorneys-at-Law.

The *first* presentation, which was made by Mr. Francis, stressed the fact that society is of the view that sentencing has not been serving its intention as a deterrent. This could be proved by investigating whether there has been any reduction in the rate of re-offending. First time offenders, youths, and other offenders, irrespective of the crime are all committed to the same environment, enduring the same conditions. This situation is unhealthy and allows for contamination...hence the need to consider sentencing alternatives.

In the *second* presentation, Mrs. Murdoch, stated that for over a decade the focus has shifted from the offender to the victim. The resultant feelings, the injury caused, and reparation to the community are now cause for concern. In discussing Sentencing Alternatives, several tools can be taken into consideration. Examples were given as:

- Community Service
- Bail
- House Arrest (electronic surveillance, except for school, work, medical)

### **Summary of discussions from the plenary and small groups**

#### **Plenary**

The need for Magistrates to be able to have access to at least two assessors, either a social worker or someone trained in this field, or a cadre of assessors to be on call, whenever the need arose.

Intermittent sentencing is currently being discussed, whereby the offender can continue to be employed while serving sentence, reporting to the Prison on weekends.

As part of the rehabilitation process, the possibility of continuing education and training for the convicted, while being committed was discussed.

The current effect of punishing juveniles, inclusive of first time offenders, by committing them to institutions, was revisited.

## Workgroup

**Identification of goals to be achieved:** The following goals were identified as a result of a sentence:

- Deterrence
- Increased sense of security
- A reduction in re-offending
- Rehabilitation
- Retribution (*punishment*)
- Counselling
- Education and training
- Compensation

It was also felt that *deterrence* was critical to the achievement of these goals, and should be seriously considered. The sentence should suit the offence for eg:

- Court attendance orders for young offenders
- House arrests for adults
- Counselling for anger related offences (*psychologist*)
- Community service for causing death by dangerous driving

In addition, a combination of services, eg: probation and community service may have to be considered for some cases. With respect to probation, there may be no earlier record of a conviction; the record could be wiped clean after, say five years, if there are no further convictions; or a day parole system could be introduced. In the case of community service, depending on the nature of the crime, the circumstances of the offence, the sex and age of the offender, drug treatment and support services, and attendant court orders could be considered.

**Role of the Community:** The society has an integral role to play in the rehabilitation of the offender. These offenders could be assisted in ways that would help them to realise their mistakes and so change their ways. Assistance could also be geared towards improving the level of living in the community and in this connection could provide the following services:

- Mediation
- Counselling
- Employment
- Spiritual guidance
- Mentoring

The primary responsibility would be the Courts – but with respect to juveniles, the existing laws in Antigua and Barbuda providing for assessors to sit with the magistrate would need to be enforced.

### **Types of Sentencing Alternative Services needed:**

- Community service orders
- Suspended sentences
- Counselling / education /treatment orders
- Attendance court order, specifically for young offenders
- Formal cautions
- Parole (*post sentence*)
- Day parole
- Mediation
- Drug treatment court
- Youth camp (*“boot camp” concept modified to suit the Caribbean*)
- House arrest
- Work release or job attachments
- Intermittent sentencing
- Spiritual guidance

The perception of the public will vary, depending on the nature of the crime, however public education should precede the introduction of these measures. In addition strict supervision should be by the Department of Corrections, which should be monitored by a community advisory committee.

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

- Government
- Private sector initiatives / involvement
- Community based projects

Engagement of offenders in income generating activities and part proceeds be put into a fund.

**Barriers to Implementation:** Factors that may impede the implementation of the process were identified. The existing resources are inadequate to meet current needs ie (support for non custodial sentencing alternatives)...thus new resources will have to be found. Additional constraints were listed as:

- Need to amend current legislation
- Statutory reform – allowing for supportive institutions
- Lack of political will
- Increase in costs
- Lack of support services
- Lack of facilities
- Social discrimination

## **15.0 COUNSELLING**

**(Chairperson: Ms Sheila Roseau, Director of Gender Affairs)**

The two presentations under this topic were made by Dr. Judith Josiah-Martin, Family Therapist, and Mrs. Patricia Bird, Commissioner of Social Improvement.

Dr. Josiah-Martin stressed the dire need for proper counselling services and the need for “trained” counsellors. Bad counselling or counselling by untrained persons, not only destroys the confidence and feeling of trust, by the patient, in the services being offered, but can damage the credibility of the trained counsellors.

Counselling is an interactive process, which requires the use of certain techniques and skills to help the individual to adjust. Different counselling techniques are required for different patients, hence the need for a careful assessment of each case. In some instances, joint approaches may be necessary, while in others continuous counselling may be required in addition to the initial service.

Counselling is a very critical complementary measure to the judicial system.

In Mrs. Bird’s presentation, she stated that counselling is a necessity to effect behavioural change and skills building, and in this connection provided essential support to the justice system.

Counselling has been provided through three methods: remedial, preventative, and educative, and were generally directed towards assisting the offender to deal with the underlying reasons for becoming involved in the criminal activity, in the first place. Effective counselling can reduce the rate of re-offenders in the court system.

There are private counsellors available, but most of the counselling services are offered, on a formal and informal basis, through a number of governmental agencies. Training is therefore needed to enhance the quality of delivery of the current services and develop the necessary capabilities, for an effective and efficient continuous service. This will require a multi-pronged and multi-sectoral approach.

### **Summary of discussions from the plenary and small groups**

#### **Plenary**

Counselling should always be regarded as a professional service.

There is a need to register all counsellors.

A comprehensive approach to treatment – strategies set through educational counselling programs.

First time offenders may have been committing the offence long before they are caught.

The critical need for parental counselling. (*mandatory parental classes*)

The need for aftercare / outpatient structured programs to provide ongoing long term therapeutic and other counselling services.

There needs to be a holistic approach to the treatment of young offenders.

## **Workgroup**

### **Who requires Counselling?**

Just as clients have different needs, different issues require different approaches. Some need educational services, others may need advocacy, while others may need only support services. It is important to note that although counselling is available to anyone who desires or requires it, it should be both voluntary and mandatory, since one cannot force persons to change their behaviour.

An evaluation of the situation may result in the need for the following:

- general or specialised services;
- therapeutic services, eg drug rehabilitation;
- emotional, psychological or spiritual services;
- child counsellors / parental services;
- anger management services;
- mental stabilisation services.

Based on the above, **the type of persons requiring Counselling Services** were listed as:

- battered women and men
- juveniles in conflict with the law
- family law matters
- drug addicts
- rape victims
- offenders
- immigrants and migrants
- sexually abused persons

### **Existing Resources:**

- Victims of domestic violence (*domestic hotline at Gender Affairs*)
- Department of Social Improvement
- Citizens Welfare Division
- CCOPE
- Private counsellors

- Alcohol and drug treatment clinics
- Crossroads Centre (*private*)
- Guidance Counsellors (*in only about 3% of secondary schools*)

**Services Required:** A home for battered women, which would ensure a continuum of care and after care services.

The continuity of one counsellor for the case. This requires proper case management, and can aid the development of trust and self esteem.

Counselling in specific institutions (eg: family, schools, prison, Boys Training School, Home for girls).

Counselling to deal with:

- domestic violence / all types of violence
- juvenile cases (*including institutions*)
- schools
- divorce cases
- drug & alcohol – *outpatient services & services for youth*
- mental health
- behavioural
- victim support
- offender support

**Delivery of Services:** Counselling can be delivered in a number of ways, from various sources, but an integrated approach is needed since a particular individual may have issues that are interrelated. This collaborative approach would also be more cost effective and reduce the overburdening and / or under utilisation of the counsellors themselves.

Some of the methods to be employed are:

- At-home visits
- Group counselling
- Counselling centres or clinics
- Counselling in the Courts (*this requires the proper facilities and a social worker to provide case management functions*)

There are a number of organisations and agencies, that are capable of delivering these services. Some of these are:

NGOs, CCOPE, Churches, Government (*Citizens' Welfare Division, Directorate of Gender Affairs, Department of Social Improvement*);

Rehabilitation services (*correctional*); drug rehabilitation; HERO House; mental health services; Boys Training School;

Parent Resource Centre, National Drug Information Centre, Planned Parenthood; Aids Secretariat; Schools; PTAs; Men’s Fellowship (*Church*); Alliance for Social Well-being.

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

- Government, regional, international
- Fee structure
- Private sector
- Insurance

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

- Lack of funding
- Lack of human resources
- Insufficient trained personnel
- Lack of proper organisation
- Lack of education
- Myths and perceptions re. Counselling
- Parents blaming themselves
- Culture
- Cross-cultural (values, beliefs differ)
- Lack of trust
- Confidentiality (issue in small community)

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

## **16.0 PUBLIC LEGAL EDUCATION**

**(Presenter: Ms. Joanne Massiah, Attorney-at-Law)**

Under the Theme “Education Empowers”, the presentation began with the premise that Public Legal Education (PLE), is critical to the success of the judicial system, since ignorance of the law and the legal system is no excuse. PLE will help to dispense with the various perceptions of citizens.

The practical benefits of PLE were stressed as:

Marked improvement in public trust and confidence of the judicial system;

Greater and more effective opportunities for citizen participation in community and nation building, and the justice system;

Empowered citizens who are better able to give guidance, and create opportunities for others to participate in community and national efforts.

The integrated approach is the ingredient for an effective PLE system, and this can be delivered under three basis models:

**Needs basis approach:** dissemination of information according to how topical an issue may be and the corresponding need to sensitize the public on the subject matter *viz*: legislation for domestic violence, electoral law, sexual offences, consumer law, and constitutional law.

**Continuing education approach:** An established organisational structure *viz* department, Board, agency, which expressly addresses PLE issues.

**Network issue-by-issue approach:** Network partnership of government, legal, media, civic and community groups comprised of volunteers considered to be stakeholders of experts in law and government, agencies which are committed to PLE, mainly on a community level.

The advantages and disadvantages of each approach were also highlighted.

**Financing PLE:** The costs should be borne by the government and private institutions committed to PLE. Funding from the Bar Association and educational foundations, could also be considered.

**Preferred Model:** PLE should be seen as a process – a means to an end and in this connection, irrespective of the model /approach chosen, the program must be on-going, participatory, and integrative.

## **Summary of discussions from the plenary**

**(There was no small group discussion on PLE, but it was mentioned in each of the four work groups, either directly or indirectly, as integral to understanding the judicial process.)**

In the ensuing discussions, all three models mentioned in the presentation were considered important in dispelling the perception that the judicial system is not user friendly.

The need for the public to understand the meaning of the terms used, procedures for operation, and what is expected of them, are critical requirements for a fair trial. The educational system in schools could assist, in collaboration with the Bar Association, and other interest groups.

A needs assessment for PLE is required.

## 17.0 FACILITATOR'S VIEW OF THE DISCUSSIONS

With respect to the *plenary sessions on day one*, the resource persons were very knowledgeable of the subject matter to be presented, and were able to deliver in the allotted period of 10 –15 minutes.

These presentations generated approximately six (6) questions per topic, the majority of which were asked by the non legal participants.

The participants from legal background assisted to clarify issues thereby enhancing the discussions.

None of the questions focussed on the best mix of measures for Antigua and Barbuda.

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.

The **four work-group sessions on day two** were numerically balanced, though not gender balanced.

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 from day one, some of the participants were very vocal, while others silently participated.

There were less participants on day two, but the work-groups were more manageable, **(55 persons, of approximately 14 per work-group)**.

Only three groups (LA, ADR, and C) were able to discuss their assigned topic and the questions on the remaining topics, in the time allotted.

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 work-groups at the **final plenary session on day two** 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, was responsible for the high quality of discussions in the overall sessions.

## **18.0 PRIORITIES**

Following from the discussions a list of priorities was identified under each complementary measure. There are no rural / urban nor cultural differences.

After the identification of various sets of priorities, it would have been beneficial if participants were afforded an additional 30 minutes to select/ agree on the best mix of national priorities, that could be programmed into pilot and general projects. **(This, however, would have required an adjustment in the programme).**

Notwithstanding, a few programme areas are being suggested, but these have not been discussed with the PAC, in view of the time frame for the Report. **(These are solely the views of the Facilitator, based on the discussions.)**

### **Legal Aid**

Formalisation of the establishment of Legal Aid services in Antigua and Barbuda to handle civil matters, focussing especially on the disadvantaged groups of women and youths; and criminal matters.

### **Alternative Dispute Resolution**

All ADR services were considered necessary, but mediation / conciliation was considered as top priority - hence the critical need for training, especially law enforcement officers.

An attachment of law enforcement officers to the Dispute Resolution Foundation of Jamaica

### **Sentencing Alternatives**

A study of a sample of cases from the Magistrate Court with a view to ascertaining whether the types of sentencing alternatives identified, could have been options.

### **Counselling**

The establishment of a national Counselling agency.

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

Establishment of a home for battered women.

Enhancement of the current domestic violence services.

Outpatient structured programme.

Conduct of classes on parental counselling.

### **Public Legal Education**

**Community outreach:** A series of community teach-ins to educate citizens on the judicial system, in general, and complementary measures, in particular.

**An aggressive public relations programme on PLE:** print and electronic media, (brochures, TV role playing, panel and call-in radio/TV programmes.)

An addition to the schools' curriculum (could be part of the Health and Family Life Education Program)

## **19.0 NEXT STEPS**

More discussion time was needed to focus on next steps. Preferably this should have been the responsibility of the National PAC, based on the agreed set of national priorities.

With respect to the state of readiness in Antigua and Barbuda for judicial and legal reform, the manifestations at the Consultation prove that there is political will; the government support is high; and there is some support from the legal community, 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.

## **20.0 CONCLUDING REMARKS**

Antigua and Barbuda is currently reviewing its fiscal stabilisation measures and in this connection a series of initiatives are being undertaken, in an effort to achieve the goal of sustainable development. Some of these are Public Sector Reform, Financial Reform, Pension Reform. In addition, a five year National Strategic Development Plan (NSDP) is being prepared. The Judicial and Legal Reform project in timely and would need to be incorporated in the NDSP.

The National Consultation on Complementary Measures showed that there is 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 some inter-dependence among the measures. Public Legal Education is critical to every measure. In view of this, joint approaches to implementation may be necessary. But there will be need to sensitise all stakeholders, so that they can be fully aware of their role in this interactive, and integrative process.

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