IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT JUSTICE) PROJECT

PROJECT IMPLEMENTATION PLAN
VOLUME II - ANNEXES

April 1, 2014-March 31, 2019

Project Number:
A-035470

Submitted to:
Department of Foreign Affairs
Trade and Development (DFATD)

Submitted by:
UWI, Cave Hill Campus

Submitted August; Revised September 2015
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ANNEX A: LOGIC MODEL

| Country/Region | Improved Access to Justice in the Caribbean (IMPACT Justice Project) | No. of beneficiaries | 40,730 direct and 81,460 indirect beneficiaries | Team Leader | Michele Gibson | Budget | CAD $19.2m | Duration | 5 years |

Ultimate Outcome
1 – Enhanced access to justice benefitting men, women, youth and businesses in the CARICOM Region

Intermediate Outcomes
1000 – Strengthened gender-equitable and environmentally-sensitive legislation and treaty policy making at the national and regional levels
2000 – Improved legal services, including legal education and information, for women, men, youth and businesses, at the national and regional levels
3000 – Strengthened gender- responsive alternative dispute resolution (ADR), restorative justice (RJ) and community-based peace-building services for women, men, youth and businesses in CARICOM Member States

Immediate Outcomes
1100 – Increased access by CARICOM Member States to gender-equitable and environmentally-sensitive regional model laws and new or amended national laws
2100 – Enhanced gender-responsive accountability framework which includes the upgrade of skills of the legal profession in CARICOM Member States
2200 – Improved equitable access by the legal profession and the public (men, women, youth and businesses) to legal information in CARICOM Member States
3100 – Increased training of ADR practitioners and increased equitable access by women, men, youth and businesses to ADR, RJ and community-based peace-building services in CARICOM Member States

Outputs
1110 – Gender-equitable and environmentally-sensitive model CSME and other laws drafted and presented to the CARICOM Legal Affairs Committee for approval
1120 – Gender-sensitive online and other courses on legislation and treaty drafting in UWI, UG and other programmes supported
1130 – Manuals on (1) Treaty drafting (2) instructions for legislative drafters and (3) procedures for legislative drafters prepared and distributed to CARICOM Member States
2110 – A gender-sensitive model Legal Profession Act with a revised Code of Ethics, disciplinary and accounting procedures drafted in consultation with national and regional bar associations and CARICOM Member States
2120 – Gender-sensitive continuing legal profession development courses designed and delivered in association with national and regional bar associations
2130 – The recommendations of a regional survey provided to CARICOM Member States to inform policy making on legal education
2210 – Case law and other legal databases established or expanded
2220 – Upgrading regional law libraries by provision of staff training and legal materials
2230 – Legal education programmes and courses for the public (women, men, youth and businesses) designed and delivered
3110 – The development of a region-wide ADR training policy and accreditation system facilitated
3120 – The establishment of networks and service points to provide gender responsive ADR and community-based peace-building services using existing infrastructure
3130 – Gender sensitive ADR training courses for women, men, youth and businesses delivered in association with ADR service providers in CARICOM Member States
3140 – Regional gender equitable workshops and gender sensitive public education delivered, in association with the JURIST Project and other stakeholders to share knowledge about ADR, RJ and community-based peace-building benefits and training initiatives

Funded by the Government of Canada
## Annex B: Performance Measurement Framework

<table>
<thead>
<tr>
<th>Expected Results</th>
<th>Indicators</th>
<th>Baseline Data</th>
<th>Targets</th>
<th>Data Sources</th>
<th>Data Collection Methods</th>
<th>Frequency</th>
<th>Responsibility</th>
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<tbody>
<tr>
<td><strong>Ultimate Outcome (Long term)</strong></td>
<td>1. Number of CSME model and supporting laws enacted which are key to the implementation of CSME and which remove many of the gender inequalities currently present in the legislation of Member States</td>
<td>1079 Acts were passed in CARICOM Member States for the years 2010 to June, 2014. Out of these Acts, 43 contained express gender sensitive provisions broken down as follows: Antigua and Barbuda – 3 (7%) Barbados – 3 (7%) Belize – 6 (14%) Dominica – 1 (2%) Grenada – 5 (12%) Guyana – 3 (7%) Jamaica – 3 (7%) Montserrat – 6 (14%) St. Lucia – 2 (4%) St. Kitts and Nevis – 4 (9.5%) St. Vincent &amp; the Grenadines – 3 (7%) Trinidad &amp; Tobago – 4 (9.5%)</td>
<td>1. 20% increase in laws contributing toward implementation of CSME and removing of gender inequalities by end of Year 5 of Project</td>
<td>Government Acts and Subsidiary Legislation Information from CSME Unit Court records disaggregated by age and sex</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
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<td></td>
<td>2. Percentage of disputes settled through use of alternative dispute mechanisms</td>
<td>The number of cases solved by use of mediation in for the year 2013 (countries with court-connected mediation) are: Antigua and Barbuda – 37 (Settlement rate 36%) Dominica – 6 (Settlement rate 16%) Grenada – 88 (Settlement rate 61%) Guyana – 37 (Settlement rate 39%) St. Kitts &amp; Nevis – 3 (Settlement rate 60%) St. Lucia – 58 (Settlement rate 42%) St. Vincent and the Grenadines – 4 (Settlement rate 17%) Trinidad &amp; Tobago – 7 (Settlement rate 10%)</td>
<td>2. 20% increase in disputes solved by use of ADR mechanisms by end of Year 5 of Project</td>
<td>ADR service provider records disaggregated by age and sex</td>
<td>Analysis of records</td>
<td>IMPACT Justice Project Office</td>
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**Intermediate Outcomes (Medium term)**
## IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT PROJECT)
### PROJECT IMPLEMENTATION PLAN

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<tr>
<th>Expected Results</th>
<th>Indicators</th>
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<th>Data Sources</th>
<th>Data Collection Methods</th>
<th>Frequency</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000 – Strengthened gender-equitable and environmentally-sensitive legislation and treaty policy making at the national and regional levels</td>
<td>1. Number of CSME model laws and other new or amended laws with gender sensitive provisions passed in CARICOM Member States</td>
<td>43 Acts passed for the years 2010 – June, 2014 contained express gender sensitive provisions. (Baseline data is the same as that for Indicator 1.1)</td>
<td>1. Number of new or amended laws in relation to women, men, youth and businesses increased by at least 20% over a 5 year period</td>
<td>Government Acts and Subsidiary Legislation WILIP</td>
<td>Law library research</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
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<tr>
<td></td>
<td>2. Number of CSME model laws and other new or amended laws with environmentally-sensitive provisions passed in CARICOM Member States</td>
<td>There were 23 environment sensitive Acts out of a total of 1079 Acts passed for the years 2010-2014 as follows: Antigua and Barbuda – 2 (9%) Barbados – 2 (9%) Belize – 4 (18%) Dominica - 0 Grenada – 1 (4%) Guyana – 7 (31%) Jamaica – 1 (4%) Montserrat – 2 (9%) St. Luca – 1 (4%) St. Kitts and Nevis – 1 (4%) St. Vincent &amp; the Grenadines – 1 (4%) Trinidad &amp; Tobago –1 (4%)</td>
<td>2. Number of new or amended laws with environmentally sensitive provisions increased by at least 20% over a 5 year period</td>
<td>Government Acts and Subsidiary Legislation WILIP</td>
<td>Law library research</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
</tr>
<tr>
<td>2000 – Improved legal services, including legal education and information, for women, men, youth and businesses, at the national and regional levels</td>
<td>1. Number of participants with increased legal knowledge after attending public legal education courses or being provided with legal information (m/f/y)</td>
<td>Zero</td>
<td>1. 80 male and120 female participants in public legal education courses or being provided with legal information in Year 1. 720 females and 480 males per year in Years 2-5</td>
<td>Responses by participants to questionnaires distributed after courses, lectures etc.</td>
<td>Analysis of questionnaire responses</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
</tr>
<tr>
<td></td>
<td>2. Number of attorneys-at—law (m/f) accessing continuing legal profession development courses</td>
<td>Jamaica is the only CARICOM Member State offering accredited continuing legal profession development courses. For the calendar year 2014, a total 1,672 attorneys-at law have met the requirements of the CLPD programme in Jamaica and have been issued practising certificates. Of this figure 63% (1054 persons) are females and 37% (618 persons) are males</td>
<td>2. 450 female and 300 male attorneys-at-law per year in Years 2-5</td>
<td>Enrollment records disaggregated by age and sex</td>
<td>Analysis of bar association and IMPACT Justice records</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
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</tbody>
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<table>
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<tr>
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<th>Frequency</th>
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<tbody>
<tr>
<td>3000 – Strengthened gender- responsive alternative dispute resolution (ADR), restorative justice (RJ) and community-based peace-building services for women, men, youth and businesses in CARICOM Member States</td>
<td>1. Number of cases heard by mediators</td>
<td>The cases referred to and mediated by mediators for the year 2013 are as follows: Country Matters Referred Matters Mediated Antigua &amp; Barbuda 103 *Unknown Dominica 37 15 Grenada 145 136 Guyana 94 94 St. Kitts &amp; Nevis 5 4 St. Lucia 138 118 St. Vincent &amp; The Grenadines 24 4 Trinidad And Tobago 67 14</td>
<td>1. 50% increase in the number of cases heard by mediators by the end of Year 5 of the Project</td>
<td>Reports of ADR service providers</td>
<td>Analysis of reports</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
</tr>
<tr>
<td>2. Number of women, men and youth with increased knowledge and skills of delivering gender-responsive ADR, and community-based peace-building services</td>
<td>There is a total of 41 ADR service points throughout the region as follows: Antigua and Barbuda – 1 (3%) Barbados – 2 (5%) Belize – 2 (5%) Dominica – 1 (3%) Grenada – 2(5%) Guyana -2 (5%) Jamaica – 15 (37%) Montserrat – 1 (2%) St. Kitts and Nevis -1 (2%) St. Lucia – 2 (5%) St. Vincent and the Grenadines – 1 (2%) Suriname – 1 (2%) Trinidad and Tobago – 10 (24%)</td>
<td>2. 50% of participants with increased knowledge and skills to deliver gender-responsive ADR, and community-based peace-building services by end of Year 5 of Project</td>
<td>Responses by participants to questionnaires distributed after courses, lectures etc.</td>
<td>Analysis of questionnaire responses</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
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### Immediate Outcomes (Short term)

1. The number of gender and environmentally-sensitive model laws and new or amended national laws passed by CARICOM Member States to gender equitable and environmentally sensitive regional model laws and new | 43 Acts out of 1079 passed for the years 2010 – June, 2014 contained express gender sensitive provisions (Baseline data is the same as that for indicator 1.1) | 1. 60% of CARICOM Member States enacting at least 40% of gender equitable, gender responsive and youth and environment sensitive | CARICOM Secretariat Government Acts and Subsidiary Legislation WILIP | Analysis of records Law library research | Annually | IMPACT Justice Project Office |
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<th>Indicators</th>
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<th>Data Collection Methods</th>
<th>Frequency</th>
<th>Responsibility</th>
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<td>or amended national laws</td>
<td>CARICOM Member States within 2 years of laws being drafted</td>
<td>There are 87 legislative drafters in CARICOM Member States 75% of which are female and 25% are male. The total number of drafters for each country is: Antigua and Barbuda – 2 (2%) Barbados – 8 (9%) Belize – 2 (2%) Dominica – 2 (2%) Grenada – 2 (2%) Guyana -5 (6%) Jamaica – 10 (12%) Montserrat - 2(2%) St. Lucia – 2 (2%) St. Kitts and Nevis – 2 (2%) St. Vincent &amp; the Grenadines – 2 (2%) Suriname- 20 (24%) Trinidad &amp; Tobago – 22 (26%) CARICOM Secretariat – 5 (6%) OECS Secretariat – 1 (1%)</td>
<td>2. 15 males and 15 females from CARICOM Member States trained per year (m/f)</td>
<td>UWI, IMPACT Justice and AG’s Chambers records</td>
<td>Analysis of records</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
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</table>
| 2100 – Enhanced gender-responsive accountability framework which includes the upgrade of skills of the legal profession in CARICOM Member States | 1. The number of bar associations which endorse a draft accountability framework | Zero | 1. 40% of regional and national Bar Associations endorse a draft accountability framework | Regional and national Bar Association records | Analysis of Bar Association Records | Annually | Bar Associations
IMPACT Justice Project Office |
| | 2. The number of attorneys-at-law with upgraded skills | Zero | 2. 450 female and 300 male attorneys-at-law with upgraded skills per year for Years 2-5 of the Project | Regional and national Bar Association records | Analysis of Bar Association Records | Annually | Bar Associations
IMPACT Justice Project Office |
<p>| | 3. The number of CARICOM Member States that enact the Draft Amendments to the Legal Profession Act | Zero | 3. 40% of CARICOM Member States enact the amendments to the Legal Profession legislation by the end of Year 5 of the | Acts and Subsidiary Legislation passed in CARICOM Member States | Analysis of annual Laws of CARICOM Member States | Annually | IMPACT Justice Project Office |</p>
<table>
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<th>Expected Results</th>
<th>Indicators</th>
<th>Baseline Data</th>
<th>Targets</th>
<th>Data Sources</th>
<th>Data Collection Methods</th>
<th>Frequency</th>
<th>Responsibility</th>
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<td>Improved equitable access by the legal profession and the public (men, women, youth and businesses) to legal information in CARICOM Member States</td>
<td>1. The number of subscriptions to legal databases (m/f/y)</td>
<td>As at June 30, 2014 there were 3063 subscribed users to CariLaw. 1220 users were male and 1843 users were female. The number and percentage of CariLaw users by type are as follows: Law firms – 100 (4%) Law schools – 2653 (87%) Government – 73 (2%) Law Courts – 237 (7%) As at June 30, 2014 there were 664 subscribers to WILIP. Of these subscribers 73 (11%) were male, 47 (7%) were female and 544 (82%) were businesses. Subscribers by country were as follows: Antigua and Barbuda - 37 Barbados - 166 Belize - 21 Dominica - 34 Grenada - 49 Guyana - 41 Jamaica - 20 Montserrat – 18 St. Kitts and Nevis - 52 St. Lucia - 45 St. Vincent and the Grenadines - 42 Suriname - 0 Trinidad and Tobago - 42 Other Member States - 122</td>
<td>1.1 Increase in government/academic/private sector subscriptions to CariLaw by 12.5% or 343 per year from Years 2-5 of Project. 1.2. 700 subscribers to WILIP Online by end of Year 5 of Project.</td>
<td>Law Library Database subscription records</td>
<td>Analysis of subscription records</td>
<td>Annually</td>
<td>The Faculty of Law Library, Cave Hill Campus</td>
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<tr>
<td>2. The number of males, females, youth and businesses provided with legal information by IMPACT Justice Project</td>
<td>Zero</td>
<td></td>
<td>2. 50 males, 50 females, 50 young persons and 50 businesses provided with legal information from the IMPACT Justice Project in Year 1. 400 males, 400 females, 300 young persons and 100 businesses provided with legal information per year in Years 2-5 of the Project</td>
<td>IMPACT Justice Project distribution records</td>
<td>Analysis of records</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
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<th>Frequency</th>
<th>Responsibility</th>
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</thead>
<tbody>
<tr>
<td>3100 – Increased training of ADR practitioners and increased equitable access to ADR, RJ, and community-based peace-building services in CARICOM Member States</td>
<td>1. Number of ADR practitioners with increased capacity to deliver gender-responsive ADR, RJ and community-based peace-building services in CARICOM Member States</td>
<td>991 trained ADR practitioners in CARICOM Member States. (Baseline data same as that for Indicator 3000.2)</td>
<td>1. 120 female and 80 male ADR practitioners with increased capacity to deliver gender-responsive ADR, RJ and community-based peace-building services per year</td>
<td>ADR service provider and IMPACT Justice records</td>
<td>Analysis of records</td>
<td>Semi-annually</td>
<td>IMPACT Justice Project Office</td>
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<tr>
<td></td>
<td>2. Number of gender-responsive ADR rosters and service points established</td>
<td>There is a total of 41 ADR service points throughout the region</td>
<td>2. At least 1 ADR gender and youth sensitive network or service point established in each CARICOM Member State by the end of Year 5 of the Project</td>
<td>IMPACT Justice records</td>
<td>ADR service provider records</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
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<tr>
<td></td>
<td>3. Number of persons accessing ADR services</td>
<td>The cases referred to mediation for the year 2013 totaled 613 broken down as follows:</td>
<td>3. 50% increase equalling 613 women, men, youth and businesses accessing gender-responsive ADR services</td>
<td>IMPACT Justice records</td>
<td>ADR service provider records</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
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<tr>
<th>Outputs</th>
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<tbody>
<tr>
<td>1110 – Gender-equitable and environmentally-sensitive model CSME and other laws drafted and presented to the CARICOM Legal Affairs Committee for approval</td>
<td>1. Number of gender equitable model laws presented to and approved by the Legal Affairs Committee and Attorneys General</td>
<td>Zero</td>
<td>1. 70% of drafted model laws approved by Legal Affairs Committee by year end</td>
<td>Project Legal Drafting and Training TAG records</td>
<td>Analysis of TAG records</td>
<td>Semi-annually</td>
<td>IMPACT Justice Project Office</td>
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<tr>
<td></td>
<td>1. Number of graduates from the UWI post graduate legislative programme is as follows:</td>
<td>The number of graduates from the UWI post graduate legislative programme is as follows:</td>
<td>1.1 At least 6 female students and 4 male</td>
<td>UWI Faculty of Law and UG Department</td>
<td>Analysis of records</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
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</table>

**Zero**

- **Baseline Data**
- **Targets**
- **Data Sources**
- **Data Collection Methods**
- **Frequency**
- **Responsibility**
<table>
<thead>
<tr>
<th>Expected Results</th>
<th>Indicators</th>
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<th>Data Sources</th>
<th>Data Collection Methods</th>
<th>Frequency</th>
<th>Responsibility</th>
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</thead>
<tbody>
<tr>
<td>other courses on legislation and treaty drafting in UWI, UG and other programmes supported</td>
<td>UWI, UG and other legislation and treaty drafting courses</td>
<td>YEAR</td>
<td>MALE GRADUATES</td>
<td>FEMALE GRADUATES</td>
<td>students per year graduating from the UWI and UG legislative drafting programme</td>
<td>of Law records</td>
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<td></td>
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<td>TOTAL 2009</td>
<td>1</td>
<td>2</td>
<td></td>
<td>UWI Faculty of Law records</td>
<td>Analysis of records</td>
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<td></td>
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<td>2010</td>
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<td>4</td>
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<td>Project Office records</td>
<td>Analysis of Project office records</td>
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<td></td>
<td></td>
<td>2011</td>
<td>1</td>
<td>5</td>
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<td>2012</td>
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<td>TOTAL</td>
<td>5</td>
<td>14</td>
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<td>Baseline data for UG is zero</td>
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<tr>
<td></td>
<td>Baseline data for UWI LLB introductory course in legislative drafting is zero</td>
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<td></td>
<td>2. Number of male and female students receiving financial assistance from the IMPACT Justice Project</td>
<td>Zero</td>
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<td></td>
<td>1. Number of persons attending meetings and/or receiving manuals</td>
<td>Zero</td>
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<td>1. Number of persons attending meetings and/or receiving copies of each manual by the end of Year 3 of the Project</td>
<td>Zero</td>
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<tr>
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<td>1. 100 persons attending meetings and/or receiving copies of each manual by the end of Year 3 of the Project</td>
<td>Zero</td>
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<tr>
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<td>1. 100 persons attending meetings and/or receiving copies of each manual by the end of Year 3 of the Project</td>
<td>IMPACT Justice Project Office records</td>
<td>Analysis of distribution records</td>
<td>Once</td>
<td>IMPACT Justice Project Office</td>
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### Expected Results

1. **2110 – A gender-sensitive model Legal Profession Act with a revised Code of Ethics, disciplinary and accounting procedures drafted in consultation with national and regional bar associations and CARICOM Member States**
   - **Baseline Data**: Zero
   - **Targets**: 1. 40% of CARICOM Member States adopting a gender-responsive model Code of Ethics by project end
   - **Data Sources**: Acts and Subsidiary Legislation of CARICOM Member States
   - **Data Collection Methods**: Analysis of the annual laws of CARICOM countries
   - **Frequency**: Once
   - **Responsibility**: IMPACT Justice Project Office

2. **2120 – Gender-sensitive continuing legal profession development courses designed and delivered in association with national and regional bar associations**
   - **Baseline Data**: For the calendar year 2014, a total 1,672 attorneys at law have met the requirements of the CLPD programme in Jamaica and have been issued practising certificates. Of this figure 63% (1,054 persons) are females and 37% (618 persons) are males.
   - **Targets**: 1. 13 courses per year delivered to male and female attorneys-at-law from Years 2-5 of the Project
   - **Data Sources**: Bar Association records
   - **Data Collection Methods**: Analysis of records
   - **Frequency**: Annually
   - **Responsibility**: IMPACT Justice Project Office

3. **2130 – The recommendations of a regional survey provided to CARICOM Member States to inform policy making**
   - **Baseline Data**: Zero
   - **Targets**: 1. 13 CARICOM Member States receiving legal education survey report for consideration
   - **Data Sources**: Consultants (m/f)
   - **Data Collection Methods**: Consultant’s Report
   - **Frequency**: Once
   - **Responsibility**: IMPACT Justice Project Office
### IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT PROJECT)
#### PROJECT IMPLEMENTATION PLAN

<table>
<thead>
<tr>
<th>Expected Results</th>
<th>Indicators</th>
<th>Baseline Data</th>
<th>Targets</th>
<th>Data Sources</th>
<th>Data Collection Methods</th>
<th>Frequency</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>on legal education</strong></td>
<td>2. Number of recommendations adopted by CARICOM Member States</td>
<td>Zero</td>
<td>2. 40% of CARICOM Member States adopt at least 40% of recommendations by project end</td>
<td>IMPACT Justice Project records</td>
<td>Analysis of records</td>
<td>Once</td>
<td>IMPACT Justice Project Office</td>
</tr>
<tr>
<td><strong>2210– Case law and other legal databases established or expanded</strong></td>
<td>1. The percentage of decisions received by the Law Library that are uploaded within 6 months of receipt</td>
<td>Zero</td>
<td>1. 80% of decisions received by Law Library uploaded to CariLaw within 6 months of receipt</td>
<td>UWI Faculty of Law Library, Cave Hill Campus</td>
<td>Analysis of UWI Faculty of Law Library records</td>
<td>Annually</td>
<td>Faculty of Law Library, UWI, Cave Hill Campus</td>
</tr>
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<td></td>
<td>2. Number of CariLaw subscriptions</td>
<td>As at June 30, 2014 there were 3063 subscribed users to CariLaw. 1220 users were male and 1843 users were female. (This baseline data is the same as that for indicator 2200.1)</td>
<td>2. Increase in CariLaw subscriptions by 12.5% or 383 per year from Years 2-5</td>
<td>UWI Faculty of Law Library, Cave Hill Campus</td>
<td>Analysis of UWI Faculty of Law Library records</td>
<td>Annually</td>
<td>Faculty of Law Library, UWI, Cave Hill Campus</td>
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<td>3. Creation of online database of Consolidated Indexes to Acts and Subsidiary Legislation of CARICOM Member States (WILIP Online)</td>
<td>As at June 30, 2014 there were 664 subscribers to WILIP (This baseline data is the same as that for indicator 2200.1)</td>
<td>3. 1 WILIP Online available for use by end of Year 2 of Project</td>
<td>UWI Faculty of Law Library, Cave Hill Campus</td>
<td>Analysis of UWI Faculty of Law Library records</td>
<td>Once</td>
<td>Faculty of Law Library, UWI, Cave Hill Campus</td>
</tr>
<tr>
<td></td>
<td>4. Creation of online database of Caribbean Law Review</td>
<td>Zero</td>
<td>4. Caribbean Law Review Online established by end of Year 2 of Project</td>
<td>UWI Faculty of Law, Cave Hill Campus</td>
<td>Analysis of UWI Faculty of Law records</td>
<td>Once</td>
<td>IMPACT Justice Project Office</td>
</tr>
<tr>
<td></td>
<td>5. Creation of online database of West Indian Law Journal</td>
<td>Zero</td>
<td>5. West Indian Law Journal Online established by end of Year 2 of Project</td>
<td>UWI Faculty of Law, Cave Hill Campus</td>
<td>Analysis of UWI Faculty of Law records</td>
<td>Once</td>
<td>IMPACT Justice Project Office</td>
</tr>
</tbody>
</table>
## IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT PROJECT)
### PROJECT IMPLEMENTATION PLAN

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<th>Responsibility</th>
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</thead>
<tbody>
<tr>
<td>2220  – Upgrading regional law libraries by provision of staff training and legal materials</td>
<td>1. The number of law library staff members trained (m/f)</td>
<td>Zero</td>
<td>1. 13 males and 39 females from CARICOM Member States (at least 4 per country) once over the life of the project</td>
<td>Caribbean Association of Law Libraries</td>
<td>Analysis of registration records disaggregated by sex</td>
<td>Annually</td>
<td>Caribbean Association of Law Libraries IMPACT Justice Project Office</td>
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<td></td>
<td>2. The number of legal materials provided</td>
<td>Zero</td>
<td>2. Key legal materials to support training activities provided including legal materials related to gender-equality, human rights and the environment by the end of Year 5 of the project</td>
<td>IMPACT Justice Project Office</td>
<td>Analysis of acquisition records of the libraries of the UWI Faculties of Law, UG and University of Suriname</td>
<td>Once</td>
<td>IMPACT Justice Project Office</td>
</tr>
<tr>
<td>2230 – Legal education programmes and courses for the public (women, men, youth and businesses) designed and delivered</td>
<td>1. Number of male and female participants in legal courses for the public</td>
<td>Zero</td>
<td>1. 200 male and 300 female participants enrol in legal courses for the public annually</td>
<td>Course enrolment records</td>
<td>Analysis of records</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
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<td></td>
<td>2. Number of males, females and businesses receiving legal educational material</td>
<td>Zero</td>
<td>2. 150 males, 300 females and 50 businesses receiving legal educational material from the IMPACT Justice Project annually</td>
<td>IMPACT Justice Project distribution records</td>
<td>Analysis of records</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
</tr>
<tr>
<td>3110 – The development of a region-wide ADR training policy and accreditation system facilitated</td>
<td>1. ADR training policy developed and shared with Member States</td>
<td>Zero</td>
<td>1. Training policy developed by end of Year 3 of the Project</td>
<td>IMPACT Justice Project records</td>
<td>Analysis of records</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
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<td>2. ADR accreditation system established and functioning</td>
<td>Zero</td>
<td>2. Accreditation system established by end of Year 4 of the Project</td>
<td>IMPACT Justice Project records</td>
<td>Analysis of records</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
</tr>
<tr>
<td>3120 – The establishment of networks and service points to provide</td>
<td>1. Number of networks and service points established</td>
<td>There is a total of 41 ADR service points throughout the region (This baseline data is the same as that for indicator 3100.1)</td>
<td>1. At least 1 gender and youth sensitive network or service point established in</td>
<td>Reports by ADR &amp; RJ Service providers disaggregated by sex and age</td>
<td>Analysis of reports</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
</tr>
<tr>
<td>Expected Results</td>
<td>Indicators</td>
<td>Baseline Data</td>
<td>Targets</td>
<td>Data Sources</td>
<td>Data Collection Methods</td>
<td>Frequency</td>
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<tr>
<td>gender responsive ADR and community-based peace building services using existing infrastructure</td>
<td>throughout the region with Project support</td>
<td>every CARICOM Member State by end of Year 5 of Project</td>
<td>UWI/UG/ University of Suriname records</td>
<td>Analysis of records</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
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</tr>
<tr>
<td>3130 –Gender-sensitive ADR training courses for women, men, youth and businesses designed and delivered in association with ADR service providers in CARICOM Member States</td>
<td>1. The number of gender responsive ADR courses/seminars designed and delivered</td>
<td>Zero</td>
<td>1. At least 13 gender responsive ADR courses/seminars annually with at least 1 course/seminar per each CARICOM Member State or with participants from each CARICOM Member State</td>
<td>IMPACT Justice Project Office</td>
<td>Analysis of records</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
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<td></td>
<td>2. Number of ADR practitioners trained to provide ADR services in Member States (m/f/b)</td>
<td>991 trained ADR practitioners in CARICOM Member States. (Baseline data same as that for Indicator 3000.2)</td>
<td>2. At least 120 females and 80 males from CARICOM Member States trained per year</td>
<td>Reports by ADR &amp; RJ Service providers</td>
<td>Analysis of records</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
</tr>
<tr>
<td>3140 –Regional gender equitable workshops and gender sensitive public education delivered, in association with the JURIST Project and other stakeholders to share knowledge about ADR, RJ and community-based peace-building benefits and training initiatives</td>
<td>1. The number of persons attending public workshops or accessing information on ADR benefits and training initiatives</td>
<td>Zero</td>
<td>1. 900 females and 600 males attending training or accessing information in Member States per year from Year 2-5</td>
<td>IMPACT Justice Project Office records disaggregated by age and sex</td>
<td>Analysis of reports</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
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<td></td>
<td>2. The number of persons with increased level of awareness of ADR</td>
<td>Zero</td>
<td>2. 60% of male and female participants with increased level of awareness of ADR after attending training</td>
<td>Survey</td>
<td>Analysis of survey data</td>
<td>Annually</td>
<td>IMPACT Justice Project Office</td>
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</tbody>
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## ANNEX C: RISK REGISTER

<table>
<thead>
<tr>
<th>Risk Type</th>
<th>Definition</th>
<th>Risk Response</th>
<th>Residual Risk Rating</th>
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</thead>
<tbody>
<tr>
<td>Operational</td>
<td>Lack of retention of trained legislation and treaty drafters by governments and in the region would limit capacity over time.</td>
<td>To address this risk some partners have instituted a special scale of pay for drafters working in the public service and others are considering taking this action. A second mitigation strategy is to have drafters who are trained while being employed in the public service, or who become employed there after completing their training sign contracts to remain for a minimum of three years. This is a practice which already exists in the public service. It is likely that some of the trained drafters would work in the private sector or as private drafting consultants in the region and could be contracted by governments as needed. This means that the region would still benefit from their skills. The Project will conduct graduate tracer studies to monitor the movement of the drafters trained under the Project commencing with the first graduating class.</td>
<td>Low, Low</td>
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<tr>
<td>Risk 1</td>
<td></td>
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<tr>
<td>Operational</td>
<td>Performance Management-Partners have a weak understanding of DFATD results-based management. There is a risk that the Project would not establish tracking mechanisms in time, which are diverse and user friendly for women, men, youth, businesses and partners, and which would impact on data collection and the results management approach in the Project.</td>
<td>Four members of the Project Team have already been trained in results-based management techniques and a fifth will receive training during the second year of the Project. The Project team will test data-collection tools within 18 months of the start-up phase of the Project and review in each semi-annual Project report thereafter.</td>
<td>Low, Low</td>
</tr>
<tr>
<td>Risk 2</td>
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<tr>
<td>Operational</td>
<td>The ADR reform agenda of the larger regional countries will not necessarily accord with the priorities of the smaller countries</td>
<td>Fully engage all regional country representatives in the detailed planning processes and obtain their inputs on all critical ADR reform and implementation actions.</td>
<td>Low, Low</td>
</tr>
<tr>
<td>Risk 3</td>
<td></td>
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</tr>
<tr>
<td>Operational</td>
<td>Resistance to change on the part of regional citizens to using the various modes of ADR as an alternative to litigation</td>
<td>Ensure that strong change management strategies, including public information and communication, are used as well as regional championing by the UWI, Attorneys General, Chief Justices, regional bar associations and regional private sector organisations. With the input of the Heads of regional Judiciaries into the development agenda and a change strategy that is regional in nature, scope and extent, success possibilities will be considerably</td>
<td>Low, Low</td>
</tr>
<tr>
<td>Risk 4</td>
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<tr>
<td>Developmental Risk 1</td>
<td>Institutional capacity and governance - There is a risk that key stakeholders such as drafters or attorneys-at-law would resist the proposed practices, policy and legislation.</td>
<td>The University and partners would increase understanding among beneficiaries through ongoing consultation, sharing of research, and integration of the concerns of these stakeholders into the Project approach and proposals for action. Ensure that Attorneys General approve of initiatives, especially in relation to drafting legislation before any work is undertaken and seek comments from Parliamentary Counsel at every step and include them in final review consultations on model legislation. Sensitize attorneys as to their role in the mediation process and the ways in which the speedy resolution of matters by the parties themselves will free the time of attorneys to work on other matters.</td>
<td>High</td>
</tr>
<tr>
<td>Developmental Risk 2</td>
<td>Natural disasters, environmental, health deterioration - There is a risk that natural disasters would disrupt the Project and destroy key documents.</td>
<td>The Project and partners will develop a disaster mitigation strategy before programme implementation which includes storing documents off-site, in different countries, moving activities to other countries as appropriate, and storing important documents in electronic format. The University and partners will train staff in emergency procedures, store important documents in electronic format, store documents off-site and move activities to other countries as appropriate.</td>
<td>Low</td>
</tr>
<tr>
<td>Developmental Risk 3</td>
<td>National funding constraints may impede the ability of regional governments to financially subscribe to ADR reform initiatives, especially in relation to Restorative Justice.</td>
<td>Develop a sustainability plan in the third year of the life of the IMPACT Justice Project and start taking steps at the Project, OECS Commission and CARICOM levels to ensure that regional policy makers in strategic government and regional private sector institutions agree with, and subscribe to, its contents.</td>
<td>Low</td>
</tr>
<tr>
<td>Financial Risk</td>
<td>Fiduciary risk</td>
<td>The Fiduciary Risk Evaluation Tool assessed the level of working with the University of the West Indies, Cave Hill Campus as Very Low.</td>
<td>Very Low</td>
</tr>
</tbody>
</table>
### ANNEX D: SUMMARY WORK BREAKDOWN STRUCTURE

<table>
<thead>
<tr>
<th>WBS 1100</th>
<th>WBS 2100</th>
<th>WBS 2200</th>
<th>WBS 3100</th>
<th>WBS 4100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increased access by CARICOM Member States to gender equitable and environmentally-sensitive regional model laws and new or amended national laws</td>
<td>Enhanced gender-responsive accountability framework which includes the upgrade of skills of the legal profession in CARICOM Member States</td>
<td>Improved equitable access by the public (men, women, youth and businesses) to legal information in CARICOM Member States</td>
<td>Increased training of ADR practitioners and increased equitable access by women, men, youth and businesses to ADR, RJ and community-based peace-building services in CARICOM Member States</td>
<td>Project Management</td>
</tr>
<tr>
<td>1110 Gender-equitable and environmentally-sensitive model CSME and other laws drafted and presented to the CARICOM Legal Affairs Committee for approval 1110.1 Draft gender-equitable and environmentally-sensitive model CSME and other laws for presentation to CARICOM Legal Affairs Committee for approval</td>
<td>2110 A model Legal Profession Act with a revised Code of Ethics, disciplinary and accounting procedures drafted in consultation with national and regional bar associations and CARICOM Member States</td>
<td>2210 Case law and other legal databases established or expanded</td>
<td>3110 The development of a region-wide ADR training policy and accreditation system facilitated</td>
<td>4110 Project managed efficiently</td>
</tr>
<tr>
<td>1120 Gender-sensitive online and other courses on legislation and treaty drafting in UWI, UG and other programmes supported 1120.1 Support a gender-equitable and treaty drafting curriculum for an introductory UWI LLB Level III course on legislation and treaty drafting 1120.2 Provide assistance to students enrolling in UWI, UG and other programmes in legislative drafting</td>
<td>2120 A model Legal Profession Act with revised Code of Ethics and revised disciplinary and accounting procedures</td>
<td>2210.1 Expand CariLaw database</td>
<td>3110.1 Facilitate the development of a region-wide ADR training policy and accreditation system</td>
<td>4110.1 Manage Project Implementation Plan (PIP) preparation</td>
</tr>
<tr>
<td>1130 Manuals on (1) Treaty drafting (2) instructions for legislative drafters and (3) procedures for legislative drafters prepared 1130.1 Prepare a gender</td>
<td>2120.2 Upgrade CariLaw search engine and interface</td>
<td>2210.2 Upgrade CariLaw search engine and interface</td>
<td>3120 The establishment of networks and service points to provide gender-responsive ADR and community-based peace-building services using existing infrastructure</td>
<td>4110.2 Establish and convene Project Steering Committee, Project Management Committee and Technical Advisory Groups</td>
</tr>
<tr>
<td>2210.3 Establish a marketing strategy for CariLaw 2210.4 Establish WILIP online 2210.5 Establish Caribbean Law Review online 2210.6 Establish West Indian Law Journal online</td>
<td>2210.3 Establish a marketing strategy for CariLaw</td>
<td>2210.4 Establish WILIP online</td>
<td>3120.1 Establish networks and service points to provide gender-responsive ADR and community-based peace-building services using existing infrastructure</td>
<td>4110.3 Manage Project (local employees, consultants, goods, assets and supplies)</td>
</tr>
<tr>
<td>2220 Upgrading regional law libraries by provision of staff training and legal materials 2220.1 Train staff of law libraries in legal research techniques and information service delivery (m/f/y) 2220.2 Purchase legal materials for the library collections of the Faculties of Law, UWI, the University of Guyana and the Anton de Kom University of Suriname 2220.3 Establish a regional collection of law journals (WILIP) and provide access to the regional online search engine and interface</td>
<td>2220 Upgrading regional law libraries by provision of staff training and legal materials</td>
<td>2220.1 Train staff of law libraries in legal research techniques and information service delivery (m/f/y)</td>
<td>3130 Gender-sensitive ADR training courses for women, men, youth and businesses delivered in association with ADR service providers in CARICOM Member States</td>
<td>4110.4 Manage day-to-day operations</td>
</tr>
<tr>
<td>2220.4 Expand CariLaw database 2220.5 Establish Caribbean Law Review online 2220.6 Establish West Indian Law Journal online</td>
<td>2220.4 Expand CariLaw database</td>
<td>2220.5 Establish Caribbean Law Review online</td>
<td>3130.1 Provide gender-sensitive ADR training courses for women, men, youth and businesses in association with ADR service providers in CARICOM Member States</td>
<td>4110.5 Report semi-annually and annually on Project progress</td>
</tr>
<tr>
<td>3130 Gender-sensitive ADR training courses for women, men, youth and businesses delivered in association with ADR service providers in CARICOM Member States</td>
<td>2220.5 Establish Caribbean Law Review online</td>
<td>2220.6 Establish West Indian Law Journal online</td>
<td>3130.1 Provide gender-sensitive ADR training courses for women, men, youth and businesses in association with ADR service providers in CARICOM Member States</td>
<td>4110.6 Manage and report on financial aspects of project</td>
</tr>
<tr>
<td>3130.2 Expand CariLaw database 3130.3 Establish Caribbean Law Review online 3130.4 Establish West Indian Law Journal online</td>
<td>2220.6 Establish West Indian Law Journal online</td>
<td>2220.6 Establish West Indian Law Journal online</td>
<td>3130.2 Expand CariLaw database</td>
<td>4110.7 Establish public relations mechanisms and perform regular and required communications and liaison activities</td>
</tr>
<tr>
<td>3130.3 Expand CariLaw database 3130.4 Establish Caribbean Law Review online 3130.5 Establish West Indian Law Journal online</td>
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<td>3130.11 Expand CariLaw database 3130.12 Establish Caribbean Law Review online 3130.13 Establish West Indian Law Journal online</td>
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<td>3130.11 Expand CariLaw database</td>
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<td>3130.19 Expand CariLaw database 3130.20 Establish Caribbean Law Review online 3130.21 Establish West Indian Law Journal online</td>
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<tr>
<td>3130.22 Expand CariLaw database 3130.23 Establish Caribbean Law Review online 3130.24 Establish West Indian Law Journal online</td>
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<td>3130.22 Expand CariLaw database</td>
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<tr>
<td>3130.23 Expand CariLaw database 3130.24 Establish Caribbean Law Review online 3130.25 Establish West Indian Law Journal online</td>
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<td>3130.23 Expand CariLaw database</td>
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<tr>
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<td>3130.25 Expand CariLaw database</td>
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<td>3130.26 Expand CariLaw database</td>
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<tr>
<td>Task ID</td>
<td>Task Description</td>
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</tr>
<tr>
<td>1130.1</td>
<td>Conduct a survey of legal education in the region</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1130.2</td>
<td>Prepare a manual of instructions for legislative drafters for government ministries, departments and agencies</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1130.3</td>
<td>Prepare a manual on procedures for legislative drafters</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2130.1</td>
<td>Design and deliver legal education programmes and courses for the public (women, men, youth and businesses)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2130.2</td>
<td>Provide the findings of the survey to governments of CARICOM Member States</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2230.1</td>
<td>Conduct a survey of legal education programmes and courses for the public (women, men, youth and businesses)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>2230.2</td>
<td>Provide the findings of the survey to governments of CARICOM Member States</td>
<td></td>
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<tr>
<td>2230.3</td>
<td>Prepare a manual on procedures for legislative drafters</td>
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<tr>
<td>2230.4</td>
<td>Workshops and gender sensitive public education delivered, in association with the JURIST Project and other stakeholders to share knowledge about ADR, RJ and community-based peace-building benefits and training initiatives</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>3140.1</td>
<td>Deliver regional gender equitable workshops and gender sensitive public education, in association with the JURIST Project and other stakeholders, to share knowledge about ADR, RJ and community-based peace-building benefits and training initiatives</td>
<td></td>
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</tr>
</tbody>
</table>
## ANNEX E: FULL PROJECT BUDGET BY ELIGIBLE BUDGET CATEGORIES, 2014-2019

<table>
<thead>
<tr>
<th>Summary of Eligible Budget Categories</th>
<th>DFATD</th>
<th>Organisation in-kind</th>
<th>Other Organisations</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Remuneration/Fees</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2 Remuneration – Local Employees¹</td>
<td>3,765,000</td>
<td>450,000</td>
<td>40,000</td>
<td>4,255,000</td>
</tr>
<tr>
<td>1.4 Fees – Subcontractors</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regional/International Consultants</td>
<td>2,340,000</td>
<td>200,000</td>
<td>685,000</td>
<td>3,225,000</td>
</tr>
<tr>
<td>Local Consultants</td>
<td>500,000</td>
<td></td>
<td></td>
<td>500,000</td>
</tr>
<tr>
<td>Canadian Sub-Consultants</td>
<td>1,000,000</td>
<td></td>
<td></td>
<td>1,000,000</td>
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<tr>
<td>Sub-Total – Fees – Subcontractors</td>
<td>$3,840,000</td>
<td>$200,000</td>
<td>$685,000</td>
<td>$4,725,000</td>
</tr>
<tr>
<td>Sub-Total – Remuneration/Fees</td>
<td>$7,605,000</td>
<td>$650,000</td>
<td>$725,000</td>
<td>$8,980,000</td>
</tr>
<tr>
<td>1.6 Reimbursable costs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.6.1 Travel Costs</td>
<td>4,500,697</td>
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<td>95,000</td>
<td>4,595,697</td>
</tr>
<tr>
<td>1.6.4 Other Training Costs²</td>
<td>3,725,858</td>
<td>140,000</td>
<td>370,000</td>
<td>4,235,858</td>
</tr>
<tr>
<td>1.6.6. Goods, Assets and Supplies</td>
<td>151,000</td>
<td>540,000</td>
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<td>691,000</td>
</tr>
<tr>
<td>1.6.7 Administration Costs Directly Related to the Initiative</td>
<td>1,160,302</td>
<td>405,000</td>
<td>75,000</td>
<td>1,640,302</td>
</tr>
<tr>
<td>Sub-Total – Category – Reimbursable Costs</td>
<td>9,537,857</td>
<td>1,085,000</td>
<td>540,000</td>
<td>11,162,857</td>
</tr>
<tr>
<td>Total – Remuneration /Fees and Reimbursable Costs Eligible for the Application of the Overhead</td>
<td>17,142,857</td>
<td>1,735,000</td>
<td>1,265,000</td>
<td>20,142,857</td>
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<tr>
<td>1.7 Allowance for Indirect/Overhead Costs (12%)</td>
<td>2,057,143</td>
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<td>2,057,143</td>
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<tr>
<td>TOTAL CONTRIBUTION TO THE PROJECT</td>
<td>19,200,000</td>
<td>1,735,000</td>
<td>1,265,000</td>
<td>22,200,000</td>
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<tr>
<td>TOTAL PROJECT VALUE</td>
<td></td>
<td></td>
<td></td>
<td>$22,200,000</td>
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</tbody>
</table>

**NOTES**

1. Remuneration – Local Employees includes remuneration for Project Director, Manager, two Project Officers, a Project Assistant, part time staff as needed and also provision for payment of the staff of UWI, UG and University of Suriname who undertake work for the Project.

2. 1.6.3 Training Costs was changed to 1.6.4 Other Training Costs to comply with DFATD requirements. This category includes funding for workshops, conferences, training of attorneys-at-law, law library staff, legal information training for the public, training courses in legislative drafting at the LL.B., Diploma and LLM levels, ADR training and development of databases.
### ANNEX F: FULL PROJECT BUDGET BY ELIGIBLE BUDGET CATEGORIES, 2014-2019 (EXPANDED VERSION)

<table>
<thead>
<tr>
<th>Summary of Eligible Budget Categories</th>
<th>DFATD Qtr 1</th>
<th>DFATD Qtr 2</th>
<th>DFATD Qtr 3</th>
<th>DFATD Qtr 4</th>
<th>Total Year 1</th>
<th>DFATD Year 2</th>
<th>DFATD Year 3</th>
<th>DFATD Year 4</th>
<th>DFATD Year 5</th>
<th>TOTAL</th>
<th>DFATD</th>
<th>Organisations in Kind</th>
<th>Other Organisations</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td>1. Remuneration/Fees</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>1.2 Remuneration - Local Employees</td>
<td>53,552</td>
<td>108,000</td>
<td>150,000</td>
<td>150,000</td>
<td>461,552</td>
<td>500,000</td>
<td>934,482</td>
<td>934,482</td>
<td>934,482</td>
<td>3,765,000</td>
<td>450,000</td>
<td>40,000</td>
<td>4,255,000</td>
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<tr>
<td>1.4 Fees – Subcontractors</td>
<td></td>
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</tr>
<tr>
<td>Regional/International Consultants</td>
<td>9,692</td>
<td>108,667</td>
<td>88,515</td>
<td>69,937</td>
<td>217,647</td>
<td>589,584</td>
<td>469,602</td>
<td>383,425</td>
<td>2,340,000</td>
<td>200,000</td>
<td>685,000</td>
<td>3,225,000</td>
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<tr>
<td>Local Consultants</td>
<td>1,644</td>
<td>23,250</td>
<td>10,000</td>
<td>9,164</td>
<td>44,058</td>
<td>112,769</td>
<td>143,710</td>
<td>104,357</td>
<td>95,106</td>
<td>500,000</td>
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<td>365,010</td>
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<tr>
<td>Canadian Sub-Consultants</td>
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<td>10,000</td>
<td>31,211</td>
<td>236,000</td>
<td>238,135</td>
<td>257,932</td>
<td>236,722</td>
<td>1,000,000</td>
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<td></td>
<td>575,623</td>
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<td></td>
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<tr>
<td>Sub-Total - Fees – Subcontractors</td>
<td>11,336</td>
<td>143,128</td>
<td>108,515</td>
<td>69,937</td>
<td>332,916</td>
<td>938,353</td>
<td>1,021,587</td>
<td>715,253</td>
<td>3,840,000</td>
<td>200,000</td>
<td>685,000</td>
<td>4,725,000</td>
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<tr>
<td>Sub-Total - Category - Remuneration/Fees</td>
<td>64,888</td>
<td>251,128</td>
<td>258,515</td>
<td>219,937</td>
<td>794,468</td>
<td>1,438,353</td>
<td>1,956,071</td>
<td>1,766,373</td>
<td>1,649,735</td>
<td>7,605,000</td>
<td>650,000</td>
<td>725,000</td>
<td>8,980,000</td>
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<tr>
<td>1.6 Reimbursable costs</td>
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<td></td>
</tr>
<tr>
<td>1.6.1 Travel Costs</td>
<td>59,410</td>
<td>10,000</td>
<td>206,537</td>
<td>105,907</td>
<td>381,854</td>
<td>561,381</td>
<td>1,415,735</td>
<td>1,183,048</td>
<td>958,679</td>
<td>4,500,697</td>
<td>95,000</td>
<td>4,595,697</td>
<td></td>
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</tr>
<tr>
<td>1.6.4 Other Training Costs</td>
<td>670</td>
<td>1,764</td>
<td>183,110</td>
<td>81,850</td>
<td>267,394</td>
<td>1,214,966</td>
<td>790,830</td>
<td>734,316</td>
<td>718,352</td>
<td>3,725,858</td>
<td>140,000</td>
<td>370,000</td>
<td>4,235,858</td>
<td></td>
</tr>
<tr>
<td>1.6.6 Goods, Assets and Supplies</td>
<td>9,301</td>
<td>41,358</td>
<td>12,100</td>
<td>12,100</td>
<td>74,859</td>
<td>19,036</td>
<td>19,035</td>
<td>19,035</td>
<td>19,035</td>
<td>19,035</td>
<td>151,000</td>
<td>540,000</td>
<td>691,000</td>
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<tr>
<td>1.6.7 Administration Costs Directly Related to the Initiative</td>
<td>21,733</td>
<td>20,000</td>
<td>70,000</td>
<td>150,000</td>
<td>261,733</td>
<td>210,000</td>
<td>284,012</td>
<td>202,279</td>
<td>202,278</td>
<td>1160,302</td>
<td>405,000</td>
<td>75,000</td>
<td>1,640,302</td>
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<tr>
<td>Sub-Total - Category - Reimbursable Costs</td>
<td>91,114</td>
<td>73,122</td>
<td>471,747</td>
<td>349,857</td>
<td>985,840</td>
<td>2,005,383</td>
<td>2,509,612</td>
<td>2,138,678</td>
<td>1,898,344</td>
<td>9,537,857</td>
<td>1,085,000</td>
<td>540,000</td>
<td>11,162,858</td>
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</tr>
<tr>
<td>Total - Remuneration/Fees and Reimbursable Costs Eligible for the Application of the Overhead</td>
<td>156,002</td>
<td>324,250</td>
<td>730,262</td>
<td>569,794</td>
<td>1,780,308</td>
<td>3,443,736</td>
<td>4,465,683</td>
<td>3,905,051</td>
<td>3,548,079</td>
<td>17,142,857</td>
<td>1,735,000</td>
<td>1,265,000</td>
<td>20,142,858</td>
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## Summary of Eligible Budget Categories

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<th>DFATD</th>
<th>DFATD</th>
<th>DFATD</th>
<th>DFATD</th>
<th>DFATD</th>
<th>Organisation in Kind</th>
<th>Other Organisations</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>18,720</td>
<td>38,910</td>
<td>87,631</td>
<td>68,375</td>
<td>213,637</td>
<td>413,248</td>
<td>535,882</td>
<td>468,606</td>
<td>425,769</td>
<td>2,057,143</td>
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<td>2,057,143</td>
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**TOTAL CONTRIBUTION TO THE PROJECT**

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<th>DFATD</th>
<th>DFATD</th>
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<th>DFATD</th>
<th>Organisation in Kind</th>
<th>Other Organisations</th>
<th>TOTALS</th>
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<tbody>
<tr>
<td>174,722</td>
<td>363,160</td>
<td>817,893</td>
<td>638,169</td>
<td>1,993,945</td>
<td>3,856,984</td>
<td>5,001,565</td>
<td>4,373,657</td>
<td>3,973,848</td>
<td>19,200,000</td>
<td>1,735,000</td>
<td>1,265,000</td>
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**TOTAL PROJECT VALUE**

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<td>22,200,000</td>
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</table>
## IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT JUSTICE) PROJECT
### PROJECT IMPLEMENTATION PLAN

## ANNEX G: ANNUAL WORKPLAN BUDGET BY WORK BREAKDOWN STRUCTURE, 2014-2019

<table>
<thead>
<tr>
<th>IMPACT Project - Project Implementation Plan, 9 Month and Annual Workplan Budget</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
<th>Total Years 1 - 5</th>
<th>Organisation in-kind</th>
<th>Other Organisations</th>
<th>TOTAL</th>
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</thead>
<tbody>
<tr>
<td><strong>Budget by WBS</strong></td>
<td>April 14 - March 15</td>
<td>April 15 - March 16</td>
<td>April 16 - March 17</td>
<td>April 17 - March 18</td>
<td>April 18 - March 19</td>
<td></td>
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</tr>
<tr>
<td><strong>WBS 1100: Increased access by CARICOM Member States to gender equitable and environmentally sensitive regional model laws and new or amended national laws</strong></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>1110.1 Draft gender equitable and environmentally sensitive model CSME and other laws for presentation to CARICOM LAC for approval</td>
<td>$140,000</td>
<td>$356,000</td>
<td>$1,555,800</td>
<td>$1,422,600</td>
<td>$1,303,012</td>
<td>$4,777,412</td>
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</tr>
<tr>
<td>Travel</td>
<td>$68,000</td>
<td>$100,000</td>
<td>$778,833</td>
<td>$712,333</td>
<td>$577,540</td>
<td>$2,236,706</td>
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<td>Training</td>
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<td>$75,000</td>
<td>$161,692</td>
<td>$328,667</td>
<td>$223,770</td>
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<td>$1,712,477</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td>$140,000</td>
<td>$356,000</td>
<td>$1,555,800</td>
<td>$1,422,600</td>
<td>$1,303,012</td>
<td>$4,777,412</td>
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<tr>
<td>1120.1 Support gender equitable legislation and treaty drafting curriculum for introductory UWI LLB Level 111 course on legislation and treaty drafting</td>
<td>$4,394</td>
<td>$12,000</td>
<td>$1,858</td>
<td>$1,859</td>
<td>$1,859</td>
<td>$21,970</td>
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<td>Travel</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Training</td>
<td>$4,394</td>
<td>$12,000</td>
<td>$1,858</td>
<td>$1,859</td>
<td>$1,859</td>
<td>$21,970</td>
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<tr>
<td>Consultancy</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td>$4,394</td>
<td>$12,000</td>
<td>$1,858</td>
<td>$1,859</td>
<td>$1,859</td>
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<td>1120.2 Provide assistance to students enrolling in UWI, UG and other undergraduate and post graduate programmes in legislative drafting</td>
<td>$70,000</td>
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## IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT JUSTICE) PROJECT

### PROJECT IMPLEMENTATION PLAN

#### IMPACT Project - Project Implementation Plan, 9 Month and Annual Workplan Budget

<table>
<thead>
<tr>
<th>Budget by WBS</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
<th>Total Years 1 - 5</th>
<th>Organisation in-kind</th>
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<td>April 14 - March 15</td>
<td>April 15 - March 16</td>
<td>April 16 - March 17</td>
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1130.1 Prepare a Treaty drafting manual

| Travel                                                                       | $34,256 | $0      | $0      | $0      | $0      | $34,256           |                     |                   |                  |
| Training                                                                      | $37,244 | $0      | $0      | $0      | $0      | $37,244           |                     |                   |                  |
| Consultancy                                                                   | $6,500  | $0      | $0      | $0      | $0      | $6,500            |                     |                   |                  |
| TOTAL                                                                         | $78,000 | $0      | $0      | $0      | $0      | $78,000           |                     |                   |                  |

1130.2 Prepare a manual of instructions for legislative drafters for government ministries, departments and agencies

| Travel                                                                       | $14,000 | $0      | $0      | $0      | $0      | $14,000           |                     |                   |                  |
| Training                                                                      | $11,500 | $0      | $0      | $0      | $0      | $11,500           |                     |                   |                  |
| Consultancy                                                                   | $4,500  | $0      | $0      | $0      | $0      | $4,500            |                     |                   |                  |
| TOTAL                                                                         | $30,000 | $0      | $0      | $0      | $0      | $30,000           |                     |                   |                  |

1130.3 Prepare a manual on procedures for drafters

| Travel                                                                       | $14,000 | $0      | $0      | $0      | $0      | $14,000           |                     |                   |                  |
| Training                                                                      | $11,500 | $0      | $0      | $0      | $0      | $11,500           |                     |                   |                  |
| Consultancy                                                                   | $4,500  | $0      | $0      | $0      | $0      | $4,500            |                     |                   |                  |
| TOTAL                                                                         | $30,000 | $0      | $0      | $0      | $0      | $30,000           |                     |                   |                  |

Total WBS 1100

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<th>Year 4</th>
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## IMPACT Project - Project Implementation Plan, 9 Month and Annual Workplan Budget

### Budget by WBS

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<tr>
<th>WBS 2100: Enhanced gender-responsive accountability framework which includes the upgrade of skills of the legal profession in CARICOM Member States</th>
<th>Year 1</th>
<th>Year 2</th>
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<th>Organisation in-kind</th>
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<td>April 15 - March 16</td>
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<td><strong>2110.1</strong> Draft a model Legal Profession Act with revised Code of Ethics and revised disciplinary and accounting procedures</td>
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<td><strong>2130.2</strong> Provide the findings of the survey to governments of CARICOM Member States</td>
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Funded by the Government of Canada

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24
# IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT JUSTICE) PROJECT
## PROJECT IMPLEMENTATION PLAN

### IMPACT Project - Project Implementation Plan, 9 Month and Annual Workplan Budget

<table>
<thead>
<tr>
<th>Budget by WBS</th>
<th>Year 1</th>
<th>Year 2</th>
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<tr>
<td></td>
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<td>TOTAL WBS 2100</td>
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<table>
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<th>WBS 2200: Improved equitable access by the legal profession and the public (m/f/y/b) to legal information in CARICOM Member States</th>
<th>Travel</th>
<th>Training</th>
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<tbody>
<tr>
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<tr>
<td>Consultancy</td>
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<td>$10,336</td>
<td>$77,000</td>
<td>$0</td>
<td>$87,336</td>
</tr>
</tbody>
</table>

| 2210.2 Upgrade CariLaw search engine and interface          | $18,000 | $66,000  |             | $84,000 |
| Travel                                                      |         |          |             |       |
| Training                                                    |         |          |             |       |
| Consultancy                                                 | $18,000 | $66,000  |             | $84,000 |
| TOTAL                                                       | $18,000 | $66,000  |             | $84,000 |

| 2210.3 Establish a marketing strategy for CariLaw            | $10,000 |         |             | $10,000 |
| Travel                                                      |         |          |             |       |
| Training                                                    |         |          |             |       |
| Consultancy                                                 | $10,000 |         |             | $10,000 |
| TOTAL                                                       | $10,000 | $0       |             | $10,000 |

| 2210.4 Establish WiLIP Online                                | $35,400 | $65,000  |             | $100,400 |
| Travel                                                      |         |          |             |       |
| Training                                                    |         |          |             |       |

## TOTAL WBS 2100
- Organisation in-kind: $449,500
- Other Organisations: $230,000
- TOTAL: $747,500
## IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT JUSTICE) PROJECT
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*Funded by the Government of Canada*
# IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT JUSTICE) PROJECT
## PROJECT IMPLEMENTATION PLAN

### IMPACT Project - Project Implementation Plan, 9 Month and Annual Workplan Budget

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### WBS 2200: 2230 Design and deliver education programmes and courses for the public (m/f/y/b)

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<td>Training</td>
<td>$24,500</td>
<td>$145,800</td>
<td>$49,734</td>
<td>$46,234</td>
<td>$43,233</td>
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<tr>
<td>Consultancy</td>
<td>$5,500</td>
<td>$100,800</td>
<td>$49,734</td>
<td>$46,234</td>
<td>$43,233</td>
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<tr>
<td>TOTAL</td>
<td>$30,000</td>
<td>$291,600</td>
<td>$99,467</td>
<td>$92,467</td>
<td>$86,466</td>
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### TOTAL WBS 2200

<table>
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<tr>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
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<th>$68,000</th>
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<tr>
<td>$110,336</td>
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### WBS 3100: Increased training of ADR practitioners and increased equitable access by women, men, youth and businesses to ADR, RJ and community-based peace-building services in CARICOM Member States

<table>
<thead>
<tr>
<th>Activity</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
<th>Total Years 1 - 5</th>
<th>Organisation in-kind</th>
<th>Other Organisations</th>
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<tbody>
<tr>
<td>3110.1</td>
<td>$70,000</td>
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<tr>
<td>Training</td>
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</table>
## IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT JUSTICE) PROJECT
### PROJECT IMPLEMENTATION PLAN

### IMPACT Project - Project Implementation Plan, 9 Month and Annual Workplan Budget

<table>
<thead>
<tr>
<th>WBS Code</th>
<th>Description</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
<th>Total Years 1 - 5</th>
<th>Organisation in-kind</th>
<th>Other Organisations</th>
</tr>
</thead>
<tbody>
<tr>
<td>3120.1</td>
<td>Establish networks and service points to provide gender responsive ADR and community-based peace-building services using existing infrastructure</td>
<td>$50,000</td>
<td>$25,000</td>
<td>$25,000</td>
<td>$0</td>
<td>$100,000</td>
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<tr>
<td></td>
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<td>$44,589</td>
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<td></td>
<td>Training</td>
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<td>$24,161</td>
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<td>Consultancy</td>
<td>$18,750</td>
<td>$6,250</td>
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<td>TOTAL</td>
<td>$50,000</td>
<td>$25,000</td>
<td>$25,000</td>
<td>$0</td>
<td>$100,000</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>3130.1</td>
<td>Provide gender sensitive ADR training courses for women, men, youth and businesses in association with ADR service providers in CARICOM Member States</td>
<td>$78,124</td>
<td>$506,100</td>
<td>$750,187</td>
<td>$786,000</td>
<td>$604,618</td>
<td>$2,725,029</td>
<td>$780,986</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Travel</td>
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<td>$135,381</td>
<td>$298,312</td>
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<tr>
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<td>Training</td>
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<td>$111,569</td>
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<tr>
<td></td>
<td>TOTAL</td>
<td>$78,124</td>
<td>$506,100</td>
<td>$750,187</td>
<td>$786,000</td>
<td>$604,618</td>
<td>$2,725,029</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3140.1</td>
<td>Deliver regional gender equitable workshops and gender sensitive public education, in association with the JURIST Project and other stakeholders, to share knowledge about ADR, RJ and community-based peace-building benefits and training initiatives</td>
<td>$40,000</td>
<td>$50,000</td>
<td>$155,000</td>
<td>$140,000</td>
<td>$115,000</td>
<td>$500,000</td>
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<tr>
<td></td>
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<td>$27,500</td>
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<tr>
<td></td>
<td>Training</td>
<td>$18,000</td>
<td>$12,500</td>
<td>$38,750</td>
<td>$35,000</td>
<td>$28,750</td>
<td>$133,000</td>
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<tr>
<td></td>
<td>Consultancy</td>
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<td>$12,500</td>
<td>$38,750</td>
<td>$35,000</td>
<td>$58,750</td>
<td>$150,000</td>
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</tbody>
</table>
# IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT JUSTICE) PROJECT

## PROJECT IMPLEMENTATION PLAN

### IMPACT Project - Project Implementation Plan, 9 Month and Annual Workplan Budget

<table>
<thead>
<tr>
<th>Budget by WBS</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
<th>Total Years 1 - 5</th>
<th>Organisation in-kind</th>
<th>Other Organisations</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>April 14 - March 15</td>
<td>April 15 - March 16</td>
<td>April 16 - March 17</td>
<td>April 17 - March 18</td>
<td>April 18 - March 19</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>TOTAL</td>
<td>$40,000</td>
<td>$50,000</td>
<td>$155,000</td>
<td>$140,000</td>
<td>$115,000</td>
<td>$500,000</td>
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<tr>
<td>TOTAL WBS 3100</td>
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### WBS 4110: Project Management

<table>
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<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
<th>Total Years 1 - 5</th>
<th>Organisation in-kind</th>
<th>Other Organisations</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manage PIP preparation (subcontractors, training and travel)</td>
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<tr>
<td>TOTAL</td>
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<td>$226,308</td>
<td>$226,308</td>
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</table>

### Establish TAGS:

1. Legal Drafting and Training Technical Assistance Group
2. Legal Profession and Education TAG
3. Legal Databases TAG
4. Public Legal Education TAG
5. ADR, RJ and Community-Based Peace-Building TAG

<table>
<thead>
<tr>
<th>Activity</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
<th>Total Years 1 - 5</th>
<th>Organisation in-kind</th>
<th>Other Organisations</th>
<th>TOTAL</th>
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</thead>
<tbody>
<tr>
<td>Travel</td>
<td>$100,000</td>
<td>$26,000</td>
<td>$211,340</td>
<td>$211,330</td>
<td>$211,330</td>
<td>$760,000</td>
<td>$760,000</td>
<td>$760,000</td>
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</tr>
<tr>
<td>Training</td>
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<td></td>
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<td></td>
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<tr>
<td>Consultancy</td>
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<td></td>
<td></td>
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<tr>
<td>TOTAL</td>
<td>$100,000</td>
<td>$26,000</td>
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<td>$760,000</td>
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### Manage Project (Remuneration local employees)

<table>
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<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
<th>Total Years 1 - 5</th>
<th>Organisation in-kind</th>
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</thead>
<tbody>
<tr>
<td>Manage Project</td>
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<td>$934,482</td>
<td>$934,482</td>
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### Manage Project (Goods Assets and Supplies)

<table>
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<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
<th>Total Years 1 - 5</th>
<th>Organisation in-kind</th>
<th>Other Organisations</th>
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<tbody>
<tr>
<td>Manage Project</td>
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### IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT JUSTICE) PROJECT
### PROJECT IMPLEMENTATION PLAN

#### IMPACT Project - Project Implementation Plan, 9 Month and Annual Workplan Budget

<table>
<thead>
<tr>
<th>Budget by WBS</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
<th>Total Years 1 - 5</th>
<th>Organisation in-kind</th>
<th>Other Organisations</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>April 14 - March 15</td>
<td>April 15 - March 16</td>
<td>April 16 - March 17</td>
<td>April 17 - March 18</td>
<td>April 18 - March 19</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Administrative costs directly related to the Initiative</td>
<td>$261,733</td>
<td>$210,000</td>
<td>$284,012</td>
<td>$202,279</td>
<td>$202,278</td>
<td>$1,160,302</td>
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<tr>
<td>TOTAL WBS 4100</td>
<td>$1,124,452</td>
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<td>$6,062,610</td>
<td>$1,395,000</td>
<td>$115,000</td>
<td>$7,572,610</td>
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<tr>
<td>SUBTOTAL</td>
<td>$1,780,306</td>
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<td>$4,465,683</td>
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<td>$3,548,080</td>
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<td>$1,735,000</td>
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<td>$20,142,857</td>
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<tr>
<td>Allowance for indirect/overhead costs (12%)</td>
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<td></td>
<td>$2,057,143</td>
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<tr>
<td>TOTAL DFATD CONTRIBUTION TO THE PROJECT</td>
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<tr>
<td>TOTAL PROJECT VALUE</td>
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<td>$19,200,000</td>
<td>$1,735,000</td>
<td>$1,265,000</td>
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</table>

#### RECONCILIATION WITH BUDGET BY ELIGIBLE CATEGORIES

<table>
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<tr>
<th>Category</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL TRAVEL</td>
<td>$381,854</td>
<td>$561,381</td>
<td>$1,415,735</td>
<td>$1,183,048</td>
<td>$958,679</td>
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<tr>
<td>TOTAL CONSULTANCY</td>
<td>$332,915</td>
<td>$938,353</td>
<td>$1,021,587</td>
<td>$831,892</td>
<td>$715,254</td>
<td>$3,840,000</td>
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<tr>
<td>TOTAL TRAINING</td>
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<td>$1,214,966</td>
<td>$790,830</td>
<td>$734,317</td>
<td>$718,353</td>
<td>$3,725,858</td>
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Funded by the Government of Canada | Canada
## ANNEX H: PROJECT IMPLEMENTATION SCHEDULE, 2014-2019

<table>
<thead>
<tr>
<th>Activities</th>
<th>Schedule of Activities by Year and by Quarter</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Year 1</td>
</tr>
<tr>
<td></td>
<td>Q1</td>
</tr>
<tr>
<td><strong>WBS 1100: Increased access by CARICOM Member States to gender equitable and environmentally-sensitive regional model laws and new or amended national laws</strong></td>
<td></td>
</tr>
<tr>
<td>1110.1 Draft gender equitable and environmentally-sensitive model CSME and other laws for presentation to CARICOM Legal Affairs Committee for approval</td>
<td></td>
</tr>
<tr>
<td>1120.1 Support a gender equitable legislation and treaty drafting curriculum for an introductory UWI LLB Level III course on legislation and treaty drafting</td>
<td></td>
</tr>
<tr>
<td>1120.2 Provide assistance to students enrolling in UWI and other undergraduate and post graduate programmes in legislative drafting</td>
<td></td>
</tr>
<tr>
<td>1130.1 Prepare a gender sensitive treaty drafting manual</td>
<td></td>
</tr>
<tr>
<td>1130.2 Prepare a manual of instructions for legislative drafters for government ministries, departments and agencies</td>
<td></td>
</tr>
<tr>
<td>1130.3 Prepare a manual on procedures for legislative drafters</td>
<td></td>
</tr>
<tr>
<td><strong>WBS 2100: Enhanced gender-responsive accountability framework which includes the upgrade of skills of legal profession in CARICOM Member States</strong></td>
<td></td>
</tr>
<tr>
<td>2110.1 Draft a model Legal Profession Act with revised Code of Ethics and revised disciplinary and accounting procedures</td>
<td></td>
</tr>
<tr>
<td>2120.1 Design and deliver gender sensitive continuing legal professional development courses in association with national and regional bar associations (m/f/y)</td>
<td></td>
</tr>
<tr>
<td>2130.1 Conduct a survey of legal education in the region</td>
<td></td>
</tr>
<tr>
<td>2130.2 Provide the findings of the survey to governments of CARICOM Member States</td>
<td></td>
</tr>
<tr>
<td><strong>WBS 2200: Improved equitable access by the legal profession and the public (m/f/y/b) to legal information in CARICOM Member States</strong></td>
<td></td>
</tr>
<tr>
<td>Activities</td>
<td>Schedule of Activities by Year and by Quarter</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Year 1</td>
</tr>
<tr>
<td></td>
<td>Q1</td>
</tr>
<tr>
<td>2210.1 Expand CariLaw database</td>
<td></td>
</tr>
<tr>
<td>2210.2 Upgrade CariLaw search engine and interface</td>
<td></td>
</tr>
<tr>
<td>2210.3 Establish a marketing strategy for CariLaw</td>
<td></td>
</tr>
<tr>
<td>2210.4 Establish WILIP Online</td>
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</tr>
<tr>
<td>2210.5 Establish Caribbean law Review Online</td>
<td></td>
</tr>
<tr>
<td>2210.6 Establish West Indian Law Journal Online</td>
<td></td>
</tr>
<tr>
<td>2220.1 Train staff of law libraries in legal research techniques and information service delivery (m/f/y)</td>
<td></td>
</tr>
<tr>
<td>2220.2 Purchase legal materials for the library collections of the Faculties of Law, UWI, the University of Guyana and the Anton de Kom University of Suriname</td>
<td></td>
</tr>
<tr>
<td>2230.1 Design and deliver legal education programmes and courses for the public (m/f/y/b)</td>
<td></td>
</tr>
</tbody>
</table>

**WBS 3100: Increased training of ADR practitioners and increased equitable access by women, men, youth and businesses to ADR, RJ and community-based peace-building services in CARICOM Member States**

<table>
<thead>
<tr>
<th>Activities</th>
<th>Schedule of Activities by Year and by Quarter</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Year 1</td>
</tr>
<tr>
<td></td>
<td>Q1</td>
</tr>
<tr>
<td>3110.1 Facilitate the development of a region-wide ADR training policy and accreditation system</td>
<td></td>
</tr>
<tr>
<td>3120.1 Establish networks and service points to provide gender responsive ADR and community-based peace-building services using existing infrastructure</td>
<td></td>
</tr>
<tr>
<td>3130.1 Provide gender sensitive ADR training courses for women, men, youth and businesses in association with ADR service providers in CARICOM Member States</td>
<td></td>
</tr>
<tr>
<td>3140.1 Deliver regional gender equitable workshops and gender sensitive public education, in association with the JURIST Project and other stakeholders, to share knowledge about ADR, RJ, and community-based peace-building benefits and training initiatives</td>
<td></td>
</tr>
</tbody>
</table>
# IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT JUSTICE) PROJECT
## PROJECT IMPLEMENTATION PLAN

<table>
<thead>
<tr>
<th>Activities</th>
<th>Schedule of Activities by Year and by Quarter</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Year 1</td>
</tr>
<tr>
<td></td>
<td>Q1</td>
</tr>
<tr>
<td>WBS 4100: Project Management</td>
<td></td>
</tr>
<tr>
<td>4110.1 Manage Project Implementation Plan (PIP) preparation</td>
<td></td>
</tr>
<tr>
<td>4110.2 Establish and convene Project Committees</td>
<td></td>
</tr>
<tr>
<td>4110.3 Manage Project (local employees, consultants, goods, assets and supplies)</td>
<td></td>
</tr>
<tr>
<td>4110.4 Monitor day-to-day operations</td>
<td></td>
</tr>
<tr>
<td>4110.5 Report semi-annually and annually on Project progress</td>
<td></td>
</tr>
<tr>
<td>4110.6 Manage and report on financial aspects of project</td>
<td></td>
</tr>
<tr>
<td>4110.7 Establish public relations mechanisms and perform regular and required communications and liaison activities</td>
<td></td>
</tr>
</tbody>
</table>
### ANNEX I: FACT FINDING MISSIONS UNDERTAKEN BY PIU APRIL – JULY, 2014

<table>
<thead>
<tr>
<th>Dates of Travel</th>
<th>Country</th>
<th>Persons Interviewed</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 14 – 18, 2014</td>
<td>Jamaica</td>
<td>High Commissioner Ready, DFATD Office, and Mr. Vivian Gray, Senior Development Officer, DFATD Office, Kingston, Hon. Mark Golding, Minister of Justice; Prof. Derrick McKoy, UWI; Dr. Eileen Boxhill, Ministry of Justice, Mr. Paul Hines, CEO, Dispute Resolution Foundation.</td>
</tr>
<tr>
<td>April 29- May 2</td>
<td>St. Lucia</td>
<td>Hon. V. Philip LaCorbiniere, Minister of Justice; Chief Parliamentary Counsel, OECS Director General Dr. Didacus Jules</td>
</tr>
<tr>
<td>May 28 – 31, 2014</td>
<td>Suriname</td>
<td>His Excellency, Edward Belfort, Minister of Justice, Permanent Secretary, Ministry of Justice, Deputy Chief Parliamentary Counsel, Head, law Department, University of Suriname, Librarian, University of Suriname, Max Ooft, Association of Indigenous Village Leaders of Suriname</td>
</tr>
<tr>
<td>June 17 – 19, 2014</td>
<td>Guyana</td>
<td>Hon. A. Nandlal, Attorney General, Mr. Daniel Joly, First Secretary, DFATD, Ms. Marcella-Thompson, Development Officer, DFATD, General Counsel and Deputy General Counsel, CARICOM Secretariat, Dean, Faculty of Social Sciences, Head, Law Dept., and lecturers, Law Dept., University of Guyana</td>
</tr>
<tr>
<td>June 25 – 29, 2014</td>
<td>Belize</td>
<td>Mr. Allen Whylie, Commissioner and Mr. Miguel Segura, Deputy Commissioner of Police, Ms. Mary Vasquez, Programme Director, Restore Belize, Mr. Derek Courtenay, Attorney-at-Law, Ms. Kim Aikman, CEO, Chamber of Commerce and Industry and Mrs. Kay Menzies, Pat President, Belize Chamber of Commerce and Industry</td>
</tr>
<tr>
<td>July 11 – 12, 2014</td>
<td>Trinidad</td>
<td>President, Caribbean Court of Justice, Mr. Don Rose, Mr. Bob Hann and Mrs. Gloria Richards-Johnson, PIP Consultants, JURIST Project</td>
</tr>
</tbody>
</table>
# IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT JUSTICE) PROJECT

## PROJECT IMPLEMENTATION PLAN

### ANNEX J: ADR CONSULTANTS’ TRAVEL SCHEDULE AND LIST OF PERSONS INTERVIEWED

<table>
<thead>
<tr>
<th>DATE</th>
<th>TRAVEL SCHEDULE</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 11, 2014</td>
<td>Jamaica to Barbados</td>
</tr>
<tr>
<td>May 13, 2014</td>
<td>Barbados to Saint Lucia</td>
</tr>
<tr>
<td>May 15, 2014</td>
<td>Saint Lucia to Saint Vincent</td>
</tr>
<tr>
<td>May 17, 2014</td>
<td>Saint Vincent to Grenada</td>
</tr>
<tr>
<td>May 20, 2014</td>
<td>Grenada to Trinidad and Tobago</td>
</tr>
<tr>
<td>May 24, 2014</td>
<td>Trinidad and Tobago to Guyana</td>
</tr>
<tr>
<td>May 28-29, 2014</td>
<td>Guyana to Suriname via Trinidad and Tobago</td>
</tr>
<tr>
<td>May 31, 2014</td>
<td>Suriname to Jamaica via Trinidad and Tobago</td>
</tr>
<tr>
<td>June 8, 2014</td>
<td>Jamaica to Antigua</td>
</tr>
<tr>
<td>June 10, 2014</td>
<td>Antigua to Saint Kitts</td>
</tr>
<tr>
<td>June 14, 2014</td>
<td>Saint Kitts to Dominica via Antigua</td>
</tr>
<tr>
<td>June 17, 2014</td>
<td>Dominica to Jamaica via Puerto Rico and Miami</td>
</tr>
<tr>
<td>June 26, 2014</td>
<td>Jamaica to Belize via Miami</td>
</tr>
<tr>
<td>June 29, 2014</td>
<td>Belize to Barbados</td>
</tr>
<tr>
<td>July 3, 2014</td>
<td>Barbados to Jamaica via Miami</td>
</tr>
</tbody>
</table>

### LIST OF PERSONS INTERVIEWED

#### BARBADOS

**Meetings of 12th May 2014**
- Mr. Roosevelt King - BANGO – Barbados Association of Non-Governmental Organizations
- Mr. Ralph Boyce - MESA -Men’s Educational Support Association
- Mr. Rodney Grant-Head of Association of NGO’s and Pinelands Creative Workshop

**Meetings of 13th May 2014**
- Ms. Nalita Gajadar - Bureau of Gender Affairs
- Mr. Kumar Hithiramani- President of the ADR Association of Barbados
- Lady Marie McCormack Simmons - Member of the ADR Association of Barbados
- Lady Beverley Walrond QC - Member of the ADR Association of Barbados
- Inspector David Wilshire, Director of Research, Royal Barbados Police Force (conducted on 30/6/14)
## ST. LUCIA

**Meetings of 14\(^{th}\) May 2014**
- Ms. Shan Greer-Armyt, President, Dispute Resolution Association
- Mr. Gregory Girard-Court Administrator, Eastern Caribbean Supreme Court
- Ms. Leonore St. Croix- Office Manager, Eastern Caribbean Supreme Court
- Ms. Michelle Theobalds-Executive Assistant to the Chief Justice, Eastern Caribbean Supreme Court
- Mr. Francis Letang- Director of Projects, Eastern Caribbean Supreme Court
- Mr. Francis Compton- Regional Mediation Coordinator, Eastern Caribbean Supreme Court

## ST. VINCENT

**Meetings of 16\(^{th}\) May 2014**
- Mrs. Tamara Gibson-Marks - Registrar of the High Court and Mediation Coordinator
- Mr. Simon Kamara – Mediator, Real Estate Agent

## GRENADA

**Meetings of 19\(^{th}\) May 2014**
- Mr. Franklyn Redhead - Deputy Commissioner of Police
- Madam Justice Margaret Price-Findlay - Senior High Court Judge
- Mr. Anderson Simon – Director of the Child Protection Authority

**Meetings of 20\(^{th}\) May 2014**
- Mrs. Meryl Forsythe – Mediation Coordinator
- Reverend Osbert James - Pastor of the Presbyterian Church

## TRINIDAD AND TOBAGO

**Meetings of 21\(^{st}\) May 2014**
- Chief Justice Ivor Archie - Chief Justice of the High Court of Trinidad & Tobago
- Justice Vasheist Kokaram - High Court Judge & Chairman of the Mediation Board of Trinidad & Tobago
- Ms. Janelle Frederick - Executive Assistant to the Chairman of the Mediation Board of Trinidad & Tobago
- Ms. Beverly Britain - Director of the Dispute Resolution Centre

**Meetings of 22\(^{nd}\) May 2014**
- Ms. Fariza Shaama Seecheran - Director of the National Centre for Dispute Resolution, Ministry of Health/Prime Minister’s Office / Ministry of Legal Affairs
- Justice Anthony Gafoor- Chairman – Tax Appeal Board of Trinidad & Tobago/ Member of the Board of Directors of the Mediation Board of Trinidad & Tobago
- Sir Dennis Byron -President of the Caribbean Court of Justice
- Mr. Don Rose -Project Manager (Interim) CCJ IMPACT Project
- Justice Malcolm Holdip - Judge in the High Court of Trinidad & Tobago and Judge of the Drug Court

## GUYANA

**Meetings of May 26, 2014**
- Mr. Christopher Ram-Chartered Accountant and Attorney-at-Law
- Mr. Teni Housty- Director, Mediation Institute of Guyana; Attorney-at-Law, University of Guyana Lecturer
- Ms. Jamal Ali- Director, Mediation Institute
- Ms. Emily Dodson - Vice-President, Mediation Institute
- Mr. Colin Chichester- Director Court-Annexed Mediation Centre
## IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT JUSTICE) PROJECT
### PROJECT IMPLEMENTATION PLAN

#### Meetings of May 27, 2014
- Ms. Marcella Thompson - Development Officer, DFATD
- Mr. Daniel, Joly-First Secretary, DFATD
- Ms. Margaret Kertzious - Director, Help & Shelter NGO

#### SURINAME

#### Meetings of May 29, 2014
- Mrs. Agnes Daniel - Commissioner of Police
- Mrs. Betty Goede - Chairperson, Organization of Justice and Peace

#### Meetings of May 30, 2014
- His Excellency Edward Belfort - Minister of Justice and Police
- Mr. Max Ooft - Director, Bureau of the Indigenous Organisation, VIDS
- Mr. Henk Naarendorp - Chairman, Chamber of Commerce

#### ANTIGUA

#### Meetings June 9, 2014
- Dr. Christopher Malcolm - Attorney General, British Virgin Islands

#### Meetings June 10, 2014
- Ms. Tracy Samuel - Deputy Registrar
- Ms. Jan Peltier - Judicial Research Officer
- Sandra Richards - Court of Appeal Clerk (former Mediator)
- Mr. Kelvin John - Past President of the Antigua Bar Association / Mediator
- Dr. Errol Samuel - President, Chamber of Commerce
- Hon. Justin Simon, Q.C. - Attorney General

#### ST. KITTS AND NEVIS:

#### Meetings of June 11, 2014
- Dr. Celvin Walwyn - Commissioner of Police

#### Meetings of June 12, 2014
- Ms. Azilla Clarke - Director, Social Services and Community Development, Ministry of Social Development Services, Community Development, Culture & Gender Affairs

#### Meetings of June 13, 2014
- Ms. Teslyn Flanders - Mediation Coordinator
- Mrs. Simone Bullen-Thompson, Solicitor General
- Ms. Merida Cable - Crown Counsel

#### DOMINICA

#### Meetings of June 16, 2014
- His Excellency Dr. Nicholas Liverpool, former Head of State
- Mr. Julian Johnson - Director Integrity Commission
- Mr. Ossie Walsh - High Court Registrar & Mediation Coordinator
- Mr. Daniel Carbon - Commissioner of Police

#### BELIZE

#### Meetings of June 27, 2013
- Ms. Marydelene Vasquez - Program Director, Restore Belize
IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT JUSTICE) PROJECT
PROJECT IMPLEMENTATION PLAN

- Mr. Allen Whylie - Commissioner of Police
- Mr. Miguel Segura - Assistant Commissioner of Police
- Hon. Kenneth Benjamin - Chief Justice
- Mr. Justice Courtney Abel - Supreme Court Judge
- **Mediation Coordinator**
  - Mr. Derrick Courtney - Attorney-at-Law
  - Ms. Kim Aikman, CEO - Belize Chamber of Commerce & Industry
  - Ms. Kay Menzies - Past President, Belize Chamber of Commerce & Industry

**JAMAICA**

*Meeting June 5, 2014*
Mr. Paul Hines, Chief Executive Officer, Dispute Resolution Foundation

*Meeting July 7, 2014*
Mrs. Carol Palmer, Permanent Secretary, Ministry of Justice
ANNEX K: ALTERNATIVE DISPUTE RESOLUTION (ADR) – SOME DEFINITIONS

Arbitration

Arbitration is a form of ADR used for the resolution of disputes outside the legal system. The parties to a dispute refer it to one or more persons, and agree to be bound by the arbitration decision. The Arbitrator or Arbitrators review(s) the evidence in the case and impose(s) a decision that is legally binding on both sides and is enforceable in the courts. One of the difficulties with the use of Arbitration identified by Member State arbitrators is the high cost.

Conciliation

Conciliation is the process of adjusting or settling disputes in a friendly manner through extra-judicial means. It means bringing two opposing sides together to reach a compromise in an attempt to avoid taking a case to trial. The parties to the dispute use a conciliator, a third party, who meets with them separately in an attempt to resolve their differences. Conciliation may be used to reduce points of difference before a trial takes place, or, in cases where the parties reach an agreement, to avoid trials. It is typically used in family matters and in fact, some family related legislation in the region provides that parties must seek use this method before they approach the court. The conciliation process, in and of itself, has no legal standing, and the conciliator usually has no authority to seek evidence or call witnesses, usually writes no decision, and makes no award. Conciliation is less structured than the process of Arbitration, and is mainly used in labour disputes before arbitration.

Mediation

Like conciliation, mediation requires a neutral third party to facilitate discussion between parties to help them reach a mutually satisfactory agreement and may be used before and after the parties have sought relief from the court. Court-Annexed Mediation, in which the courts appoint persons as mediators, and appoint a coordinator to schedule cases to be heard, is the most used form of ADR in the region. In some countries members of the community who are trained as mediators also hear matters outside the court system.

Restorative Justice

RJ has been described as a philosophy and theory of justice that recognises that wrongdoing is harm done to persons and that their relationships rather than to the State. The main goal of RJ is to provide opportunities for both victims and offenders to be involved in finding ways of holding the offender accountable for his or her offending act, and as far as possible, repair the harm caused to the victim and the community. The focus is therefore not on the attainment of retributive justice, but on the acknowledgment and repair of the harm done, reintegration and restoration of relationships with a view to preventing future occurrence of the harm. The process often includes police cautions, victim-offender mediation and family therapy. RJ is most often utilised within the context of crime, but is also used in schools, churches and communities.

Community Peace Building (CPB)

This is a preventative measure to stop conflicts before they escalate. Violent crime is often a result of a failure to contain confrontation and is seen by many as the only solution. Integral to the success of CPB is enhancing the skills set of community front line police officers and community leaders (especially leaders of youth groups). This includes providing them with the same basic mediation and conflict resolution training as is provided to community leaders with whom they should work to gain the trust of persons in the community who are predisposed to solving problems by resorting to violence.
ANNEX L: ADR Regional Survey Report

Regional Alternative Dispute Resolution Survey

Prepared for the

Improved Access to Justice in the Caribbean Project (IMPACT)
Caribbean Law Institute Centre, University of the West Indies

By

Dennis Darby, LL.B.; LL.M.; Attorney-at-Law, Development Consultant

With the assistance of Shireen Wilkinson, B.A.; LL.B.; LL.M.; Attorney-at-Law

July 2014
Acknowledgements

I wish to thank Professor Velma Newton, IMPACT Project Director, for her valuable guidance and support during the course of this assignment. Her indefatigable efforts in ensuring that all aspects of the survey were completed in an efficient, timely and cost-effective manner were highly appreciated. High recognition is also offered to the members of her team for their diligence in arranging our hotel, travel and interview schedules. We would not have been able to carry out this assignment without their tireless efforts.

Special thanks are in order for the excellent assistance provided by Attorney-at-Law Shireen Wilkinson who accompanied me to the interviews in ten of the twelve survey countries. Her constant efforts in capturing the essence of the interviews as well as writing a précis of the relevant laws governing regional ADR are highly appreciated.

I also wish to acknowledge the seventy individuals in twelve (12) Caribbean countries who took time from their busy schedules to speak to us and to complete Questionnaires on the status of ADR in their respective countries. We were impressed with their commitment to improving access to the delivery of justice in the region and for their comprehensive insights on those things that need to be achieved in their national jurisdictions before such improved access can become a reality.

The opinions expressed in this report are those of the author and do not necessarily reflect the views of the IMPACT Project or the wider University of the West Indies community. As the author of this report I am solely responsible for all errors and/or omissions.

Dennis Darby
July 2014
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1. List of Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADR</td>
<td>Alternative Dispute Resolution</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women</td>
</tr>
<tr>
<td>CLIC</td>
<td>Caribbean Law Institute Centre of the UWI</td>
</tr>
<tr>
<td>CAIC</td>
<td>Caribbean Association of Industry and Commerce</td>
</tr>
<tr>
<td>CARICOM</td>
<td>Caribbean Community</td>
</tr>
<tr>
<td>CCJ</td>
<td>Caribbean Court of Justice</td>
</tr>
<tr>
<td>DFATD</td>
<td>Canadian Department of Foreign Affairs, Trade and Development</td>
</tr>
<tr>
<td>DRF</td>
<td>Dispute Resolution Foundation of Jamaica</td>
</tr>
<tr>
<td>ECSC</td>
<td>Eastern Caribbean Supreme Court</td>
</tr>
<tr>
<td>ICC</td>
<td>International Chamber of Commerce</td>
</tr>
<tr>
<td>IDR</td>
<td>Institute for Dispute Resolution in Africa</td>
</tr>
<tr>
<td>IMPACT</td>
<td>CIDA Improved Access to Justice in the Caribbean Project</td>
</tr>
<tr>
<td>JEI</td>
<td>Justice Education Institute of the Eastern Caribbean Supreme Court</td>
</tr>
<tr>
<td>JEMS</td>
<td>Judicial Enforcement Management System</td>
</tr>
<tr>
<td>JP</td>
<td>Justice of the Peace</td>
</tr>
<tr>
<td>LRIDA</td>
<td>Labour Relations and Industrial Disputes Act, Jamaica</td>
</tr>
<tr>
<td>OCCBA</td>
<td>Organisation of Commonwealth Caribbean Bar Associations</td>
</tr>
<tr>
<td>OECS</td>
<td>Organization of Eastern Caribbean States</td>
</tr>
<tr>
<td>PMI</td>
<td>Peace Management Institute of Jamaica</td>
</tr>
<tr>
<td>RJ</td>
<td>Restorative Justice</td>
</tr>
<tr>
<td>RM</td>
<td>Resident Magistrate</td>
</tr>
<tr>
<td>UNCITRAL</td>
<td>United Nations Commission on International Trade</td>
</tr>
<tr>
<td>UWI</td>
<td>University of the West Indies</td>
</tr>
</tbody>
</table>
2. Executive Summary

The primary methodologies used by the consultant to obtain information were literature and legislation searches and reviews, information obtained from a select universe of regional persons who provided answers to a Questionnaire disseminated by the IMPACT Project which was designed to elicit current information on ADR status; and structured interviews with seventy stakeholders in twelve (12) CARICOM Countries.¹

After analysing the Questionnaires for trends under various subject headings, the consultant incorporated the findings into the report under various subject headings.

The consultant presented preliminary consultancy findings to the IMPACT Project Director in two Interim Reports that were presented after the conclusion of the first and second travel legs of the consultancy and attended a participatory workshop with regional Attorneys General, Parliamentary Draftsmen and representatives of Regional Bar Associations in Bridgetown, Barbados in May 2014. Prior to the drafting of the final report, the consultant incorporated relevant findings gleaned from the conduct of a Regional ADR Conference in Jamaica which was initiated by the Dispute Resolution Foundation of Jamaica over the period July 10-12, 2014.

Questionnaire Data Gathering Limitations:
1. It would have been ideal for the research to include all professionals who render Mediation, Conciliation, Restorative Justice, Peace-Building and Arbitration services. However, due to time and budget constraints, this could not be achieved.

2. The nature of this study required the use of many open-ended questions. This posed some amount of challenge in statistically analyzing the data and drawing comparisons from the responses.

Common needs and priorities:
The consultant distilled from the interviews and background research five priority areas of reform across the region all of which are inextricably linked to the development of strong and efficient regional ADR interventions. These are:

Case Backlogs:
Were the most frequently expressed impediment to justice access in the twelve countries visited. Backlogs affect civil and criminal cases alike, and are particularly severe in Magistrate’s Courts, which handle about 95 percent of cases that come before the courts. Some Magistrate’s Courts have hundreds of unresolved cases dating back five years or more, thus denying justice to thousands.² It should be noted though that the Chief Justice of Barbados has issued a Practice Direction in 2013 which seeks to deal with High Court civil actions “filed under the Rules of the Supreme Court 1982, within the period January 1, 1990 and September 30, 2009 and which remains undetermined.” For the purposes of this Practice Direction, a Judge, a Master or the Registrar of the Supreme Court may exercise the powers.³

¹ Antigua & Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica; St. Kitts & Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad & Tobago.
² Justice Reform In CARICOM: Analysis and Programming Options by J. Mark Stiles and Dennis Darby.
³ Barbados, Practise Direction No. 1 Of 2013: Backlog Reduction/Status Hearings.
**Policy approaches and strategies to underpin justice reforms and the political will to implement those approaches and strategies are lacking in some countries:**
In a few cases, policy-making capacity is weak and in others fiscal constraints, misunderstanding and competing interests impede the development of policy. In most other cases, policy development is considerably handicapped by the lack of access to the relevant ADR development statistics by policymakers, which could considerably guide planning for improvements in the various ADR functional areas.

**Access to Justice Deficiencies:**
The twelve countries visited have common access to justice deficiencies, among them: under-funded ADR delivery mechanisms; the absence of mandatory referral to mediation, except in the case of Jamaica; a dearth of ADR programs being delivered in community settings; the relative absence of Restorative Justice Programs that are supported by legislative underpinnings; lack of specialized persons trained in Arbitration; Arbitration Acts that are not current; and the lack of sustained public education programmes concerning ADR and the rights of citizens.

**Professional Development:**
Potential training opportunities for those working in the ADR fields have not been adequately utilised and many opportunities that now exist to utilise the online method for disseminating regional ADR training, to enable the acquisition of further skills, are not being efficiently exploited. This is the case even though there are capable persons in the region who can undertake this responsibility, utilising the presently existing robust regional technology infrastructure.

**Use of Justices of the Peace for ADR community outreach:**
It was the view of a significant number of interviewees through eleven of the twelve countries visited that Justices of the Peace were a neglected resource in the development of ADR in the region in that their functions were legislatively confined for the most part to the authentication of documents for the public when they could be an important resource for settling various types of community disputes thus preventing many civil and criminal cases from reaching the formal court system. In many of the countries, the prevailing opinion was that the political party forming the Government of the day selected JP’s using political considerations. The consensus of opinions canvassed was that the JP’s represented a vast untapped resource for the development and implementation of ADR interventions in the community setting.

**Sustainability Planning:**
While the twelve countries visited have laudable ongoing and future development plans for the more comprehensive incorporation of ADR into their access to justice mosaic, what seems missing in all of them is a comprehensive sustainability plan for ADR delivery and maintenance over time and certainly after that period when external development funding, as will be provided by the IMPACT Project ends. It is strongly recommended that all sustainability planning taking place seek to include members of the Canadian Diaspora from the regional countries many of whom wish to make tangible and enduring development commitments that benefit their countries of origin.

---

4 This was not found to be the case in Jamaica where its approximately 6,000 JP’s were actively utilised in the settlement of various community disputes, either singly or in combination in various Petty Sessions Courts throughout the country.
General Findings:
Mediation as an ADR tool is still at a fledging stage in the Caribbean as there is a pervasive culture that offers palpable resistance to the idea that a dispute with one’s neighbour can be settled otherwise than by the parties having their “day in court” or that they can get value for their money by means of an alternative method of resolution of a conflict. Abiola Inniss has asserted that community life in the Caribbean shows a culture containing a “mixture of stereotypes, prejudices, superstitions and beliefs which often compound the issues of what justice is and what is expected of it in the mind of the average citizen.”

Strengthening the Rule of Law through ADR design, reform and implementation is critically important to CARICOM member states according to all of the Caribbean stakeholders with whom the consultants met. It is anticipated that the design, reform, and implementation of ADR initiatives in the regional countries visited will actively contribute to the strengthening of their Rule of Law environments. This strengthening will have consequential access to justice beneficial spin-offs for regional citizens, be catalytic in attracting local and foreign capital investments and significantly reduce case backlogs in regional court systems.

One overarching problem being faced by sector representatives in all twelve countries visited was the backlog of civil and criminal cases in their High Courts and Magistrates Courts. The existence of these case backlogs seems to strongly make the case for a more coordinated and extensive use of ADR in the region as a means of reducing them to levels where justice is readily accessible by the regional citizenry. As has been stated, “If litigants of modest means cannot afford to seek their remedies in the traditional court system, they will be forced to find other means to obtain relief. Some may simply give up out of frustration. Should this come to pass, the civil justice system as we know it will become irrelevant to the majority of our population. Our courts and the legal profession must adapt to the changing needs of the society that we serve.”

Although the justice sectors in the twelve countries visited face serious problems, with particular reference to case backlogs and high levels of debt and debt servicing that make new investments in access to justice reform initiatives problematic, they have many strengths, including independent judiciaries, specific regimes for the training and certification of mediators and many skilled and highly motivated persons throughout the countries and within regional organizations such as the University of the West Indies who are committed to providing assistance to effect sustainable reform.

Lessons Learned:
The consultant identified the following lessons from conversations with stakeholders and the review of relevant documentation:

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5 Mediation in Caribbean Justice- Abiola Inniss, August 2011, @ https://www.mediate.com/articles/InnissAI.cfm. Ms. Inniss, a Legal Consultant, is a mediator and member of the Chartered Institute of Arbitrators, United Kingdom.
6 For case clearance rates in the OECS Countries, see Figure 3:Clearance Rates of cases by Member State, 2012, page 49, Eastern Caribbean Supreme Court Annual Report, 2012-2013.
8 See Alternative Dispute Resolution (ADR): An Antidote to Court Congestion, 2007, by Felix Adewumi.
• An approach to ADR strengthening and reform that is comprehensive, holistic and iterative is most likely to lead to the achievement of sustainable results;

• Political and Judicial leaders from the region must provide support to ADR development and reform efforts;

• To achieve sustainability, country ADR reform and implementation efforts must be buttressed by institutional support provided by appropriate regional institutions as well as members of the regional Diaspora in Canada;

• Successful ADR reform will require the passage of legislation in certain regional beneficiary countries. This reality requires the development of realistic performance timelines on the part of affected regional governments and progress may be uneven from one country to another;

• All regional ADR reform efforts should take place within the context of existing gender realities and constraints; and

• Ongoing monitoring and evaluation efforts are essential for the success of ADR development and reform initiatives.\(^{10}\)

Conclusions:
The effective completion of regional ADR reforms and their interconnectedness with formal regional court systems are among the most critical challenges inherent in implementing a successful regional ADR reform program. It will require a keen awareness of the reforms proposed for implementation by the CCJ that is implementing judicial reforms, and some associated ADR elements, under a separate arm of the IMPACT programme. The consultant however concludes that although the challenges are substantial, there is much scope for cooperation between both projects in the interest of cohesive regional development. As was said by Lord Woolf, the architect of the major reform of the UK Justice system which lead to new Civil Procedure Rules in 1998, “The availability and use of mediation is always important but the present financial situation has made its use, whenever possible, essential. No one can afford to ignore the benefits it offers.”\(^{11}\)

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\(^{10}\) On this point, see Justice Adrian Saunders on page 11 of his document entitled “The St. Lucia experience and the Role of the Judicial Officer in Court-connected Mediation.”

\(^{11}\) See Mediation in Caribbean Justice by Abiola Inniss, August 2011.
3. Introduction

1. Overview of Project

The Improved Access to Justice in the Caribbean Project (IMPACT) was developed from recommendations made by regional justice sector stakeholders at a series of meetings held in the Bahamas and Trinidad and Tobago in 2011 for a comprehensive reform of the sector. Two mutually reinforcing projects were recommended—one concentrating on the courts and judiciary (the DFATD JURIST Project) and the other on civil society. The Caribbean Court of Justice and the University of the West Indies were the institutions identified as having the capacity to implement these projects. In late 2012 they submitted proposals to CIDA, which were approved in 2013/2014 by the Canadian Department of Foreign Affairs, Trade and Development (DFATD) (of which CIDA was by then a Division). Both projects commenced on April 1, 2014 and the civil society project is being implemented under a Contribution Agreement between DFATD and the University of the West Indies, Cave Hill Campus. The Project Implementation Unit is headquartered within the Caribbean Law Institute Centre of the Faculty of Law at the Cave Hill Campus in Bridgetown, Barbados.

Adversarial litigation is a hallmark of the English Common Law system bequeathed to Commonwealth Caribbean countries by the colonial experience. The customary legal traditions of indigenous peoples were forcefully supplanted by a justice system that emphasized a combative and less accessible style of dispute resolution. As our societies have become more litigious, Caribbean Regional Court Systems found themselves teetering under large and growing caseloads, ranging the gamut from criminal to family and commercial matters. According to a recent edition of the Caribbean Human Development Report, “[c]ase processing delays and backlogs have had a debilitating effect on criminal justice systems in the Caribbean.” A number of factors have contributed adversely to the growing caseloads of regional courts such as increased crime, limited staffing and technology in courts, in some cases deliberate delaying tactics by counsel and the increasing litigiousness of the regional citizenry, most of whom want to “have their day in Court.” The cumulative effect of these factors works to slow the wheels of our regional justice systems to a tortuous grind, which is frustrating to judicial officials and painful to justice seekers who have in some territories in the region resorted to self-help measures to obtain justice. The growing caseloads in regional courts have piqued the interests of administrators, judges, academicians and other distinguished groups in seeking to find ways to supplement the workings of the formal justice systems in the region. Particular attention is being paid to the possibility of expanding ADR mechanisms that can provide assistance in this critical area of regional development, hence the conduct of this survey. As has been clearly articulated, “No civilized society can remain stable without a mechanism whereby its members can resolve their disputes peacefully and, where necessary, in a binding fashion. The alternative to such a mechanism is chaos at best, and unbridled violence at worst. Unreasonable delay in the disposition of disputes is, indeed the enemy of justice and peace in the community. It leads to unreasonable costs. It breeds inaccessibility. It fosters frustration, and frustrates fairness. The administration of justice falls into disrepute.”

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12 In a 1986 Hamlyn Lecture on “The Fabric of English Civil Justice,” given by Sir Jack Jacob, he said “By exalting the role of the parties and their lawyers, the English adversary system has the effect of setting the parties against each other as opponents or antagonists, or even as foes and enemies, who must be vanquished in the forensic combat.”


14 Members of Ontario Civil Justice Committee when it submitted its first report on March 7, 1995 to the Chief Justice and Attorney General (Pages 2 & 3 under heading “The Need for the Review.”)
While there are civil and criminal case backlogs in the twelve countries visited, the need for change in the status quo has been openly recognised and expressed by high officials in the judicial system. As an example, in her remarks at the Opening Ceremony at a JEI/UWI Mediation Training Programme held in St. Lucia in February 2013, Chief Justice Janice Pereira of the OECS Eastern Caribbean Supreme Court stated that “the time is right to revisit the manner in which the mediation process is utilized in our jurisdiction, and to make the necessary adjustments to ensure that we maximize its full potential by placing greater dependency on the mediation process. The time is right for formally extending the mediation process to other areas-most notably in the area of family proceedings.” Similarly, Sir Marston Gibson, the Chief Justice of Barbados in alluding to the massive backlog of civil cases in the Barbados Court System stated, “ADR allows for people to solve their own cases themselves rather than leave them to a judge who may favour the plaintiff or may favour the defendant or favour neither person. So you end up with neither person being happy.” The Chief Justice of Trinidad and Tobago has also recently said that “I should not pass from the subject of operational excellence so far as it relates to the question of delay reduction without mentioning the expanded ADR pilot involving a mix of mediation and settlement conferencing. It was conceived as a one year project and so it is not yet complete, but the early signs are encouraging and in line with expectations. We anticipate a 60% to 70% settlement rate in both limbs and a continued high level of satisfaction with the process from participants.” Finally, in alluding to the estimated 400,000 criminal cases backlogged in the Jamaican court system, Justice Gloria Smith during the 2012 opening ceremony of the Jamaica Circuit Court said, “The fact is that many cases – both civil and criminal – are coming into the courts at a rapid rate but the resources, physical and financial, are not enough to address the situation.”

In compiling this survey of regional ADR, the following assumptions were made:

- Larger states and those which already utilise court-annexed mediation via either legislation or practice direction will have greater policy and legislative frameworks for mediation and conciliation;
- States with economies that focus on the financial sector for foreign investment will have a greater policy and legislative framework for Arbitration;
- Governmental signatories to international conventions and treaties, for example Grenada, Guyana and Suriname are not signatories to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards which will affect their policy and legislative frameworks for arbitration;
- That countries that have high income levels that exceed the international development assistance thresholds of DFATD and are part of the sovereign jurisdiction of states that are not Caribbean, for example Bahamas and Montserrat respectively, were not considered eligible project beneficiaries;
- States with greater crime and re-offending rates will have greater need to utilise legislative and policy frameworks for Restorative Justice;

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15 See page 10, Eastern Caribbean Supreme Court Annual Report, 2012-2013
16 See Barbados Today, June 22, 2013.
17 Address by the Honourable Chief Justice Ivor Archie at the opening of the 2013/2014 Law Term in Trinidad & Tobago, September 16, 2013.
18 Jamaica Observer, April 13, 2012.
Government policies on access to information, for example, certain states operate an open policy on web-based access to information that will enhance the availability of information on policy and legislation;

The proposed ADR implementation recommendations that are made in this survey assume a direct causal linkage between strong access to justice and the achievement of economic growth in regional economies\(^\text{19}\); and

Because of the regional nature of the IMPACT Project, project implementation interventions should be undertaken through the utilization of existing regional mechanisms to the furthest extent possible.

2. Difficulties encountered:
   (i) Difficulties in obtaining current figures on case backlogs and mediation case settlement rates in most regional countries having regard to the relatively non-systematic collection of this type of information.

   (ii) The different levels of ADR acceptance and utilisation of ADR techniques (with particular reference to Conciliation and Restorative Justice) in regional countries posed a difficulty in ascertaining a common base on which those countries that wish to utilise more ADR interventions could proceed.

   (iii) Despite documented successes, there is still resistance by many litigants to using mediation as an alternative to litigation. A significant number of citizens wanted “to have their day in Court.”

3. The main reform implementation risks foreseen and proposed risk mitigation strategies are as follows:

<table>
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<tr>
<th>Risks</th>
<th>Mitigation Strategy</th>
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<tr>
<td>The ADR reform agenda of the larger regional countries will not necessarily accord with the priorities of the smaller countries.</td>
<td>Fully engage all regional country representatives in the detailed planning processes and obtain their inputs on all critical ADR reform and implementation actions.</td>
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<td>High levels of debt and debt servicing obligations on the part of regional countries make contributions to sustainable ADR interventions problematic.</td>
<td>The case for strengthening/establishing ADR systems to reduce civil and criminal case backlogs to levels that ensure that the needs of regional citizens for prompt resolution of their disputes are met, is a strong one that has close links with greater economic well being and improved access to justice, all of which are necessary elements for national and regional stability. The regional nature of the UWI and its role as premier legal educational institution in the region provides an opportunity for a strong policy dialogue mechanism to be established at the wider OECS and CARICOM levels.</td>
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<tr>
<td>Resistance to change on the part of regional citizens to using the</td>
<td>Ensure that strong change management strategies, including public information and communication, are used as well as regional championing by the UWI, regional Attorneys General, regional Chief Justices, regional Bar</td>
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</tbody>
</table>

### Risks

| Various modes of ADR as an alternative to litigation. |
| Associations, regional private sector organisations as well as the President of the Caribbean Court of Justice. With the input of the Heads of regional Judiciaries into the development agenda and a change strategy that is regional in nature, scope and extent, success possibilities will be considerably enhanced. |

| National funding constraints may impede the ability of regional governments to financially subscribe to ADR reform initiatives. |
| Develop a Sustainability Plan in the third year of the life of the IMPACT Project and start taking steps at the IMPACT Project/ CARICOM levels to ensure that regional policy-makers in strategic Government and regional private sector institutions agree with, and subscribe to, its contents. Regional Diaspora Group members in Canada should be isolated early and asked to commit as soon as possible to the contents and aspirations of the Sustainability Plan. |

| Widespread public disillusionment of regional citizens with the pace at which disputes are resolved by the formal justice system and lack of knowledge of ADR alternatives. |
| Design and disseminate appropriate public education programs to apprise regional publics on the functioning of their court systems and their achievements, while providing periodic updates on the progress of ADR reform and sustainability efforts. Also provide opportunities for public feedback and monitoring of proposed and actual ADR reforms. |

| Dormant Mediation Committees in OECS Countries that were active in previous years. |
| Establish Mediation Committees in all countries that did not previously have them and ensure that they are re-activated in those countries that previously used them. |

| Regional limitations on availability of statistical information on Mediation, Conciliation, Arbitration, Community Peace Building & Restorative Justice |
| Work with regional High Courts, Magistrates Courts, Court-Connected Mediation Service Points and private Mediation Service providers in the various countries to ensure that OECS Mediation information is accurately recorded in the Judicial Enforcement Management System active in all the OECS Countries and that there is interconnectivity between the JEMS system and a regional database point which will ensure that countries that do not subscribe to JEMS can collect, update and retain statistical information on the status of ADR transactions in each country. |

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20 It should be noted that Belize does not utilise the JEMS system, as it was too expensive for the country to acquire the software. It has developed a workable substitute for JEMS. Guyana and Suriname also do not utilise JEMS.
### 4. Content

**The Aims and Objectives of ADR Legislation throughout the Region**

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<td>Surinam</td>
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</tbody>
</table>
Arbitration

The following countries have Arbitration Acts:

- Antigua & Barbuda
- Barbados
- Belize
- Dominica
- Grenada
- Guyana
- Jamaica
- St. Kitts & Nevis
- St. Lucia
- Trinidad & Tobago

The aims and objective of the Arbitration Acts throughout the region, with the exception of St. Kitts, are consistent in that provision is made for the following:

(i) Arbitration is a method of Alternative Dispute Resolution which can be used to settle a dispute in a timely and efficient manner, without the intervention of the court;

(ii) Arbitration Acts empower parties to a contract (more often than not these are contracts that are commercial in nature and often between companies rather than individuals) to include an arbitration clause in the body of the contracts;

(iii) Arbitration Acts offer arbitration as a process which can reduce the burden of an already over-burdened court system;

(iv) The parties to a contract, which contains an arbitration clause, can decide amongst themselves the conduct of the arbitration and the appointment of a single arbitrator or an arbitration tribunal.
The Courts can also refer a matter to arbitration and where parties cannot agree upon the appointment of a single arbitrator or an arbitration tribunal, relevant country legislation give the Courts the discretion to make such an appointment.

Of note is the fact that Barbados has enacted an International Arbitration Act that is based on the model legislation from the United Nations Commission on International Trade (UNCITRAL).

**Barbados and St. Vincent and the Grenadines** also have **Trade Disputes (Arbitration and Enquiry) Acts**, which are pieces of legislation that are additional to the existing Arbitration Acts.

In both **Barbados and St. Vincent and the Grenadines**, the **Trade Disputes (Arbitration and Enquiry) Acts** state that they have Acts to provide for the establishment of an Arbitration Tribunal and a Board of Enquiry in connection with Trade Disputes and to make provision for the settlement of such disputes, and for the purpose of enquiring into economic and industrial conditions in the islands.

In **Belize**, the **Arbitration Act 2000** provides for; the conduct of local arbitrations, including the power of the Court to stay proceedings where there is a submission; the power of the court in certain cases to appoint an arbitrator, delineates the powers of Court to appoint an arbitrator; umpire or third arbitrator in certain cases; the power to enlarge time for making an award and the power to set aside an award.

The **Belize Supreme Court of Judicature (Amendment) Act 2010** makes new statutory provisions relating to arbitrations. The Supreme Court is given statutory jurisdiction to issue injunctions against parties and arbitrators restraining them from commencing or continuing arbitral proceedings, whether sited in Belize or abroad, if the “proceedings are or would be oppressive, vexatious, inequitable or would constitute an abuse of the legal or arbitral process.” It should be noted that this jurisdiction includes possible injunctions against the arbitrators in addition to the parties. It is unusual to give the court jurisdiction to issue orders against arbitrators.

Similar provisions are made empowering the Court to issue injunctions against parties restraining them from commencing or continuing proceedings for the enforcement of arbitral awards. Such injunctions can be issued where the court is satisfied that the “proceedings are or would be oppressive, vexatious, inequitable or would constitute an abuse of the legal or arbitral process.”

Finally, the above Act confers jurisdiction on the Supreme Court to “void or vacate an award” if it is made by a tribunal “in disregard of or contrary to any such injunction. “In other words, if the Supreme Court issues an injunction restraining arbitration, and the arbitrators or the parties ignore the injunction, then the Court can void an eventual award on the ground that the injunction was disregarded.

Under the **Trade Disputes (Arbitration and Inquiry) Act**, where a trade dispute exists or is apprehended, the Minister may, subject as hereinafter provided, if he thinks fit and both parties consent, refer the matter for settlement to an Arbitration Tribunal constituted of either a sole arbitrator appointed by the Minister or an arbitrator appointed by the Minister, assisted by one or more assessors nominated by or on behalf of the employers concerned and an equal number of assessors nominated by or on behalf of the workmen concerned, all of whom shall be appointed by the Minister.

**St. Kitts and Nevis** is different in its treatment of Arbitration in that its Arbitration Act simply states that the Arbitration Act, 1950, of the Parliament of the United Kingdom is in force and all of the
provisions of the United Kingdom Act apply to all proceedings relating to arbitration within the Federation of St. Kitts and Nevis. One would therefore have to refer to the United Kingdom Arbitration Act of 1950 (which has since been superseded by more recent legislation), should there be any dispute for which a referral to arbitration is required.

In Jamaica the Arbitration Act is the primary piece of legislation dealing with arbitration. It regulates domestic arbitration but does not contain any specific provisions for international arbitration and is used mainly in disputes concerning building construction, engineering, banking and the insurance industry. The Act is limited in scope and domestic arbitration proceedings have had to rely on a number of international rules, such as the ICC Rules and the UNCITRAL Arbitration Rules 21 neither of which has been incorporated into the national arbitration legislation, and therefore does not have the force and effect of law.

The most important provisions in the local Arbitration Act are to be found at Sections 5, 12 (2) and 13 of the Act. Section 5 empowers the Court to stay proceedings before it where it is established that there is a valid arbitration agreement between the parties in dispute. This provision corresponds with Article 8 of the UNCITRAL Model Law on International Commercial Arbitration (the “Model Law”) which states that where an action brought before the court is the subject of an arbitration agreement, if a party to the action requests that the matter be referred to arbitration then the Court shall so order, unless it can be established that there is an error of law in the agreement rendering it null and void or otherwise incapable of being performed.

Section 12(2) treats with the conduct of the arbitrator or umpire and the manner in which an arbitral award should be procured. There is no comparable provision in the Model Law, which is confined to international commercial arbitration.

Section 13 deals with the manner of enforcement of arbitration awards. This section compares with Articles 35 and 36 of the Model Law. Article 36 of the Model Law is identical to the provisions of the Convention on the Recognition and Enforcement of Foreign Awards 22 (the “New York Convention”) and has been incorporated into domestic legislation.

The Arbitration (Recognition and Enforcement of Foreign Awards) Act is the other piece of legislation which deals with arbitration in Jamaica within the context of the provisions of the New York Convention as it relates to any award where reciprocal provisions have been made in relation to the recognition and enforcement of such an award made in the territory of a State party to the Convention, and to any difference which may arise out of any legal relationship, whether or not contractual, which in Jamaica is a commercial relationship.

The Act stipulates that a foreign award shall, subject to the provisions of the Act, be enforceable in Jamaica either by action or under the provisions of section 13 and any such award shall be binding on the persons between whom it is made and may be relied on by any of these persons by way of defense or otherwise in any legal proceedings in Jamaica.

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21 These Rules are to be differentiated from the UNCITRAL Model Law as they are applicable only to arbitration proceedings as between parties in a dispute. The UNCITRAL Model Law on International Commercial Arbitration was adopted on June 21, 1985 and refers to the legislation developed by UNCITRAL for use by States as a model form of arbitration legislation.

22 This Convention was signed in New York, USA on June 10, 1958 and ratified by Jamaica on October 8, 2002.
The Investment Disputes Awards (Enforcement) Act provides that an award rendered under the
ICSID (subject to the provisions of section 3) is enforceable in the Supreme Court of Jamaica as if it
were a final judgment of that Court. The Washington Convention has been incorporated into this Act.
The purpose of ICSID as stated in the Convention is to “provide facilities for conciliation and
arbitration of investment disputes between Contracting States and Nationals of other
Contracting States in accordance with the provisions of this Convention.”

Other national legislation that touch and concern the matter of arbitration in Jamaica are the
Caribbean Community Act[^23], the Bankruptcy Act and the Companies Act.

**Mediation**

The following territories have legislation, which specifically addresses Mediation:

- Barbados
- Trinidad & Tobago
- Guyana

**Barbados**

(i) *(Draft Mediation Bill)*;
(ii) **Penal System Reform Act, 1998** (Section 20 of this Act was deliberately included to provide for
the use of mediation in certain criminal cases in the Magistrates’ Courts where the offender was
under 21 years old and a first offender).

**Trinidad & Tobago**

**has the Mediation Act (No. 8 of 2008).** The Trinidad & Tobago Mediation Act
takes mediation one step further by taking mediation into communities through the possibility of
implementing community mediation initiatives and provisions contained within the Act.

The Mediation Act is very detailed, and it makes provision for the resolution of disputes through
mediation, including community mediation. The Mediation Act also sets out the rules for
confidentiality of mediations, provides for court-annexed mediation in civil matters, the training and
certification of Mediators, it sets out a Code of Ethics for Mediators, and it makes provision for the
disciplining of Mediators. The Act also provides for community-based mediations.

**Guyana has the Alternative Dispute Resolution Act,** which though it has been passed, is not yet in
force as the commencement date has not been proclaimed (as at the date of the completion of this
report). Guyana also has a court connected mediation system, which is not legislated, but is overseen
by the Chancellor of the Judiciary.

**Barbados has a Draft Mediation Bill** which was prepared by the ADR Association of Barbados,
but which has not been passed and is not in effect.

The aims and objective of the pieces of legislation, which address Mediation (inclusive of the
Barbados draft Mediation Bill), show the following:

(i) Mediation is a method of Alternative Dispute Resolution which can be used to settle a
dispute in a timely and efficient manner, without the need for the intervention of the court;
(ii) Mediation, when explained to the parties and their Attorneys has to power to empower
parties who have a dispute to consider settlement of the dispute in a confidential and non-
litigious setting;

[^23]: The Revised Treaty of Chaguaramas establishing the Caribbean Community is incorporated into the Schedule to this Act.
(iii) Mediation is a process which can reduce the burden on an already over-burdened judicial system in the civil jurisdiction;

The Barbados Penal System Reform Act, 1998 (No. 50) provides for suspended sentences, curfew orders, mediation and community service sentences for criminal offenders. Mediation shall permit young offenders to make amends to a complainant by performing unpaid work, paying compensation, or participating in a rehabilitation programme. It amends the Juvenile Offenders Act to raise the age of criminal responsibility from seven years to eleven years.

In the High Courts of Antigua & Barbuda, Dominica, Grenada, St. Kitts & Nevis, St. Lucia and St. Vincent and the Grenadines, which fall under the purview of the Eastern Caribbean Supreme Court, the Judges and Masters can refer civil matters to mediation under the provisions of the Civil Procedure Rules 2000 (as amended). The Judicial Officers of the High Court are permitted to actively manage cases by “encouraging the parties to use any appropriate form of dispute resolution including in particular mediation, if the court considers it appropriate and facilitating the use of such procedures.” OECS Mediators are trained over a forty-hour training period (a full week.). After training is completed a local Mediation Coordinator, plus a Facilitator, choose those trained Mediators who should be included on the Court-annexed Mediation Roster established by Practice Direction 1, 2003. It is not very clear that there is a separate certification process. Once on the Roster, Mediators can be chosen to do work by the lawyers to the mediating parties, the parties themselves, the Judge or the Master. There is presently a grey area in terms of the criteria that are used to choose those mediators that are included on the roster in the first place.

Mediation


The Maintenance of and Access to Children Act 2008 is a key piece of legislation which addresses the needs of children, and the objective of which is to ensure that the maintenance of children is paramount in the eyes of the Court.

Section 11 of the Act provides as follows: -

11. Mediation

   (1) A court may refer any proceedings commenced pursuant to this Act to mediation.
   (2) Parties may notify the court that they wish to have their matter referred to mediation and upon receipt of this notification the court shall make an order referring the matter to mediation.
   (3) Where an order is made pursuant to subsection (1) or (2) and the parties referred to mediation reach an agreement, the mediator shall reduce the agreement into writing in the prescribed form and the parties shall sign the agreement.
   (4) Where an agreement has been concluded pursuant to subsection (3), the applicant shall file the agreement with the court and within fourteen days of the date of filing the agreement, the court shall fix a date for further hearing of the matter and make an order in terms of the agreement

Conciliation 24

24 See generally, Industrial Relations in the context of Labour Administration by Samuel J. Goolsarran
The following territories have legislation, which makes provision for conciliation in the context of industrial disputes between trade unions and other parties.

**Antigua & Barbuda**
- Antigua & Barbuda Labour Code
- Antigua & Barbuda -Labour Code (Amendment) Act
- Antigua and Barbuda – Industrial Court Act

**Belize**
- Trade Unions and Employer’s Organizations Act, 2000

**Dominica**
- Industrial Relations Act
- Dominica-Industrial Relations (Amendment) Act 2001

**Grenada**
- Labour Relations Act
- Grenada-Labour Relations Act
- Grenada-Labour Relations (Amendment) Act 1999
- Grenada- Labour Relations (Amendment) Act 2003

**Guyana**
- Labour Act

**Jamaica**
- Labour Relations and Industrial Disputes Act

**St. Kitts & Nevis**
- Labour Ordinance 1966
- St. Kitts & Nevis-Labour Ordinance 1966
- Alternative Sentencing Powers Act

**Suriname**
- Civil Code

**Trinidad & Tobago**
- Equal Opportunities Act
- Trinidad & Tobago Industrial Relations Act 1972
- Arbitration Act
- Maintenance of & Access to Children Act
- Civil Procedure Rules (High Court)
- Labour Code
- Arbitration Act

The aims and objectives of the pieces of legislation noted above are pivotal to the judicial process. The assorted labour codes set out the rights of both employers and employees, and make reference to labour disputes first being referred to the Labour Commissioners in the various Labour Departments. This is the stage at which conciliation is attempted.

In Antigua and Barbuda, as well as in Trinidad and Tobago, it is only where matters have gone through the conciliation process in the Labour Departments and have not been settled, that matters can proceed to the Industrial Court.

In the other territories, where conciliation fails, the matters can proceed to the High Court. The Labour Acts or Labour Codes are pivotal parts of the judicial process with respect to labour matters, as they seek to address these matters first through the various Labour Departments, before they can move on or take up the administrative and judicial time of the Courts.

**Restorative Justice and Community Peace Building Legislation**

**Belize**
- Probation of Offenders Act

**Dominica**
- Children & Young Person’s Act (as well as work of Village Councils)

**Grenada**
- Juvenile Justice Act

**Guyana**
- Amerindian Act

**St. Kitts & Nevis**
- Probation of Offenders Act
- Child Justice Act
- Alternative Sentencing Powers Act
The pieces of legislation noted above are important in the areas of Restorative Justice and Community Peace Building, in that within their provisions they put in place alternative measures, especially for juveniles, for the “punishment” of offenders.

The pieces of legislation also form an integral part of the justice system (especially the youth justice system), the aims of which are to divert persons, again, especially juveniles, from the prison systems and provide complainants / victims with greater input offer options of community service, mediation and restorative justice.

The objectives of the pieces of legislation are to provide opportunities for both the complainant / victims to be involved in finding ways to hold offenders accountable and make them acknowledge their offences and for them to, and as far as possible, repair the harm caused to the complainants / victims and the communities.

In Belize, the **Probation of Offenders Act, 1941** provides that where a person is charged with an offence which is punishable on summary conviction, and the court thinks that the charge is proved but is of opinion that having regard to the circumstances, including the nature of the offence and the character and home surroundings of the offender, it is expedient to release the offender on probation, the court may (a) convict the offender and make a probation order; or (b) without proceeding to conviction, make a probation order. Before making a probation order, the court shall explain to the offender in ordinary language the effect of the order and that if he fails in any respect to comply therewith, or commits another offence, he will be liable to be sentenced for the original offence and the court shall not make a probation order unless the offender expresses his willingness to comply with the provisions of the order.
St. Kitts & Nevis appears to lead the way in the OECS region with three important pieces of legislation – the Alternative Sentencing Powers Act, the Probation of Offenders Act and the Child Justice Act.

The Alternative Sentencing Powers Act makes provision, in appropriate cases, for non-custodial sentences, suspended sentences, deferred sentences, community service orders, compensation and restitution orders, and most importantly, for mediation.

The Probation of Offenders Act makes provision, in appropriate cases, for the release of offenders on probation, and most importantly, in both the Magistrate’s Court and the High Court, for offenders to pay damages or compensation and costs.

The Child Justice Act speaks specifically to “Diversion”, which is the adoption of informal procedures rather than formal court procedures, in relation to cases where it is alleged that a child has committed an offence. The purpose of “Diversion” is to: encourage the child to be accountable for the harm which he or she has caused; meet the particular needs of the child; promote the reintegration of the child into the family and the community; provide an opportunity for those affected by the harm caused by the child to express their views on its impact on them; encourage the rendering to the victim of some symbolic benefit or the delivery of some object as compensation for the harm caused by the child; promote the reconciliation between the child and the person or community affected by the harm caused by the child; prevent stigmatization of the child and any other adverse consequences from the child having been subject to the criminal justice system; and prevent the child from having a criminal record.

In Grenada, the Juvenile Justice Act also speaks to “Diversion”, the purpose of which is to: encourage the child to be accountable for the harm which he or she has caused; meet the particular needs of the child; promote the reintegration of the child into the family and the community; provide an opportunity for those affected by the harm caused by the child to express their views on its impact on them; encourage the rendering to the victim of some symbolic benefit or the delivery of some object as compensation for the harm caused by the child; promote the reconciliation between the child and the person or community affected by the harm caused by the child; prevent stigmatization of the child and any other adverse consequences from the child having been subject to the criminal justice system; and prevent the child from having a criminal record.

The provisions in Grenada and St. Kitts & Nevis therefore mirror each other.

In Guyana, under the provisions of the Amerindian Act, the village councils and village elders have the capacity to set their own rules, and how they go about the concept of restorative justice and community peace building is usually within the parameters of the freedoms given to them under the Act.

This is also true of the Amerindian tribes in Surinam. Whilst there is no formal legislation for the Surinamese Amerindians, the village councils and village elders have the ability to make decisions for their communities, which, depending on the nature of the offence, can include expulsion from the community.

There are also Village Councils in Dominica – the Village Council is the local government which has a certain level of power and autonomy. With the community peace building concept, this was
also channeled through the Village Council. Almost every community has a Village Council, including the Carib Territory. The Village Councils are legislated, and they have the authority to discipline persons in the villages.

In Trinidad & Tobago, the Mediation Act through its provisions for Community Mediation also makes provisions for community peace building. The work of the Drug Treatment Court and the Bail Boys Project, although not legislated, is also important when it comes to Restorative Justice and Community Peace Building.

5. Jurisdiction-specific list and titles of duty-bearers, stakeholders and partners:

(a) Antigua and Barbuda- Attorney General; Ms. Tracy Samuel, Deputy Registrar, Mr. Kelvin John, Mediator; Ms. Jan Peltier, Judicial Research Officer.

(b) Barbados- Supreme Court of Barbados (Sir Marston Gibson, Chief Justice); Mediation Association of Barbados; (Lady Beverley Walrond QC; Lady Marie McCormack Simmons); Barbados Chamber of Commerce, (Mr. Lalu Vaswani, President), Mediation Association of Barbados (President, Kumar Hathiramani), Barbados Association of Non-Government Organizations (Mr. Roosevelt King, President); Association of NGO’s and Pinelands Creative Workshop (Mr. Rodney Grant, Head), Royal Barbados Police Force (Inspector David Wilshire, Head of Research Department).

(c) Belize-Chief Justice (Mr. Justice Kenneth Benjamin); Restore Belize (Ms. Mary Vasquez, Director); Mediation Coordinator; Conscious Youth Development Program (Mrs. Wesby, Administrator); Mr. Derrick Courtney (Attorney-at-Law); Mr. Allen Whylie (Commissioner of Police).

(d) Dominica-His Excellency, Mr. Justice Nicholas Liverpool, former Head of State; Mr. Julian Johnson, Mediator, Director, Integrity Commission, Mr. Ossie Walsh, Registrar and Mediation Coordinator.

(e) Grenada-Justice Margaret Price-Findlay, (High Court Judge); Mr. Christopher De Allie, Association of Mediators); Mrs. Meryl Forsythe, (Mediation Coordinator); Assistant Commissioner of Police Redhead, (Police Force); Mr. Ruggles Ferguson, (President Grenada Bar Association); Ms. Shireen Wilkinson (Attorney-at-Law, Mediator, Director, Mediation Centre).

(f) Guyana-ADR Association (Ms. Jamela Alli, President); Justice Carl Singh, Chancellor of the Judiciary, Guyana Bar Association (President, Ronald Burch-Smith); CARICOM Secretariat (Ms. Safiya Alli, General Counsel,); Amerindians People’s Association (Ms. Laura George); Mr. Christopher Ram (Attorney-at-Law; Accountant; Social Commentator), Mr. Teni Housty (Attorney-at-Law; UG Lecturer), Mr. Colin Chichester, Director Court-Connected Mediation Centre).

(g) Jamaica-Mr. Paul Hines, (Executive Director, Dispute Resolution Foundation); Mr. John Bassie, (Attorney-at-Law, Arbitrator, Chairman, DRF); Commercial Court; Hon. Mark Golding, (Minister of Justice), Mrs. Carol Palmer, (Permanent Secretary, Ministry of Justice).
6. Jurisdiction-specific analyses of current barriers to access to justice

Accessing the courts and the machinery of justice by members of the public and organizations is an essential prerequisite for the enforcement of rights, the resolution of disputes and the prosecution and defense of alleged offenders. Access to justice in the regional context is a complex issue as various types of barriers to the systems themselves diminish effective access. Some barriers are due to lack of finances on the part of regional governments while others are related and due to issues such as systemic delay in the hearing of cases, process and procedural complexities, prohibitively high litigation costs and sometimes overall lack of knowledge and understanding of the justice system, even its fundamental role and purpose, on the part of the regional citizenry. The main conduits for regional citizens to obtain access to justice are through the courts of law, attorneys-at-law, legal aid organizations, the Police and through Parliamentary Ombudsmen in those countries that have established these positions such as Antigua & Barbuda, Barbados, Dominica, Saint Lucia Guyana, Jamaica and Trinidad and Tobago.

One major access to justice hindrance that was common to all the twelve countries visited by the consultant was the inordinate time taken for both civil and criminal cases to be determined through the court systems. While this is not a new phenomenon its continued existence means that persons using the services of the courts have to face inordinately long times before their matters are resolved. This is directly contrary to the constitutional guarantees of a right to a fair hearing within a reasonable time given by most Caribbean Country Constitutions.

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25 See American Bar Association Rule of Law Initiative.
26 Note that in addition to a Political Ombudsman, Jamaica has three other Ombudsmen: which are Public Defender, Contractor General and Children’s Advocate.
27 As far back as 1991, Mr. Delroy Chuck, a senior Attorney and former Minister of Justice in Jamaica bemoaned the fact that the delays in the administration of justice were the single “most consistent complaint in every legal system in the Caribbean Region.” (Delroy Chuck during the course of a USAID/Jamaica Caribbean Justice Improvement Project Seminar held in Ocho Rios, Jamaica).
28 All survey countries, with the exception of Trinidad and Tobago, give this right.
The following jurisdiction-specific information provides information on some of the major Civil Case Backlog constraints being experienced by regional countries:

Civil Case Backlogs:

(a) **OECS Countries**: Antigua and Barbuda, Dominica, Grenada, Saint Lucia, St. Kitts and Nevis and St. Vincent and the Grenadines:

“In general the Eastern Caribbean Supreme Court is clogged with many hundreds of civil cases which seem to take an eternity to reach closure. Grenada’s High Court being part of this regional court system is no exception. In some instances civil matters take over five years to reach finality and the costs which are awarded against the losing party could be quite high. The reasons for the long delays in having a final trial in civil cases include the fact that compared with say, twenty years ago, people have become more litigious and that there are an insufficient number of judges being allocated to the courts.”

“According to the Inter-American Development Bank, the problems facing the OECS are inherently related to the amount of cases backlogged and delayed. For criminal cases in the OECS the wait is for approximately three years to complete preliminary inquiries and five years for murder trials. In civil cases the accused has to wait five years since the process begins to the day of his judgment. Moreover, because of the decision of the Privy Council in 1993 in the case of Pratt vs. Morgan, Courts of Appeal in most Caribbean countries have given priority to the hearing of murder cases with the result that a backlog has developed in civil cases coming from High Courts and from Magistrate’s decisions.”

The above statements can be applied with equal force to the other countries that are part of the Eastern Caribbean Supreme Court System, namely: Antigua and Barbuda, Dominica, Saint Lucia, Saint Kitts and Nevis and Saint Vincent and the Grenadines.

(b) **Belize**

Citizens may seek civil remedies for human rights violations. The Supreme Court hears most civil suits, but the Magistrates’ Courts have jurisdiction over civil cases involving sums of less than 5,000 Belize (BZ) dollars (US$2,500). In addition to civil cases, the Supreme Court has jurisdiction over cases involving human rights issues. The backlog of civil cases in the Supreme Court was significant and increased during the year. During the year the Supreme Court, in partnership with the University of the West Indies (Belize), launched a mediation program to address the rising backlog of civil cases. The program trained the first cohort of 50 mediators in the summer.

(c) **Guyana**

Guyana has increased the number of judges in its High Court to tackle the country's daunting backlog of civil and criminal cases. The complement of judges has been increased from eleven to twenty

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29 Dr. Lawrence Joseph, Barnacle Grenada Newspaper, November 26, 2013.
30 Replacing the Privy Council and the Caribbean Court of Justice in the OECS Countries, by Isabel C. Davila.
32 Jamaica Observer, February 24, 2014 in an article entitled “More judges to cut backlog of cases.”
Judges. The Guyana Bar Association and other groups have said for years that more judges were needed to handle thousands of old cases.

Some felony suspects have waited for five years for their cases to be heard. Numerous civil suits have been scrapped because litigants have died, migrated or given up due to delays. Attorney General Anil Nandlall says the previous number of judges was "wholly inadequate to cope" with the volume of cases.

(d) Jamaica

The National Security Minister in Jamaica has unveiled new initiatives to reduce case backlogs that range from 40,000 to 400,000 criminal cases in the court system.\(^3^3\) It was stated that unpaid traffic tickets cases as well as cases with multiple charges contribute to the backlog.

(e) Suriname\(^3^4\)

Although there are separate procedures for civil processes, the same pool of judges is responsible for presiding over these procedures. There is a court to consider lawsuits seeking damages for, or cessation of, a human rights violation. Despite the installation of new judges during the year, the backlog in cases continued. Most civil cases were resolved approximately three to four years after being heard by the courts.

(f) Trinidad & Tobago\(^3^5\)

A first draft of a new Administration of Justice (Indictable Offences) Bill to abolish preliminary inquiries and cross-examinations is under review as Government revives efforts to clear the courts of a backlog of cases. The plan still includes the appointment of more judges and magistrates as well as accommodation for more courts.

7. Analysis of regional ADR Frameworks:

<table>
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<th>Country</th>
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<th>Matters Mediated</th>
<th>Matters Settled</th>
<th>Matters Not Settled</th>
<th>Matters Returned to Case Management</th>
<th>Pending</th>
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<td>136</td>
<td>88</td>
<td>--------------------</td>
<td>37</td>
<td>---------</td>
</tr>
</tbody>
</table>

\(^3^3\) See Jamaica Gleaner of February 17, 2014 in an article entitled “High-level talks ongoing to remedy court cases backlog.”

\(^3^4\) 2010 Human Rights Reports: Suriname, U.S. Department of State, April 8, 2011.

\(^3^5\) Trinidad and Tobago Newsday, December 18, 2013.
(a) Antigua and Barbuda

**Mediation:**
As part of the OECS grouping, Part 25 of the ECSC Civil Procedure Rules 2000 states that it is the court’s duty to encourage parties to use any appropriate form of dispute resolution, including in particular mediation. Subsequently, Practice Direction 1 of 2003 set clear guidelines for the practice of Court-Connected Mediation in the ECSC. A case may be referred to mediation at any stage of the proceedings, either by a Master or Judge making an order referring any civil action filed in the Court to mediation, or through the parties, by consent, notifying the Court that they wish to have their case referred to Mediation and in such case, the Master or Judge shall make a Referral Order. The Rules provide that the mediation be conducted by a trained Mediator, approved to be on the Roster of Mediators for the Supreme Court. Parties may select a Mediator from the Roster of Mediators. If they cannot agree, a Judge or Master will appoint one for them.

In Antigua, as in all the other OECS Countries, the Justice Education Institute of the Eastern Caribbean Supreme Court trains mediators. The training is undertaken for a full week and each Mediator undergoes a forty-hour training period. After the identified training has been imparted, a local mediation committee, as well as the training facilitator, will choose those trained mediators that should be included in a Court-Annexed Mediation Roster established under Practice Direction 1, 2003. It seems that no further certification process takes place prior to the inclusion of the names of the mediators on the roster.\(^{36}\) Once the name of a mediator has been included on the Roster, he/she

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\(^{36}\) There is a grey area here and mediators are not certain what criteria are considered prior to their inclusion or exclusion from mediation rosters. Mediators in at least one country, namely Grenada, have sought clarification of the criteria used.
can be chosen to do work by the proposed parties to mediation, the lawyers for such parties, the Judge of the High Court or a Master of the Court.

The terms on which mediations are conducted are as follows:

(a) All parties must attend the mediation session;
(b) If a lawyer represents a party, the lawyer may also attend. The lawyer can assist the client work out the terms of any settlement that needs to be entered into.
(c) A lawyer may not attend in place of a party to the mediation;
(d) At the end of the mediation session, the Mediator shall complete and lodge a Notice of Outcome of Mediation with the Mediation Coordinator for filing at the court office;
(e) If there is an agreement resolving some or all of the issues in the dispute it shall be signed by the parties and the Mediator and lodged with the Mediation Coordinator for filing at the Court Office;
(f) Within seven days after an agreement is signed the parties shall apply to the Court for an order in terms of the agreement and the Master or Judge shall make an order.

The Judge or Master conducts mediations within forty-five days of a Referral Order. The Practice Direction 1 does not provide for mediation in family proceedings, insolvency or contentious probate matters. The general areas for mediation are: landlord and tenant; commercial contracts; wills and estates; employment, land disputes, debt collection, personal injury and family disputes.37

There is a need at this time in Antigua and Barbuda to have Family matters brought under the rubric of being an area where mediation services can be brought to bear. At this time family matters are one of those areas of law that are not eligible for mediation services under ECSC Practice Direction No. 1 of 2003.

**Restorative Justice:**
While the Government of Antigua and Barbuda has shown some interest in considering legislative interventions that would provide for Restorative Justice options for troubled youths, no legislation has yet been introduced that would provide for any formal intervention in this area. One immediate use for this kind of legislation would be the elimination of sentences of imprisonment for fathers that are delinquent in their maintenance payments.

**Arbitration:**
The Arbitration Act 1975 has weak provisions that do not enable the conduct of Arbitrations in Antigua in a cost-effective manner. As a result, many potential arbitrations do not take place in Antigua and Barbuda as the antiquated Arbitration Act as well as the dearth of trained Arbitrators in specialized areas act as disincentives for persons and companies that would like their matters arbitrated by skilled, highly trained, Arbitrators at a reasonable cost and in accordance with current global Arbitration trends. It is strongly recommended that the current Arbitration Act be amended, or new Arbitration legislation be drafted that reflect current global trends and thinking on the maximum utilization of Arbitration as a vehicle for enhancing commercial activities in the country.

**Conciliation:**
Under the provisions of the existing Antigua Labour Code, matters relating to unfair dismissal between employer and employee must go to Conciliation by the Labour Department. While Antigua
and Barbuda has an Industrial Court, the judges of that court have determined that any matter coming before it must first go to Conciliation. This is the case even though the recommendations of the Labour Department will not be scrutinized by the Judges of the Court so as to preserve their objectivity with regard to the decision of the case at hand. There seems to be a need for the training of trade union representatives and employers in mediation skills as anecdotal evidence indicates that the conciliatory process could be made more efficient were all the parties able to home in more effectively on the conciliation issues at hand. In addition, the Labour Code provides that non-lawyers may represent the parties before the Industrial Court and it would be very good if those non-lawyers were highly trained in mediation skills as well.

Finally, it should be noted that the Divorce Act in Antigua and Barbuda provides for the possibility of Conciliation being used in family breakdown matters. Having regard to the fact that family matters are not eligible for mediation under the ECSC Practice Direction Number 1, this area may be a fertile one to investigate whether the Practice Direction could be enlarged in the future to embrace family mediations.

**Community Peace-Building:**

While there are no legislative enactments formalizing Community Peace-Building activities, the police force has been initiating community-policing interventions on their own initiative over time. Churches and Service Clubs also undertake their own initiatives directed at troubled communities. There was a stated need for Antigua to have legislation which formalizes community policing on the part of the police and legislation which conveys specific authority to Justices of the Peace to assume a more direct role in community peace-building, replacing the marginal role they now play in the system with regard to the signing of warrants and the authentication of documents.

**(b) Belize**

**Mediation:**

The Belize Supreme Court (Civil Procedure Amendment) Rules 2013 provides for the Judge in his or her discretion to encourage the parties to a claim to engage in alternative dispute resolution, more particularly, mediation.

The development of an appropriate system of court-connected mediation was originally assigned to Madam Justice Hafiz-Bertram. A multi-sectoral committee was convened to address the implementation of mediation in the Supreme Court. The committee included all the Judges of the Civil Division and representatives from the Magistracy, Bar Association, the Belize Chamber of Commerce and Industry, the Belize Trade Union Congress, the Council of Churches, UWI Open Campus and the Attorney General’s Ministry. The Mediation Steering Committee undertook its work and addressed the issues of establishing a legislative platform for implementation, the criteria for selection and training of mediators, safeguards for the integrity of the process and time-lines for rollout. The Mediation Committee consulted with representatives from various institutions, including the Belize Police Department, Council of Churches, Bar Association, Supreme Court Bench, the University of the West Indies and the Belize Family Court.

The Belize Supreme Court (Civil Procedure) Rules 2005, Part 25 deals with case management, and the court must further the overriding objective of dealing with cases justly, by actively managing...
cases. Under Rule 25.1 (c), the measures used by the court may include encouraging the parties to use any appropriate form of dispute resolution including, in particular, mediation (if the court considers that appropriate) and facilitating the use of such procedures.

In his address at the 2012 Opening of the Supreme Court, Chief Justice Kenneth Benjamin spoke about the overwhelming number of cases that reach the Court on an annual basis and said that a system of case mediation was to be introduced in order to address the problem. In December 2013, the Supreme Court of Belize opened the door for a new profession in Belize: dispute mediators. Mediators are selected from a diverse group of professionals who represent government agencies, police leaders, and community organizations working with youth-at-risk. Individuals have also been selected based on previous experience as trainers, natural mediation capabilities and conflict sensitivity and a strong commitment to community building and peace. The training is highly experiential, using cutting-edge techniques specifically designed for communities in conflict, and focuses heavily on communication, conflict resolution and facilitation skills for high-tension scenarios.

Parties are allowed to agree on a Mediator. The Judge will appoint a Mediator only where the parties have not reached an agreement. A Judge can assign any matter, except the following, to the Mediators for settlement:

1. Family matters;
2. Insolvency;
3. Non-contentious probate Proceedings; and

Mediation sessions take place at either (1) The Supreme Court of Belize; or (2) The University of the West Indies (Open Campus, Belize City).

The conversations that take place during the course of a mediation session are confidential and cannot be admitted as evidence in court. The sessions are three hours in duration and there is a BZ$500 fee charged for the first session. Thereafter, $100 is charged for every hour that elapses. If the mediation venue is UWI, $150 per session is charged as a room fee. Attorneys may be present during sessions. The cost of the Introduction to Mediation sessions was $375 and the cost of the Court-based class is BZ$1,000.

Those who successfully conclude the UWI training programs are placed on a roster of Court approved mediators.

There was an established need identified by the Chief Justice for the relevant rules to be passed which would allow the conduct of mediations in the Magistrates Courts and the Family Court.

**Community Peace Building:**
The lack of conflict resolution skills, and more generally, a pervasive culture of violence, has been recognized as root causes of crime and violence amongst the Belizean population. RESTORE Belize’s 39 strategy therefore, is to promote a culture of peace by providing citizens with tools and

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39 On June 2, 2010, the Prime Minister of Belize launched the Restore Belize Programme. This Programme was prompted by Belize’s high crime rate and was established to improve the quality of life of every citizen through restoring law and order and community building.
services for non-violent conflict resolution and creative problem solving. To this end, in the summer of 2012, RESTORE Belize and the Bureau of Conflict and Stabilization Operations (CSO) within the U.S. Department of State implemented a conflict mediation programme, in direct response to a recognized need for increased technical capacity in Belize. The primary goals of the conflict mediation programme were to strengthen Belize’s national capacity to manage conflict peacefully and to create a cadre of trained conflict mediators who work directly with vulnerable communities.

The target domains were school communities, correction and detention facilities for juveniles and adults, community-based organizations and neighborhood communities including gangs and families. Training people who were then providing services to these populations as well as to community activists who were willing to participate in the promotion of peace made peace-building tools available to program beneficiaries were key training objectives.

Peer-to-peer mediation programs have been initiated. The first beneficiaries were Southside Belize City High Schools and a youth detention centre. At a minimum, Excelsior High School, Maud Williams High School, Gwen Lizarraga High School, Sadie Vernon High School, Wesley High School, Anglican Cathedral College, and the Youth Hostel are to receive training. Selected high schools in the rest of the country would also receive training, based on expressed need. Although some high schools in Belize already have peer counselling programmes, these peer mediation training sessions will enhance the efficacy of the peer counselling program by providing additional conflict resolution tools to the peer counsellors.

A direct link has been established between Restore Belize and the Conscious Youth Development Programme which is heavily involved in conflict mediation and de-escalation of gang tensions within and between warring groups of youths.

Arbitration:
The Chief Justice was not aware of any Arbitration matter that has taken place since he became Chief Justice.

Restorative Justice:
The American Bar Association Rule of Law Initiative suggests that Belize introduce legislation and practices that are aligned with a restorative justice approach to juvenile justice so that both the victim and the juvenile offender can have opportunities for rehabilitation.

Conciliation:
Industrial and employment disputes are handled by the Labour Commissioner who will instruct a Labour Officer to apply conciliation procedures.

The law provides for collective bargaining and unions practice it freely throughout the country. The Trade Unions and Employers Organizations Act of 2000 became law in December of that year. Employers and unions set wages in free negotiations, or, more commonly, employers simply establish them. The Labor Commissioner or his representative acts as a mediator in deadlocked collective bargaining negotiations between labour and management, offering non-binding counsel to both sides. Historically, the Commissioner’s guidance has been accepted voluntarily. However, should either union or management

40 American Bar Association Rule of Law Initiative, Assessment of Juvenile Justice in Belize (2010), Page 36
choose not to accept the Commissioner’s decision, both are entitled to a legal hearing of the case, provided that it is linked to some provision of civil or criminal law.

(c) Barbados

Mediation:
On June 22, 2013, the new Chief Justice, Sir Marston Gibson, held a press conference in the Conference Room of the Supreme Court Complex to announce the first part of the training segment for an Alternative Dispute Resolution Pilot Project slated to last for 18 to 24 months. He explained that this is part of the process of getting the ball rolling on a promise he made approximately two years ago. The Chief Justice said “As you would have heard me say pretty much since September of 2011 when I was sworn in, it has been my intention to have ADR as one of the components of our judicial system, ADR in fact is provided for in our Civil Procedure Rules 2008. If you look at parts 25 through 27, the Civil Procedure Rules do provide for ADR as an alternative to judicial decision. We have never implemented it and the reason is quite simply because there is a procedure that has to be gone through for the implementation, not the least of them being that you have got to train mediators and have them put on a roster from which they selected, when persons ask for this case to be sent to ADR. When it comes to training, I don’t want to suggest that we don’t have trained mediators or trained persons in Barbados who can be part of the alternative Dispute Resolution Pilot Project. Our problem in Barbados is that we have got people trained at different institutions and at different levels and what we have done is that we have asked the Dispute Resolution Foundation of Jamaica, which has a track record all the way back to 1994, to assist us with the training of persons, in the sense of getting up to the same level and on the same page. And so in the light of that, beginning on Monday, we are going to have two trainers from the Dispute Resolution Foundation of Jamaica come to Barbados. Each person will be subjected to at least 10 practicums, comprising a live case with real people, where the trainee is going to be permitted to do mediation in the presence of an expert or senior trainer and afterwards, that trainer will then critique the performance of the trainee. Passing a mere exam will not cut it for trainees. A lot of our matrimonial, our family law cases involve an emotional component. If you are not ready to deal with the emotional component, you are going to have a problem… the emotional component sometimes overshadows the legal component.”

The ADR Association of Barbados has previously compiled a draft Mediation Bill, 2010 as well as a draft Practice Direction for the consideration of the Chief Justice. The Draft Mediation Bill provides for the establishment of a Mediation Board, which will be required to:
(i) Formulate, publish, and adopt standards for the accreditation of mediators;
(ii) Approve training programmes for mediators and trainers of mediators and to accredit such programmes;
(iii) Prescribe requirements to be complied with by an approved mediation agency and to approve such agencies;
(iv) Monitor accredited mediation-training programmes and approved mediation agencies in order to ensure that the standards set out in sections (i) and (iii) above are maintained;

41 See The Barbados Advocate Article of June 6, 2013, entitled “CJ pushing Alternative Dispute Resolution Pilot Project.” The author of the article is Regina Selman Moore.
42 The Draft Mediation Bill is attached to this Report.
(v) Approve or reject applicants for registration as an accredited mediator or trainer of mediators; and
(vi) Do all acts as may be necessary to give effect to the provisions of the Act.

The Draft Bill also provides for immunity from suit of mediators in appropriate circumstances; states what is admissible mediation evidence; and provides for the conduct of both Court-Annexed Mediation as well as Community Mediation. A present Practice Direction that was originally drafted by the Chief Justice to introduce mediation in Barbados has been subsequently changed by him and is to be the subject of future discussions and clarifications by affected parties prior to being implemented.

**Conciliation:**
There were no affirmative responses to the use of Conciliation in Barbados.

**Restorative Justice:**
There were no affirmative responses for the formal use of Restorative Justice in Barbados.

**Community Peace Building:**
Community Peace Building initiatives are being undertaken on an informal basis by the police force which has developed football competitions in some troubled communities such as Haynesville to defuse tensions among the youth. The Barbados Association of Non-Governmental Organisations (BANGO) has stated a willingness to develop mediation-type training programs for trainers who are interested in participating in Community Peace-Building activities in troubled communities. It was the view of BANGO representatives that the approximately one thousand Justices of the Peace in Barbados could be appropriately trained in mediation and other skills to enable them to make significant outreachs into troubled Barbados communities and build peace from the inside outwards among the youth. A review and possible amendment of the Justices of the Peace Act would be required to broaden and strengthen the role of JP’s in the country in order to allow them to meaningfully participate in any future Community Peace-Building initiatives. A systematic training regime on mediation could also be offered to the existing Justices of the Peace Association on a coordinated basis after the necessary changes have been made to the Justices of the Peace Act.

**Arbitration:**
There is an International Arbitration Act in place in Barbados, but not a national Act. The Chamber of Commerce has obtained a small grant from Compete Caribbean – an IDB funded project – to prepare a feasibility study for the establishment of an Arbitration Centre, with Barbados offering services to other countries if there is not enough of a demand locally for the services to be offered by the Centre.⁴³

(d) **Dominica**

**Mediation:**
Insofar as Court Connected Mediation is concerned, Practice Direction No. 1 of 2003 issued by the Eastern Caribbean Supreme Court governs Dominica, as part of the OECS Group of Countries. In this Practice Direction, ADR is defined as “a collective description of methods of resolving

₄³It should be brought to attention here that at this time the BVI, a U.K Overseas Territory, Jamaica and Trinidad and Tobago also have strong aspirations for the establishment of a Regional Arbitration Centre in the Caribbean Region. Generally speaking, the consultant recommends that Arbitrations take place along specialist lines in various countries. Thus Arbitrations on Sports matters could take place in Jamaica, Arbitrations relating to energy matters could take place in Trinidad and Tobago, etc.
disputes otherwise than through the trial process including, in particular, mediation.” Court-connected mediation services are defined as “mediation services provided as a result of the referral by the court,” and “Court” is defined as meaning “the High Court, and where the context so admits and in part 62, the Court of Appeal.” There are sixteen mediators. The training and certification of mediators are undertaken by the JEI of the ECSC under the auspices of a MOU executed between the ECSC and the Saint Augustine Campus of the University of the West Indies.

**Restorative Justice/Conciliation:**
The concepts of Restorative Justice and Community Peace-Building are known in Dominica, but are not utilised in any formal way. It would appear that, as in other OECS Countries, it is the position as far as restorative Justice is concerned, that the legislated sanction must be imposed on an offender, although there is agreement that in cases of minor criminal offences which come before the Magistrates’ Courts, there could be Magisterial intervention to have the offender make reparation for the offence, instead of the Court enforcing state sanctioned retribution.

**Arbitration:**
Dominica and the United States are both parties to the World Trade Organization (WTO). The WTO Dispute Settlement Panel and Appellate Body resolves disputes over WTO Agreements, while courts of appropriate jurisdiction in both countries resolve private disputes.

**Community Peace-Building:**
Community Peace-Building as an ADR tool was relatively unknown in Dominica and there was not very much knowledge on the ground on how such a program could be utilized in the future and what traction they would have within the society.

(e) **Grenada**

**Mediation:**
The structure and operations of mediation provision in Grenada is governed by the provisions of Practice Direction 1 of 2003, which governs the operation of the court-connected mediation program of the OECS Countries. The ECSC has approved a roster of twenty trained mediators (8 females; 12 males), who, unlike judges, do not decide cases or impose settlements. The training and certification of mediators are undertaken by the JEI of the ECSC under the auspices of a MOU executed between the ECSC and the Saint Augustine Campus of the University of the West Indies. It should be noted that in the Grenada case there are at least fifteen mediators that were trained as mediators outside of the ambit of the JEI ECSC training program for mediators. These mediators are not included on the official Roster of twenty Mediators and they are not permitted to undertake mediations in Grenada. The disputes that can be mediated in Grenada are Landlord and Tenant, Commercial Contracts and Disputes, Wills and Estates, Employment, Land Disputes, Debt Collection and Personal Injury. In addition, mediation is allowed for simple criminal matters involving juveniles. Civil cases for mediation can be referred through (a) a Judge or Master of the Court; and (b) the parties or their lawyers at a case management conference may apply to the court for the matter to be referred to mediation. Mediations will be conducted within forty-five days of a Referral Order made by the Judge or Master and there is precedent for such mediations taking place via SKYPE.

The present cost of a mediation is EC$400 per three hour session. When parties to mediation reach a settlement, the mediator will, with the assistance of the parties and their lawyers (if any) draw up the
terms of the settlement for their signatures. If the agreement settles the case, an order in terms of the agreement is sent to the Judge or Master for a formal order to be made. The final order brings an end to the dispute. Based on the information disclosed in evaluation forms that are completed and returned to the Mediation Coordinator by litigants as well as any Attorney representing the litigant, it is estimated that the success rate of mediations in Grenada is 80%. The Regional Mediation Coordinator based at the ECSC in Saint Lucia creates training opportunities for mediators. There is a mediation certification training program has been scheduled for Grenada over the period July 21-25, 2014. The cost of this certification training will be US$1,200.

**Restorative Justice/Arbitration:**
At this time Grenada is not utilising Restorative Justice, Conciliation or Arbitration interventions and while there is some interest in considering the possible application of Restorative Justice interventions in the future, the persons that were interviewed by the consultants in this country were unable to state when sufficient interest would be generated in this ADR area that would warrant the necessary implementation interventions.

**Conciliation:**
In Grenada, the Grenada Conference of Churches is occasionally called upon to act as a conciliator in labour disputes. Apart from these interventions on the part of the Church there are no formal Conciliation interventions being undertaken in other areas at this time.

(f) **Guyana**

**Mediation:**
The Alternative Dispute Resolution Act, 2010, was introduced in Guyana in 2010. Parties to civil proceedings may arrange for mediation or neutral evaluation of any matter except criminal matters, which are excluded. Parties to proceedings may arrange for mediation or neutral evaluation of any matter. In default of agreement regarding the appointment, the mediator or evaluator is the Registrar or his nominee. The parties may withdraw at any time, and the costs may be borne between them in agreed proportions or as directed by the Court. The Court may make orders to give effect to any agreement and the agreements may also be enforceable in their own right.

The Act deals with privilege in respect of sessions and provides that the same privilege exists in defamation with respect to judicial proceedings. Evidence from the sessions is not admissible before any Court except in fraud proceedings or where the privilege has been waived. Disclosure may only be made if there are reasonable grounds to believe that it is necessary to minimize danger or injury to person or property.

The Act provides for exoneration from liabilities for mediators and evaluators.

Mediators are provided with twenty-four hours of mediation training over a period of days. At this time there are three tiers of mediators in Guyana: (i) Trained Mediators; (ii) Advanced Trained Mediators (An advanced trained mediator is provided with an additional twenty-four hours mediation training); and (iii) Trainer of Trainers.

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44 As indicated by Mrs. Meryl Forsythe, Mediation Coordinator for Grenada.
The mediation training is provided under the auspices of the High Court of Guyana and the Chancellor of the Judiciary, the highest judicial functionary in the land, provides certification of the trained mediators under his authority to compile lists of persons suitable to be mediators and evaluators. The Attorney General is charged with making regulations under the above Act.

The Mediation Institute of Guyana was incorporated on June 24, 2008. The mission of the Institute is to provide national leadership in the development and promotion of dispute resolution services in Guyana. The vision of the Institute is to be the pre-eminent provider organization for professionals that provide mediation services and the individuals and organizations that use those services. A Court-Connected Mediation Centre is established within the compound of the High Court of the Supreme Court of Judicature in Georgetown and in the New Amsterdam High Court in Berbice.

During the period October 2003 to December 2012, 625 court cases were referred to it. A total of 150 mediations were successfully completed.45

The number of court matters referred to mediation yearly is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Court Matters</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>175</td>
</tr>
<tr>
<td>2005</td>
<td>120</td>
</tr>
<tr>
<td>2006</td>
<td>65</td>
</tr>
<tr>
<td>2007</td>
<td>72</td>
</tr>
<tr>
<td>2008</td>
<td>42</td>
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<tr>
<td>2009</td>
<td>31</td>
</tr>
<tr>
<td>2010</td>
<td>37</td>
</tr>
<tr>
<td>2011</td>
<td>42</td>
</tr>
<tr>
<td>2012</td>
<td>37</td>
</tr>
<tr>
<td>2013</td>
<td>37</td>
</tr>
</tbody>
</table>

Source: Mediation Institute of Guyana

**Arbitration:**
Arbitration is a form of alternative dispute resolution used for the resolution of disputes outside of the legal system. The parties to a dispute refer the dispute to one or more persons, and agree to be bound by the arbitration decision. The Arbitrators or Arbitrato review(s) the evidence in the case and imposes a decision that is legally binding on both sides and enforceable in the courts. Guyana has not reported the use of Arbitration processes within its territorial confines. One of the difficulties with the use of Arbitration that was identified by the country representatives that were spoken to by the consultant was its cost. Even though there were trained local Arbitrators in most of the territories visited, and they were members of the Institute of Chartered Arbitrators, parties to commercial disputes often prefer to bring in international Arbitrators, thus exponentially increasing the cost of the Arbitration process. The high cost of arbitration successfully removes its utility value to the average litigant who simply cannot afford the cost of this service.

**Restorative Justice:**

45 http://www.guyaneselawyer.com/mediation-index.html
Restorative Justice is “a process which is used for resolving crime that focuses on redressing the harm done to victims, while holding offenders to account and engaging the community in the resolution of conflict. The main goal of Restorative Justice is to provide opportunities for both victims and offenders to be involved in finding ways to hold the offender accountable for their offending and, as far as possible, repair the harm caused to the victim and the community.”

Restorative Justice as a concept, while understood in the territories visited thus far, is not one that is utilized in any formal way in Guyana, although there are reports that the Amerindians utilise various elements of restorative justice in settling disputes in territories placed under their legal control by the Amerindian Act.

**Conciliation:**
The overall view that has emerged in the interviews and information-gathering visits to the countries identified above, was that conciliation is not an ADR process that is used very often, except in the cases of Antigua & Barbuda, Jamaica, St. Kitts and Nevis and Trinidad & Tobago.

**Community Peace Building:**
Community Peace Building is a concept, which while it was known in most of the countries visited above, is not widely used. The concept of Community Peace Building is that it is a process that promotes interventions that are designed to prevent the start or resumption of violent conflict by creating a sustainable peaceful situation. Community Peace Building activities should be those which address the root causes or potential causes of violence, create a societal expectation for peaceful conflict resolution and stabilize society politically and socio-economically. Community Peace Building includes a wide range of efforts by diverse actors in government and civil society at the community, national and international levels to address the root causes of violence and ensure civilians have freedom from fear, freedom from want and freedom from humiliation before, during, and after violent conflict.

It was the view of a significant number of interviewees in eleven of the twelve countries visited, including Trinidad and Tobago, that Justices of the Peace were a neglected resource in the development of ADR in the region in that their functions were legislatively confined for the most part to the authentication of documents for the public when they could be an important resource for settling various types of community disputes thus preventing many civil and criminal cases from reaching the formal court system. In many of the countries visited, the prevailing opinion was that the political party forming the Government of the day selected JP’s using political considerations. The consensus of opinions canvassed was that the JP’s represented a vast untapped resource for the development of ADR interventions in the community setting.

**(g) Jamaica**

**Mediation:**
Through the collaborative efforts of the Jamaican Bar Association and Capital University in Columbus, Ohio, USA, the first dispute resolution programming was introduced to Jamaica. Out of this initial project, the Dispute Resolution Foundation (DRF) (formerly the Mediation Council of Jamaica) was established as a non-profit, independent entity, incorporated under the Companies Act of Jamaica, with a mandate to provide a platform on which the citizens and communities as well as

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47 Suriname does not have a Justices of the Peace system.
the entire country, could bolster the use of mediation and other forms of ADR to prevent and resolve disputes both within Jamaica and the Caribbean region.

Initial funding for the DRF was secured through a grant under the US Aid’s Sustainable Justice Improvement Programme. Since 2001, the Foundation has partnered with other organisations in the implementation of the Social Conflict and Legal Reform (SCLR) Project, funded by the former CIDA. That project saw the training of mediators, and the establishment of a Peace and Justice Centre in Trench Town in Kingston and Flankers in St. James respectively.

The Government of Jamaica, in recognition of the role that the DRF can and does play in the mediation of cases referred from the Courts and the distinct advantage that it affords in reducing the volume of civil cases which clog the Supreme Court and create backlogs, provides an annual subvention to the DRF to assist in meeting its operational costs. Although a private organisation, the DRF is an affiliated agency of the Ministry of Justice.

As part of the Transformation Agenda for the Justice System in Jamaica, a review of the Automatic Referral to Mediation process has been conducted by the Ministry of Justice under the umbrella of the Justice Undertakings for Social Transformation (JUST) Programme, funded by DFATD with a view to determining whether the court-annexed mediation should be expanded to the Resident Magistrates’ Courts. To date there has not been any study done to assess the effectiveness of Court – annexed mediation in the Supreme Court. Indeed, it has been recommended that such a study be done before the proposal to extend it to the lower courts is given consideration.

The Judicature (Rules of Court) Act, 1961, provides for the establishment of a Rules Committee of the Supreme Court, which is charged with making rules with respect to the practices and procedures to be followed in connection with matters filed in the civil jurisdiction of the Supreme Court. In 2002, the Civil Procedure Rules (CPR) of the Supreme Court developed by the Supreme Court Rules Committee were promulgated and in September, 2006, these were revised to provide for the institution of Part 74 which created a statutory regime for mediation in the civil jurisdiction of the Supreme Court.

Part 74.1 outlines the purposes of automatic referral to mediation as follows:

(a) Improving the pace of litigation;
(b) Promoting early and fair resolution of disputes;
(c) Reducing the cost of litigation to the parties and the court system;
(d) Improving access to justice
(e) Improving user satisfaction with dispute resolution in the justice system; and
(f) Maintaining the quality of litigation outcomes through a mediation referral agency appointed to carry out the objects of the Part.

The Rules set out the matters arising in the civil jurisdiction of the Court that are excepted from automatic referral to mediation. These are:

- Fixed Date Claims under Rule 8.1;
- Administrative Law proceedings under Part 56;
- Writs of Habeas Corpus under Part 57;
- Applications for Bail under Part 58;

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48 Since 2013, CIDA has been merged with the Canadian Department of Foreign Affairs, Trade and Development (DFATD)
- Non-contentious Probate proceedings under Part 68; and
- Admiralty proceedings under Part 70.

Notwithstanding these exceptions, a Judge of the Supreme Court or a Master in Chambers may, by order, direct mediation in respect of any proceedings. Rule 74.3 (4) empowers the court to refer a matter to mediation at any time prior to a pre-trial review by consent of the parties. Rule 74.3(5) allows for referral to mediation of any matter at any time by a Judge or Master.

The Rules also provide for dispensing with an automatic referral to mediation in a number of instances including where:

(a) The Court is satisfied that good faith efforts to settle the dispute were not successful;
(b) The costs of mediation would be disproportionate to the value of the claim or the benefits that might be achieved by mediation;
(c) The case involves a matter of public policy and mediation may not be appropriate;
(d) For some other good or sufficient reason, mediation would not be appropriate.

The Rules further provide for the establishment of Mediation Referral Agencies to co-ordinate and deliver approved mediation services, including the training of mediators and providing facilitation and advice to the Chief Justice.

Other provisions in Part 74 of the CPR touch and concern the following:
- The procedures in relation to the selection of Mediators, including their training and the standards of certification to be met by prospective mediators;
- The Roster of Mediators;
- The Scheduling and Timing of Mediations;
- The Attendance at and Conduct of Mediations;
- The filing of Mediators’ Reports with the Courts; and
- Actions by the Courts after the Mediation Reports are filed.

Additional provisions under Part 74 address the matter of the Costs of Mediation and Sanctions for non-compliance with the requirements stipulated in Part 74.

Part 74.2 (3) of the revised CPR names the Dispute Resolution Foundation as a mediation referral agency. It also allows for the appointment of other referral agencies by the Rules Committee of the Supreme Court. To date, no other organisation has been appointed a referral agency in respect of Automatic Referral to Mediation.

Section 16 (1) of the Criminal Justice (Reform) Act, 2001 also provides that where a person has been charged with any offence specified in the Second Schedule to the Act, the Court shall, before commencing the trial of the offence, determine, having regard to all the circumstances and with the parties’ consent, whether the matter can be dealt with by mediation. Where the Court determines that the matter is suitable to be dealt with by mediation, then a Mediation Order is made referring the matter to mediation by an approved mediator. An approved mediator is one appointed by the Chief Justice. The Order will specify a time limit within which the mediation must be concluded, and a Mediation Report submitted to the Court. The issuing of a Mediation Order operates to suspend the trial of the offence until the mediation process is concluded. In the event the matter is resolved by

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49 Offences that are triable either on indictment or summarily in the Resident Magistrates’ Courts.
mediation the charge is dismissed against the accused; if there is no resolution, then the trial of the offence shall proceed.

The Resident Magistrate’s Court (Amendment) Rules, 1999 also provide that where in the course of proceedings in an action, the Judge (the Resident Magistrate) is of the opinion that mediation may be of assistance to the parties, the Judge may advise them to attend upon an approved mediator, and adjourn the proceedings to enable the mediation to proceed. If after attending the mediation, the parties arrive at a settlement, the terms thereof are endorsed upon the records and shall be binding upon the parties. If there is no settlement, the matter is heard and determined by the Resident Magistrate.

In Jamaica for small claims and minor criminal matters, disputants may be referred to mediation at the Petty Sessions or Resident Magistrate’s Court under the Criminal Justice Reform Act and the Amendment to RM Court Rules. For larger civil suits, court rules (Part 74 of the Supreme Court Civil Procedure Rules) have since December 2006 provided for automatic referral to mediation after a defense is filed.

Part 74 of the Supreme Court Civil Procedure Rules states the objectives as-

(a) Improving the pace of litigation;
(b) Promoting early and fair resolution of disputes;
(c) Reducing the cost of litigation to the parties and the court system;
(d) Improving access to justice;
(e) Improving user satisfaction with dispute resolution in the justice system; and
(f) Maintaining the quality of litigation outcomes through a mediation referral agency appointed to carry out the objects of this part.

There is mandatory referral to mediation in civil cases. This occurs when all the defendants have filed their defense or thirty days after the first defendant has filed his defense whichever is later. A matter may also be referred to mediation at any time by order of a Judge or Master.

The Court may postpone or dispense with mediation if satisfied that good faith efforts have been made to settle which were not successful; that the cost of mediation would be disproportionate to the value of the claim or the potential benefits of the mediation; that the case involves a matter of public policy where mediation might not be appropriate; or that there is some other good reason. Such cases should be scheduled for case management. Matters filed on Fixed Date Claims, administrative law proceedings, bail applications and non-contentious probate proceedings are not referred to mediation.

Mediation must be completed within ninety days of the referral, but the parties can agree to extend the time for a further thirty days. They must notify that this is the case. The mediator must report to the Court within eight days of the completion of the mediation, and in any event, within ninety-eight days of the referral. He must report on the dates of the mediation, the persons who attended, whether agreement was reached and whether there is the prospect for an agreement if an extension is granted. If agreement is reached, it must be filed not later than thirty days after the mediation unless it is a term of the Agreement that it remains confidential.

The costs of the mediation are the costs of the claim unless otherwise agreed by the parties. There are sanctions for failure to comply with the rules laid down. These may include striking out the claim or defense for failure to attend the mediation. The parties may apply for relief from sanctions.
Mediator’s reports are confidential, but may be used for research and evaluation after the removal of all identifying information.

There is no statutory body for certifying mediation. Part 74.2 states that the Registrar of the Supreme Court may appoint the “Mediation Referral Agency.” The Dispute Resolution Foundation\(^{50}\) is presently charged with compiling and keeping a current roster of mediators for use by the Registrar; assigning mediators where the parties are unable to agree upon one; monitoring the performance of mediators on its roster; training mediators; and providing facilitation advice to the Chief Justice.\(^{51}\)

While data giving a breakdown of the various types of disputes that are either referred by the Courts to the DRF or by private individuals was not readily available, Table 1 below shows the number of cases that were dealt with by the Foundation over the period 2009 to 2012 and the rate of disposal of the cases that were actually concluded.

**Table 1 – Summary of Mediations handled by DRF for 2009 -2012**

<table>
<thead>
<tr>
<th>Year</th>
<th>Referrals</th>
<th>Open/Filed</th>
<th>Closed/Disposed</th>
<th>Undecided/Undisabled</th>
<th>Pending</th>
<th>Disposed of (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>1520</td>
<td>694</td>
<td>693</td>
<td>133</td>
<td>818</td>
<td>46%</td>
</tr>
<tr>
<td>2010</td>
<td>1197</td>
<td>536</td>
<td>353</td>
<td>108</td>
<td>641</td>
<td>45%</td>
</tr>
<tr>
<td>2011</td>
<td>1190</td>
<td>736</td>
<td>450</td>
<td>4</td>
<td>739</td>
<td>38%</td>
</tr>
<tr>
<td>2012</td>
<td>944</td>
<td>733</td>
<td>211</td>
<td>-</td>
<td>732</td>
<td>32%</td>
</tr>
</tbody>
</table>

*Data to October 2012

The Table below (Table 2) gives a breakdown of the number of cases referred to the Foundation that were closed or disposed of and the form of closure. Of interest is the fact that for the four-year period under the review, the data shows a decline in the number of cases closed or disposed of in each succeeding year.

**Table 2 – Closed Mediation Cases -2009 -2012**

<table>
<thead>
<tr>
<th>Case Sub-Status Name</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completed without agreement(^{52})</td>
<td>296</td>
<td>257</td>
<td>242</td>
<td>126</td>
<td>921</td>
</tr>
<tr>
<td>Completed with full agreement(^{53})</td>
<td>236</td>
<td>187</td>
<td>156</td>
<td>79</td>
<td>658</td>
</tr>
</tbody>
</table>

\(^{50}\) The DRF is a 15-year-old NGO established in Jamaica with a Justice, Peace and Development mandate. The DRF has trained mediators for Bahamas, Barbados, Dominica, Guyana, St. Lucia and Trinidad & Tobago. From 1995 to 2002, over 8,000 people have been recipients of mediation training in Jamaica, Belize, Trinidad & Tobago and St. Vincent.

\(^{51}\) In 2009 the DRF had approximately 300 persons per week use its services; its success rate was between 55% and 75% in the Supreme Court and Magistrate Courts cases respectively. See [http://www.cuttingedgelaw.com/newsfeed/jamaica-dispute-resolution-foundation-achieving-success-mediating-conflicts](http://www.cuttingedgelaw.com/newsfeed/jamaica-dispute-resolution-foundation-achieving-success-mediating-conflicts)

\(^{52}\) The majority of completed mediations dealt with over the period (49%) were actually concluded without the agreement of all the parties, so the matters were returned to Court.
### Conciliation

The Labour Relations Code established under section 3 of the Labour Relations and Industrial Disputes Act (LRIDA) sets out a number of guidelines for the peaceful settlement of industrial disputes, whether by negotiation, conciliation or arbitration.

The Ministry of Labour and Social Security has responsibility for the administration of the LRIDA and the recognition and application of the Labour Relations Code in industry. The Ministry provides conciliation services for the benefit of organisations representing both employers and employees through the Conciliation Unit of the Ministry.

According to information posted on the Ministry’s website, the objective of the Conciliation function is to “resolve disputes relating to unionised workforces as they occur.” The Unit therefore seeks to settle disputes relating to negotiations aimed at establishing Labour Management Agreements; issues relating to the administration of such Agreements; termination and suspension of the employment of workers; and any matter affecting the rights, privileges and responsibilities of any worker or organisation representing workers.

Conciliation services are available to disputing employers, trade unions and/or workers both in the public and private sectors in relation to industrial disputes concerning primarily, wages and fringe benefits, breaches in respect of the terms and conditions of employment, representational rights

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53 Thirty-five percent (35%) of concluded mediations ended with the full agreement of all the parties.
54 Approximately eight percent (8%) of closed mediations were aborted for non-attendance of the parties or discontinued.

<table>
<thead>
<tr>
<th>Status</th>
<th>Settled without mediation</th>
<th>Discontinued</th>
<th>Aborted for non-attendance</th>
<th>Completed with partial agreement</th>
<th>Part-heard to continue</th>
<th>Settled after mediation</th>
<th>Application to dispense</th>
<th>Returned to Court</th>
<th>Settled at Court/Judgment Obtained</th>
<th>Mediation not convened</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>48</td>
<td>26</td>
<td>15</td>
<td>0</td>
<td>89</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>693</td>
</tr>
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<td></td>
<td>49</td>
<td>19</td>
<td>10</td>
<td>3</td>
<td>81</td>
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<tr>
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<td>11</td>
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<td><strong>TOTAL</strong></td>
<td><strong>693</strong></td>
<td><strong>533</strong></td>
<td><strong>450</strong></td>
<td><strong>211</strong></td>
<td><strong>1,887</strong></td>
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claims by trade unions, as well as disciplinary matters. The services are accessed largely by parties from unionised enterprises but also from disputing non-unionised companies and workers.

Where, for example, an industrial dispute arises at a particular business enterprise or company, and discussions at the local level between both the representatives of the workers and the management or representatives of the management of that enterprise or company fail to arrive at any settlement or mutual agreement in respect of that dispute, either or both parties may engage the Ministry’s conciliation services. The procedure requires that a Conciliation Officer chair the discussions between the disputing parties and assist them in arriving at an amicable settlement. If there is a settlement of the issue in dispute, both parties sign an Agreement that is witnessed by the Conciliation Officer. If the conciliation process fails to result in a resolution of the dispute, and the Minister of Labour is satisfied that any further attempt at a settlement would be futile, the LRIDA makes provisions for the dispute to be referred by the Minister to the Industrial Disputes Tribunal for adjudication and settlement.

The Industrial Disputes Tribunal (IDT) is established under the LRIDA for the purpose of conducting quasi-judicial hearings into industrial disputes between workers’ representatives and employers’ representatives. Its functions include the summoning of witnesses to give evidence and produce documents; hearing submissions from the legal or other representatives of the disputants, and arriving at decisions based on the evidence presented before the Tribunal.

Where the dispute results in an industrial action being taken by the workers, for example, the withdrawal of their services, the IDT is empowered under the LRIDA to order a resumption of work before the dispute is heard by the IDT. In cases where the service offered is an essential service, e.g. fire fighting, health, civil aviation or water services, there are special provisions in the LRIDA on how the IDT should deal with such cases.

The conciliation services provided by the Labour Ministry are resorted to with high frequency and have proven beneficial and very useful in the resolution of several industrial disputes. It is acknowledged that the Ministry of Labour, by virtue of the potential volatility of some of these industrial disputes and the impact that sustained industrial unrest can have on productivity as well as the economy, plays a critically vital role in ensuring that the conciliation services it provides are offered at an optimum level in order to facilitate a peaceful environment at the work place and the maintenance of harmonious relations between workers’ representatives and management/employers in the national interest.

It should be noted that pursuant to section 8(9) of the LRIDA, the Arbitration Act is not applicable in any proceedings of the IDT or in respect of any award that may be made by the said IDT. Additionally, the LRIDA proscribes any judicial challenge to any decision or award of the IDT, except on a point of law.

**Arbitration**

The Government of Jamaica, acting through the Ministry of Justice, has embarked on a number of strategies to reduce the high volume of cases in the court system. Like mediation, conciliation or negotiation, arbitration is one of the elements of Alternative Dispute Resolution and is seen by the policy makers as a priority strategy to be used in reducing the inventory of cases that form bottlenecks in the court system.
The present Arbitration Act was passed in 1900 and is fashioned off the English Arbitration Act. There have been minor revisions made to the Act in 1969 and 1973. It is well recognised that the existing legislation is outdated and that if economic benefits are to be derived by business enterprises and citizens from utilising the arbitration process as a viable option that is more advantageous than litigation, then the modernisation of the existing arbitration legislation becomes imperative.

Notwithstanding, the valiant efforts of the Judiciary to apply the Act with a modern interpretation, the fact is that the law as it stands is a disincentive to investment in Jamaica and an opportunity lost in terms of the economic benefits that would realised if the domestic legislation facilitated international commercial arbitration.

An increase in the use of arbitration to settle commercial and trade disputes would free up judicial time and costs associated with litigation which is often complex and require the use of Court resources for extended periods, as well as contribute to a reduction of the number of cases that are placed before the Commercial Court and the High Court for adjudication.

Determination of the model of arbitration legislation that will be a best fit for the needs of Jamaican businesses and foreign investors has been one of the factors causing the relative inaction, with regard to the creation of a new law. It is expected there will be a new thrust by the policy makers towards reviewing the legislation and taking a definitive action as regards the model law that is most suitable within the Jamaican context and should be adopted. In that regard, the Ministry of Justice is currently preparing drafting instructions to be issued to the Chief Parliamentary Counsel to prepare the necessary legislation to deal with domestic arbitration. A draft Bill has already been prepared which was fashioned off the UNCITRAL Model Law with respect to international arbitration. It is contemplated that a Ministerial decision will, thereafter, be taken as to whether both Bills will be incorporated to form one comprehensive Arbitration Act in Jamaica.

A modernised arbitration regime in Jamaica would be a step in the right direction vis-a-vis this international trend in favour of settling disputes as well as raising consciousness that arbitration is a business that has the capacity to generate significant income from the establishment of international arbitration centres or hubs, in addition to widening the range of opportunities for local professionals who are engaged in dispute settlement and support services.

At this time there is no data available on the number of citizens that have been formally trained in Arbitration use. In 2007, the Dispute Resolution Foundation (DRF) and a Jamaican attorney-at-law and barrister, Mr. John Bassie, formed an alliance to establish a local branch of the Caribbean Institute of Arbitrators (CI Arb.). An inaugural one-day workshop was conducted in March 2008, for the certification of arbitrators as Associates of the Chartered Institute of Arbitrators. In November of the same year, Partners for Economic Development and the University College of the Caribbean (UCC) staged an international Commercial Arbitration Post-graduate Certificate.

The DRF, with technical support from the Caribbean Institute of Arbitrators (Jamaica Branch) offers a range of services including the appointment of arbitrators; co-ordination and facilitation of arbitral services; sensitization, training and certification of arbitrators. The Foundation also maintains a Roster of certified arbitrators as part of its Arbitration Panel to provide arbitration services as and

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56 John Bassie, LLB, LLM, is a Mediator and Fellow of the Chartered Institute of Arbitrators. He is currently Chairman of the Dispute Resolution Foundation.
when required. Jamaica does not now have a large pool of internationally recognised arbitrators, even though there are a few practitioners who have had some regional and even international renown. But the country is not visible in the international arbitration sphere or even recognised as having a workable regime for domestic arbitration; nor is there any institution or body that is charged with the supervision, control or conduct of arbitration practitioners. One way of tackling this gap would be to build the capacity of arbitration practitioners thereby improving the available human resources, while providing outlets for apprenticeship. Such a programme of capacity building will facilitate a wider range of skill sets required and at the same time, establish professional relationships to enable optimal participation in both regional and international arbitration.

Jamaica can capitalize on the opportunities that are opening up in this field. But for those opportunities to materialise into tangible benefits there must be modernisation of the arbitration architecture. Though the prospect of introducing international arbitration may suggest very attractive spin-offs over time, there is no doubt that if the regime is modernised then the settlement of disputes at the domestic level will also be enhanced.

Article 223 of the Revised Treaty of Chaguaramas under which the Caribbean Single Market Economy (CSME) was established, requires and encourages the use of arbitration as the preferred mechanism for the settlement of trade and commercial disputes. Member States are also required to enact appropriate domestic legislation to ensure observance of agreements enforced and recognition of foreign awards. A similar requirement exists under the Treaty of Basseterre, which established the Organisation of Eastern Caribbean States (OECS).

Other institutions such as the International Centre for the Settlement of Investment Disputes (ICSID), the World Trade Organisation (WTO), the World Intellectual Property Office (WIPO) and the North American Free Trade Association (NAFTA) have also established special protocols that require the use of arbitration to settle disputes.

In a number of notable cases there have been challenges mounted in the Courts with respect to the propriety of court proceedings being allowed to continue in cases where the parties to the dispute have entered into arbitration agreements. In almost all cases researched, the Courts have stayed the civil proceedings in favour of the disputes being dealt with by arbitration. The Courts have emphasized that only in circumstances where it can be established that an arbitrator has committed an error in law that would render the arbitration agreement inoperative, could the jurisdiction of the Supreme Court be exercised to set aside an arbitration award.

The increase in the number of commercial cases heard in the Commercial Court would suggest that the use of arbitration to settle disputes is one of last resort. Figures released by the Court show that prior to 2010 there were on average, only five (5) commercial matters being filed annually. Between 2010 and 2014, approximately six hundred and fifty-one (651) matters were filed in the Court.

57 Treaty signed on June 19, 1981.
58 Established under the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (the “Washington Convention”).
Restorative Justice:
It is arguable that the one of the major social ills threatening the Jamaican society and the Rule of Law is the high incidence of crime and violence. Crime and violence are spawned from a number of contributory factors such as the proliferation of criminal gangs and their underground networks, a culture of reprisals for acts of violence committed against communities or individuals and the phenomenon of the rise of the “don” often euphemistically called the “area leader” to whom the community turns for protection, safety, security to the detriment of the confidence and trust that should ordinarily be reposed in the established law enforcement machinery.

The convergence of all the above factors serve as a poignant signal of the urgent need for a new mindset in dealing with the resolution of disputes and conflicts without resort to the traditional adversarial approach. A new and innovative approach must serve to respect the dignity of all the actors in a conflict – victim, offender, community members, even while aimed at restoring social harmony, repairing the harm done and improving the safety of the community.

One of the mechanisms of ADR by which conflicts and disputes can be resolved in a non-combative, non-adversarial manner is the philosophy and practice of Restorative Justice.

Restorative Justice (RJ) has been described as a philosophy and theory of justice that recognises that wrongdoing is harm done to people and their relationships rather than harm done to the State. The focus is not on the attainment of retributive justice but on the acknowledgment and reparation of the harm done, reintegration and restoration of relationships with a view to preventing future recurrence of the harm. RJ involves processes that deal with harm and is most often utilised within the context of crime, even though it may be used in a much broader sense, in schools, churches and communities. Early pioneering work in RJ in Jamaica was undertaken by the Dispute Resolution Foundation (DRF) and work in that area at the community level is still continuing as part of the suite of ADR services offered by the Foundation.

In 2002, the Report of the National Committee on Crime and Violence recommended the use of RJ at the community level to give communities the capability to deal with crime, especially with respect to first time offenders. In 2003, following the West Kingston Commission of Enquiry, the Cabinet of Jamaica directed the Ministry of Justice to take the lead in the development of a National Restorative Justice Strategy.

In 2006, the Jamaican Government commissioned a study on the reform of the justice system in Jamaica, and the Report60, which was presented in 2007, indicated that a fresh vision of justice that encouraged community reconciliation of conflicts and reflected the principles and values “to embrace a culture of peace and justice” was imperative. Such an ideal may be achieved through the provision of new approaches and structures that will empower communities to resolve their conflicts and achieve justice by peaceful means.

Early efforts by the Government to introduce the concept of Restorative Justice were on a small scale, but in 2010 a Restorative Justice Unit was established in the Ministry of Justice with funding support under the Citizens’ Security and Justice Programme Phase II (CSJP II) from the Inter-American Development Bank (IDB) and the UK’s Department for International Development (DFID) in the areas of training, public awareness and the establishment of a statutory framework.

The RJ Programme has been approved to continue receiving funding support under the third and final Phase III of the CSJP.

A National Restorative Justice Policy was developed in the Ministry of Justice in 2012 and after extensive consultations with a very wide cross-section of key stakeholders and players within the justice system, such as the Police, the Judiciary, the legal fraternity, Civil Society Organisations, churches, Justices of the Peace, Prosecutors and Clerks of Courts, was approved by the Cabinet and later tabled in the Parliament.

At present, drafting instructions have been issued to the Chief Parliamentary Counsel to prepare the necessary legislation to give effect to the National Policy. There are a number of existing pieces of legislation that will require revision to reflect the principles of RJ. Several of these already provide processes that incorporate RJ principles.

The National Restorative Justice Policy outlines the referral process. In the case of minor offences, the police will lay a charge against an offender and is then required to complete an Eligibility Criteria Checklist Form and submit it along with any supporting documents to the Clerk of Courts or a Resident Magistrate. The process requires that the Form be received by either the Clerk or Resident Magistrate who will exercise his/her discretion as to whether the charge will be pursued in a Court of law or referred to the RJ Centre. If the Resident Magistrate or Clerk of Court considers that a referral to the RJ Programme is appropriate, then the reviews are done as regards the Eligibility Checklist and the matter referred to the RJ Centre. The Resident Magistrate or Clerk of Court retains the authority to pursue the case for the specified offence at a later date as in cases where the RJ process is not completed. If the Clerk of Court decides to pursue the case, the Resident Magistrate has the discretion to decide whether or not to hear the case or refer it to the RJ Centre.

In cases where a person has been convicted of an offence, whether major or minor, the Resident Magistrate or Judge of the Supreme Court has discretion to allow for a RJ process prior to sentencing provided the Eligibility Checklist has been satisfied. The Court may provide directions to the RJ Centre as regards the purpose, which the Court seeks to achieve in making the referral.

A number of options may be available at this stage, such as, convening a RJ process to develop an agreement, which the offender may complete under the supervision of the RJ Centre. The terms of the agreement must be reported to the Court prior to the date of the sentencing hearing. Alternatively, there could be a convening of a Sentencing Circle which may be facilitated by a RJ practitioner with guidance from a judge and which will also include appropriate officers of the Court.

Public education/awareness is one of the major components of the RJ Programme. To date, the RJ Unit of the Ministry of Justice has conducted over 200 sensitization sessions for a wide cross-section of stakeholders including members of the Jamaican Judiciary, Resident Magistrates, Police Officers, Justices of the Peace, Prosecutors and Clerks of Courts.

The Government’s public information agency, the Jamaica Information Service (JIS), has also been engaged in order to increase public understanding and awareness of the RJ philosophy and process. JIS has carried out extensive public awareness campaigns in both the print and electronic media through television dramatisations, 30-second public service announcements (PSAs), time signals, billboards installed in four target communities, a 45- second jingle, brochures and fact sheets and a 5-
minute radio segment, all of which are used as communication tools to inform the public about the operation of the Programme and the benefits to be derived from making use of the services offered.

Several large community sensitization sessions have been held using the RJ trained Facilitators in the pilot communities along with the Field Officers of the Ministry of Justice. Between October and December 2011, sixteen (16) community sensitization sessions were held while at the national level, nine (9) sessions were held over the same period. Between January and March, 2012, the number of sensitization sessions organised in the four (4) pilot communities was thirty-seven (37), while ten (10) workshops were conducted at the national level.

Additionally, the work and achievements of the RJ Programme can be viewed on the website of the Ministry of Justice at [www.moj.gov.jm](http://www.moj.gov.jm). A Restorative Justice Week is also proclaimed in the first week of the month of February each year, an event which is aimed at heightening public awareness of the services offered by the RJ Unit and the operations of the RJ Centres located across the island.

The RJ Programme has successfully trained over two hundred (200) Police Officers (as Referral Agents) in the principles of RJ for application in their function of identification of cases for recommendation to the Courts and the Case Management System for the RJ Programme. Training in Case Management for RJ has also been given to most members of the Judiciary, the Resident Magistracy, Crown Prosecutors in the Office of the Director of Public Prosecutions and Probation Officers attached to the Department of Correctional Services (in respect of adult and juvenile correctional facilities), as well as the staff of other relevant agencies, including those responsible for child development and welfare.

The Programme has also trained approximately 160 volunteer citizens as RJ Facilitators. The International Institute of Restorative Practices (IIRP) has also facilitated Training of Trainers Certificate Course to equip RJ Facilitators with the skills to train suitable candidates island-wide to assist in the RJ Programme. Over thirty persons have benefited from this Certificate course.

The training course developed for RJ is a ten-module Programme geared towards building the capacity of Facilitators to conduct RJ processes in Jamaica. Training will be delivered through the Ministry’s Justice Training Institute and will be accredited by the University Council of Jamaica and provide national certification for these Facilitators.

Subjects covered under the modular Training Course include: Concepts of RJ; The National RJ Programme; Introduction to the Criminal Justice System in Jamaica; Case Management; Working with Victims of Harm; Working with Offenders and Clientele Diversity- Victims/Offenders.

The Government of Jamaica, acting through the Ministry of Justice, has, to date, established seven RJ Centres in communities and parishes across the island. These include: Granville in the parish of St. James; May Pen in Clarendon; Spanish Town in St. Catherine; Tower Hill and August Town in St. Andrew; Trench Town in Kingston and Savanna-la-Mar in Westmoreland. It is anticipated that in the 2014/15 Financial Year an additional three RJ Centres will be brought into operation.

The RJ Programme has also been piloted in 11 communities in the island, including, Russia in Westmoreland; Canaan Heights in Clarendon; Ellerslie Pen and March Pen in St. Catherine, to name a few. In March 2014, the Ministry of Justice launched its programme to introduce the philosophy of Restorative Practices in schools on a sustained basis. In excess of 80 School Principals, Deans of Discipline and Guidance Counsellors benefitted from the initiative. The philosophy aims to change
the way discipline is approached, by dealing with the behaviour rather than labelling persons who exhibit inappropriate behaviour.

It is expected that churches and other faith-based organisations, such as the Northern Caribbean University’s Counselling and Restorative Justice Centre will advance the RJ philosophy.

In support of the Policy Objective of developing and supporting processes, practices and programmes on RJ, one of the strategies set out in the Policy is the advocating for RJ practices to be introduced in educational institutions at the tertiary level, by developing and delivering RJ education and training modules which will be included in the curriculum of relevant professional faculties including Law Schools, Police Academies, Teacher Training Colleges, Seminaries and Social Work training institutions.

One of the RJ Policy Objectives is to develop and support infrastructure and processes that address harms to relationships between individuals and communities affected by crime and other wrong doing with a view to creating healthy relationships that can sustain and support a secure, cohesive and just society. The development of protocols, procedures and frameworks to guide the development of these processes is one of the strategies envisioned to achieve the stated Objective.

The National Restorative Justice Policy sets out the protocols/procedures necessary to guide the development of the RJ Programme, including its processes. As a strategy for developing and using best practices in RJ, Programme Protocols will be established in line with international standards and will be promulgated with legislative authority.

Some of the protocols outlined in the Policy include the Eligibility Criteria for Post-Charge/Pre-Trial, Post Trial and Post Sentence Referrals; Procedures for RJ processes and Restoratively –Oriented Options; RJ Agreements for Post Charge and Pre-Trial Referrals for Minor Offences; RJ Agreements for Post Conviction and Post Sentence Referrals; Protocols for the Supervision of Agreements and the Completion of RJ Agreements. Other protocols have been established in connection with matters such as Non-Disclosure and the Retention and Transfer of Records to the Courts and the Records Office of the Jamaica Constabulary Force.

Since April 2013 to March 2014, forty-six (46) cases have been referred to the Restorative Justice Unit from the first referral point – community disputes.

(1) **Youth Offending** - There has been one case to date; however the RJ Agreement was breached and the child referred to the Child Development Agency for appropriate action.

(2) **Adult Offending** - Some success has been recorded with regard to referrals in respect of adult offending.

(3) **Court conducted** - No action has been taken as legislation to give the Court the required powers, is not yet in force.

(4) **Police conducted** – Police officers will not conduct RJ but will serve only as Referral Agents to make recommendations to the Courts through the Resident Magistrate or Clerk of Courts in respect of cases to be considered for either RJ intervention or adjudication in a Court of law.
In Jamaica the Chief Justice and Director of Public Prosecutions have declared their unwavering support for its fledgling Restorative Justice Program. As was said by the Chief Justice, “Undoubtedly, restorative justice has an important role to play as one of the strategies to manage criminal cases and assist in the backlog of cases in our system.”

Community Peace Building:
Crime reduction and community transformation are not one and the same. Whilst there may be crime reduction in communities across Jamaica, there is still hardship and suffering and a lack of social amenities and infrastructure. As a result, all the things that give rise to criminal enterprises still exist in communities across this island.

If the communities are not transformed in a holistic, sustainable way, crime will continue to rise. So you have to get rid of the ingredients that breed crime.

For over ten years now, various peace programmes have been implemented in communities across Jamaica through the Peace Management Initiative (PMI) working with government agencies as well as local and international organisations. As a result, these organisations have built up a culture of peace building in the affected communities, finding alternative ways to resolve conflict by addressing divisive issues on the ground.

The PMI believes that clearing the most volatile communities of the perpetrators of violence can only realistically be done within the Jamaican context by engaging this specific target group. Importantly, these perpetrators of violence are not wanted by the police and yet remain in the community with access to guns. In order to clear these communities a ‘pathway programme’ has been developed to help this group transition away from gang activities and, at the same time, to empower the wider community to own the peace process. Another initiative, supported by the PMI is the Football Corner League, which is currently underway in several communities across the country which is endorsed by the Umbrella Group of Churches and the Community Safety and Security branch of the Jamaica Constabulary Force (JCF).

The PMI’s success, however limited considering the scale of the problem, in ‘clearing and holding’ in these vulnerable communities revolves around managing more than 5,000 youths with access to guns and who are not wanted by the police. The PMI’s approach is to go directly to gang crews, listen to them, and get them to meet face to face with opponents. Then depending on the response, follow up with counseling and social development activities. The fact that so many youngsters trust the organization, and come forward when a PMI team enters their community, clearly shows that they want economic improvement and better lives for themselves and their children.

Today the PMI is operating in over 60 communities in Jamaica, helping to build the capacity of the gangs to embrace alternative dispute resolution practices. Evidence of the success of its work is to be found in the signing of peace treaties between gangs, which has resulted in gang members, among other things: attending life skills workshops, taking advantage of training opportunities, shifting away from organised gangs to ‘community defence gangs’, and embracing community openness and freedom. These achievements should not be seen as institutionalizing gangs or gunmen, but as opportunities at community level for youth to change their lives.

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61 Jamaica Observer, November 10, 2013
Importantly, the communities themselves have bought into the idea of managing their own safety and
the crime situation in their area. This has helped to identify problems and key persons in the conflict,
inviting persons in conflict to closed-door mediation, and developing a platform for community
safety, healing, and reconciliation programmes.

Other strategies employed include border integration, counselling and therapy for victims,
establishing peace councils to sustain a communication network among communities, having
democratic representation in councils, and facilitating a space for other partners and stakeholders to
enter and re-enter the communities to focus on the overall development of the community.

(h) Saint Lucia

Mediation:
The training and certification of mediators in Saint Lucia is conducted under the auspices of the
Eastern Caribbean Supreme Court Practice Direction Number 1 of 2003. In this Practice Direction,
ADR is defined as “a collective description of methods of resolving disputes otherwise than through
the trial process, including, in particular, mediation.” Court-connected mediation services are defined
as “mediation services provided as a result of the referral by the Court.” And Court is defined as
meaning the High Court, and where the `context so admits, and in Part 62, the Court of Appeal.” The
training and certification of mediators in Saint Lucia are undertaken by the JEI of the ECSC under
the auspices of a MOU executed between the ECSC and the Saint Augustine Campus of the
University of the West Indies.

Conciliation:
There were no affirmative responses to the use of Conciliation in Saint Lucia.

Community Peace Building:
There were no affirmative responses to the use of Community Peace Building initiatives in Saint
Lucia.

Restorative Justice:
There were no affirmative responses to the use of Restorative Justice Initiatives in Saint Lucia.

Arbitration:
It was stated that although Saint Lucia Arbitration costs were presently more costly than going to
court, and was mostly utilized in the construction and insurance sectors, it would be highly beneficial
for there to be a small-claim Arbitration process to be established buttressed by a robust public
awareness program designed to showcase the benefits of Mediation and Arbitration. While the full
Arbitration framework was being developed, complete with up-to date Arbitration legislative
provisions, a useful half-way-house in the interim would be the performance of adjudication for
construction matters as a useful interim step. The University of the West Indies should be actively
involved in training a cadre of Arbitrators in Saint Lucia supported more generally by the ADR
methods being utilised by the Dispute Resolution Foundation of Jamaica.

(i) Saint Kitts and Nevis

Mediation:
On the civil side, Mediation is conducted under the auspices of Practice Direction No. 1 of 2003 issued by the Eastern Caribbean Supreme Court. In this Practice Direction, ADR is defined as “a collective description of methods of resolving disputes otherwise than through the trial process including, in particular, mediation.” Court-connected mediation services are defined as “mediation services provided as a result of the referral by the court,” and “Court” is defined as meaning “the High Court, and where the context so admits and in part 62, the Court of Appeal.” There are five mediators on the Roster.

The training and certification of mediators in Saint Kitts and Nevis are undertaken by the JEI of the ECSC under the auspices of a MOU executed between the ECSC and the Saint Augustine Campus of the University of the West Indies.

Mediation is also conducted on the criminal side where the existing Alternative Sentencing Powers Act, 2003 makes provisions for the courts to have sentencing powers enabling them to pass non-custodial sentences such as discharges, suspended sentences, probation orders, community service orders, among others, to enable certain offences to be dealt with by mediation instead of criminal prosecution. For the purposes of Section 36 of this Act, mediation shall be by a third person called a Mediator of a dispute or difference between one party and another by the employment of methods which consist of or include the discharge by one party of one or more of the following obligations: (a) Doing unpaid work for the benefit of the other; (b) Paying compensation to the other; or (c) Participation in an education or rehabilitation program. The Minister responsible for Penal Administration shall make a list of scheduled offenses by Order, which offences shall be eligible for mediation. A person charged for the first time with a scheduled offense is eligible for mediation if:

(a) That person is not more than 21 years of age and has not previously been charged with, or convicted of any offense; and
(b) The charge is one that has been laid by or on behalf of a complainant. (Defined as a person who, acting otherwise than in the course of official duty, lays an information, or causes an information to be laid, alleging the commission by he defendant of a scheduled offense).

Where mediation is carried out under this part of the Act, the obligation of a person shall not conflict with the person’s religious beliefs or interfere with the times, if any, at which that person normally works or attends a school or other educational establishment. It should be noted that the provisions of this Act has been rarely used in St. Kitts although there seems to be no prohibition on its more widespread use in the future.

It was the view of the then Registrar of the High Court that mediation could usefully be introduced in the Magistrates Courts and should cover such escalating problems as domestic violence; land disputes, property being sold at less than fair values under mortgages and matrimonial issues.

Conciliation:
There were no affirmative responses to the use of Conciliation Procedures in Saint Kitts & Nevis.

Arbitration:
Arbitration procedures are not in active use in St. Kitts and Nevis, and the institutional memory in the Solicitor’s General Chambers recalls only one prior matter having gone to Arbitration within recent
times. There are however contractual provisions in various contracts which reiterate the binding nature of the contract on the parties and the fact that its provisions will be interpreted in accordance with the 1950 United Kingdom Arbitration Act which applies to St. Kitts, with the necessary changes being made. It should also be noted that St. Kitts and Nevis is not a signatory to the 1958 New York Convention and there is no indication at this time that the Government intends to revise the existing Arbitration Act within the near future to accord with modern commercial realities.

**Restorative Justice:**
The Alternative Sentencing Powers Act, 2003, deals with alternative sentencing and mediation on the criminal side. While the provisions of the Act are quite progressive in terms of their mediation and sentencing powers the Solicitor General of Saint Kitts and Nevis, who was also a Magistrate, was of the view that its provisions are not frequently utilized having regard to the fact that a large number of crimes in Saint Kitts and Nevis are sexual in nature and are not amenable to the alternative sentencing and mediation regimes established by the Act.

**Community Peace Building:**
The St. Kitts & Nevis police force has been very active in instituting methods of operation in troubled communities that defuse tensions among various warring factions of young persons between the ages of 17-25. In troubled communities such as Cayon, there is as yet no legislative framework for the official institution of Community Peace-Building initiatives on a countrywide basis.

Despite this lack of a legislative framework for Peace-Building initiatives however, we were favourably impressed with the attempts being made by various Governmental representatives to work cooperatively with the police force and with the representatives of a CARICOM-Spain Project on “Reducing Youth-on-Youth Violence in Schools and Communities” whose goal is to “contribute to a reduction in the incidence of ‘youth-on-youth’ violence in selected schools and communities in five CARICOM member States.”

**(j) Saint Vincent and the Grenadines-**

**Mediation:**
In Saint Vincent and the Grenadines, interviewee evidence revealed that court trial dates were now being set for the years 2018 and 2019.

**Conciliation:**
There were no affirmative responses to the use of Conciliation in St. Vincent and the Grenadines.

**Restorative Justice:**
There were no affirmative responses to the use of Restorative Justice Initiatives in Saint Vincent and the Grenadines.

**Community Peace Building:**
There were no affirmative responses to the use of Community Peace-Building initiatives in St. Vincent and the Grenadines.

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62 See footnote 92 below.
63 Antigua and Barbuda, Jamaica, St. Kitts and Nevis, St. Lucia and Trinidad and Tobago.
Arbitration:
Under Section 3 of the Trade Disputes Act, any Trade Dispute, whether existing or apprehended, may be reported to the Governor General by or on behalf of either of the parties to the dispute, and the Governor-General shall thereupon take the matter into his consideration and take such steps as seems to him expedient for promoting a settlement thereof.

Under Section 4 of the Act, where a trade dispute exists or is apprehended, the Governor General may, subject as hereinafter provided, if he thinks fit and if both parties consent, refer the matter for settlement to an arbitration tribunal constituted of either:

(a) A sole arbitrator appointed by the Governor-General;
(b) An arbitrator appointed by the Governor-general, assisted by one or more assessors nominated by or on behalf of the employers concerned and an equal number of assessors nominated by or on behalf of the workmen concerned, all of whom shall be appointed by the Governor-General:

1. Provided that the award shall be made and issued by the arbitrator only; or
2. One or more arbitrators nominated by or on behalf of the workmen concerned, and an independent Chairman, all of whom shall be appointed by the Governor-General;
   (i) Provided that where all the members of the tribunal are unable to agree as to their award; the matter shall be decided by the chairman as the sole arbitrator.

Apart from the Trade Disputes Act above, Saint Vincent and the Grenadines is also a signatory to the Revised Treaty of Chaguaramas (2001), which expressly states that:

1. “Each contracting party shall, to the maximum extent possible, encourage and facilitate the use of arbitration and other means of alternative dispute resolution for the settlement of international commercial disputes.

2. To this end, each contracting party shall provide appropriate procedures to ensure observance of agreements to arbitrate, and for the recognition and enforcement of arbitral awards in disputes.”

Despite the comprehensive statutory framework for Arbitration identified above, a personal interview with the Registrar of the High Court elicited the observation that only a single Arbitration had been conducted in her ten-year tenure of employment in the position.

(k) Suriname

Mediation:
There are some examples of situations in which mediation is working well in Suriname. In the 5th Canton, police are acting as mediators of small disputes. Similarly, in Paramaribo, one police officer is assigned to assist parties to settle conflicts such as those between landlords and tenants.

There are traditions of mediation among many of the ethnic groups in Suriname. As an example, in Hindustani families the eldest family member is often looked to, to mediate disputes; in Saramacca, it was traditionally the schoolmaster (the most educated member of the community) who mediated
disputes. Maroon villages before the civil war had traditional courts and dispute resolution. Their use is apparently less frequent after the war.

Interest among the Bar and business community in negotiation and mediation courses offered by the Foundation of Legal Cooperation between Suriname and the Netherlands has been high.

The fact that there is a fair amount of informal settling of cases in Suriname is a potentially positive situation for the judicial system as well as the citizenry, as it permits judges more time to focus on cases that truly merit judicial deliberation, and gives parties the option to seek resolution of a conflict through a method that allows a great deal of control and participation by the parties themselves.

**Arbitration**

The Chairman of the Suriname Chamber of Commerce has advised that in the interest of enhancing commerce in Suriname every attempt is being made to have the Government pass Arbitration legislation by December, 2014.

By its notification dated February 24, 2004, Guyana instituted Arbitration proceedings concerning the delimitation of its maritime boundary with Suriname. Guyana is alleging breaches of international law by Suriname in disputed maritime territory pursuant to Articles 286 and 287 of the Convention and in accordance with Annex VII of the Convention. The Arbitral Tribunal was composed of five members: Dolliver M. Nelson (President); Kamal Hossain; Thomas M. Franck; Ivan Shearer and Hans Smit. The Permanent Court of Arbitration served as Registry for the proceedings.

On May 20, 2005, Suriname filed Preliminary Objections on jurisdiction and admissibility. The Tribunal addressed the delimitation of the territorial seas and the single maritime boundary dividing the continental shelves and exclusive economic zones of the parties using as a basis Articles 74 and 83 of the Convention.

The Guyana/Suriname arbitration is the thirteenth international judgment in the field of maritime delimitation. A remarkable feature of this award is that the Tribunal applied the equidistance method to establish the single maritime boundary under Articles 74(1) and 83(1) of the Convention. It is common knowledge that these provisions omit any reference to a method of delimitation because of the need for a compromise.

**Community Peace-Building**

It should be noted that the mediation efforts of the police identified in the mediation section above does provide the rudiments of a Community Peace-Building framework upon which Suriname can build in the future.

(l) **Trinidad and Tobago**

**Mediation:**

The Trinidad Mediation Act (No. 8 of 2004) provides for mediation and establishes the “Mediation Board of Trinidad and Tobago.” The Act lays down rules for the confidentiality of mediators; provides for court-annexed mediation in non-criminal matters; and sets out a Code of Ethics and Disciplinary Regulations. Community Mediation, which was launched by the Ministry of People and Social Development in 2000, also falls under this Act.
The Mediation Board of Trinidad and Tobago comprises a Chairman and Deputy Chairman, who are judges or judicial officers nominated by the Chief Justice; four members of the public nominated by the President; two certified mediators nominated by the Attorney General; a psychologist nominated by the Ministry of Health; a person nominated by the Ministry dealing with Community Mediation; an Attorney nominated by the Law Association; a representative of the academic staff of the Hugh Wooding Law School nominated by the Principal; and the Administrative Secretary to the Chief Justice or his nominee, to be Secretary. The Board’s role is to formulate standards for the accreditation of mediation training programmes and for the certification of mediators and mediation trainers. It must prescribe requirements to be met by approved mediation agencies and monitor the programmes and agencies that it accredits and approves. The Board is also charged with keeping registers of mediators and with investigating and disciplining mediators. The Board is limited in its ability to regulate all mediation as the Mediation Act in its existing form makes provision for it to regulate only those mediators whom it has certified and who have a responsibility to practice mediation in accordance with the Code of Ethics referred to in its First Schedule. This limits its ability to discipline those who fall outside of its provisions.

The Act lays down guidelines for confidentiality of oral and written communications made in the course of a mediation session and provides that such communications are not admissible as evidence.

Furthermore, persons involved in the mediation are not compellable as witnesses to give evidence of any matter which occurred or which came to their knowledge during the mediation process. Disclosure is only permissible where the mediator believes on reasonable grounds that a person’s life or health is under serious and imminent threat or that disclosure is necessary to report the commission of an offence or prevent the likely commission of another. Mediators are immune from suits of negligence, but may be sued if they have wrongfully disclosed confidential information causing loss or damage to any person.

Under Part IV of the Act, the court may refer all matters, other than criminal ones, to a certified mediator. This Mediator may be a public officer, in the employ of the judiciary, or on the judiciary’s roster of mediators. The parties may also, with the approval of the court, select another mediator. Any expenses are to be borne by the parties as the court directs.

The Act repeals the Community Mediation Act, 1998, and empowers the Minister to make regulations for Community Mediation.

The Act lays down a code of ethics, which is intended to assist and guide certified mediators, and to provide a framework for mediation to be conducted and regulated. Mediators are required to conduct themselves in such a manner as to instill confidence in themselves and in the mediation process. The primary goal is to facilitate voluntary resolution of a dispute and they must encourage mutual respect and self-determination by the parties. They have a duty to advise the parties to consult other professionals if this is necessary to make informed decisions. If they believe that a party does not understand how an agreement may adversely affect him, they must advise that party to seek independent professional advice.

While mediators may point out possible outcomes, they cannot offer personal or professional advice on the likely outcome of a case in Court.

Mediators are also required under the Code to maintain their impartiality withdrawing if they find that they are unable to do so. They must disclose all conflicts of interest and are barred from
establishing a professional relationship with one of the parties in related matters. They cannot give therapeutic information or advice or any form of counseling or advocacy.

Mediators may advertise so long as they honestly represent the services to be rendered and refrain from making specific claims and promises. They must lay down the basis of their fees or compensation and cannot enter into any contingency fee agreements that are dependent on the outcome of the mediation or the amount of the settlement.

The Second Schedule of the Act sets out the Disciplinary Regulations. The Mediation Board must appoint a three member Disciplinary comprising an attorney of at least seven years standing and two certified mediators who are not members of the Mediation Board. Where complaints are made to the Board, they must investigate and give the mediator a chance to respond. The Board may refer both complainant and mediator/respondent to mediation by a volunteer mediator to resolve the issues. The mediation may lead to a dismissal of the complaint or to agreed sanctions that the Disciplinary Panel shall then impose. Where no agreement is reached, the Panel must hear the matter. Attorneys may represent the parties, but the rules of evidence do not need to be strictly applied. The Panel may request the attendance of witnesses or the production of evidence.

Appeals lie to an Appellate Panel consisting of not less than three members of the Mediation Board. Sanctions include reprimands, corrective action, and the removal of the mediator/respondent from the register.

The Act also lays down requirements for certification. Candidates for civil, non-family certification must have completed a minimum of forty hours training; observed four sessions conducted by a certified mediator, and conducted four sessions supervised by a certified mediator. The Board may also interview the candidate and engage him in a role-play exercise.

The Board must look for such qualities as objectivity, ability to analyse, ability to recognize and manage power, acceptance of individual preferences active listening skills, strong verbal and communication skills, ability to articulate and identify the interests of the party, and ability to control the process without dominating. The candidate should also have creativity, inventiveness and focus.

Certified family mediators must be first certified in civil non-family matters and must then complete a further forty hours of training, observing three and conducting three family mediations. They must be an attorney-at-law with practical experience with family matters, or have a degree or extensive experience and training in social work, mental health, behavioural or social sciences, or other equivalent field.

Further requirements are laid down for persons to become trainers and subject matter specialists, and for the accreditation of mediation training programmes. The Act makes specific reference to accreditation of family mediation training programmes which must instill in candidates an understanding of psychological issues in separation and divorce, the ability to identify the indicators of domestic violence; understanding of the development stages of children and of the impact the processes can have on them; and the ability to identify indicators of abuse and neglect.

The mediator must be able to assist parties in developing options for parenting, and must have an understanding of family law as it relates to maintenance, property settlement and care of children.

The programme must also have a component on family economics so that candidates can assist parties in gathering and using financial information.
A court-annexed mediation project was announced in 2013. There was a previous pilot project in 2010 that enjoyed a 60% settlement rate with 95% customer satisfaction. This case was scheduled to end in 2014 and the objective was to randomly assign 200 cases to the Dispute Resolution Centre. The mediation is to be paid for by the judicial branch rather than the parties. Mediation is also available through the Family Court where a Mediation Unit is located.

The Mediation Board has advocated that the business community should pledge their allegiance to a “Mediate First” credo. The mediate first pledge is taken by the company to explore the use of mediation as a first resort to resolve any dispute before pursuing litigation. Indeed, mediate first before litigating is sought to be the new pledge of the business community, not only because of the benefits of mediation but because the rules of court that govern civil litigation seek to promote a culture of mediating first.

In promoting a mediate first pledge, the Mediation Board is therefore advocating a new culture from “I’ll see you in court” to “Let’s Mediate.”

In 2012, the judiciary launched a pilot project for integrating mediation and judicial settlement conference as alternative dispute resolution mechanisms under the civil procedure rules, 1998, as a way of improving the management of the Courts’ caseload and to encourage greater utilization of those means by litigants for settling disputes. To date the project has seen the publication of the Practice Direction in the Trinidad and Tobago Gazette dated January 18, 2013 (Vol. 54 No. 11) together with all relevant forms as per Part 4 (Alternative Dispute Resolution) of the Civil Procedure Rules, 1998. As of January 2013, 67 cases have been referred for mediation. Of these 20 have been scheduled for mediation and 33 are awaiting scheduling with the parties. Of the 14 cases that have been through the mediation process, 7 have been settled, two have not been settled, 4 are still ongoing and 1 has been abandoned. For the Judicial Settlement element of the pilot project, 59 matters were referred for the JSC as of April 2013, while 22 have been assigned for settlement. Of those matters not assigned, 27 could not move forward given that Attorneys for the parties had not filed the summaries required.

**Conciliation:**
Conciliation is the process of adjusting or settling disputes in a friendly manner through extra judicial means. Conciliation means bringing two opposing sides together to reach a compromise in an attempt to avoid taking a case to trial. The parties to a dispute use a conciliator, who meets with the parties separately in an attempt to resolve their differences. They do this by lowering tensions, improving communications, interpreting issues, providing technical assistance, exploring potential solutions and bringing about a negotiated settlement. The conciliation process, in and of itself, has no legal standing, and the conciliator usually has no authority to seek evidence or call witnesses, usually writes no decision, and makes no award. Conciliation is less structured than the process of Arbitration and is mainly used in labour disputes before arbitration.

Conciliation also differs from mediation in that the main goal is to conciliate, most of the time by seeking concessions. In mediation, the mediator tries to guide the discussion in a way that optimises parties’ needs, takes feelings into account and reframes representations.

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Conciliation may also take place in several other areas of the law. In Trinidad & Tobago, there is an Industrial Court, which is legally mandated to address labour disputes. Trinidad & Tobago also has a Conciliation Unit in the Ministry of Labour and Small & Micro Enterprise Development. The Unit’s mandate is to promote good industrial relations practices, and it undertakes conciliation in all disputes emanating from the private sector and certain areas of the public sector.

Arbitration:
Local arbitration in Trinidad and Tobago is generally governed by the Arbitration Act, Chap. 5:01 (“the Arbitration Act”) which is based on early English arbitration legislation.

The Arbitration Act provides that an arbitration agreement (unless a contrary intention is expressed therein) is irrevocable except by leave of the High Court and shall have the same effect in all respects as if it was an order of the Court. Unless a contrary intention appears in the arbitration agreement itself, the provisions set out in the First Schedule to the Arbitration Act will be implied into the arbitration agreement.

The High Court is given various powers in order to facilitate and promote the arbitration process, especially in circumstances where it has broken down. None of these powers are out of the ordinary; they include the power of the Court to stay any alternative legal proceedings that a party may attempt to bring in breach of the arbitration agreement, the power if necessary to remove arbitrators and the power in specific circumstances to step in and itself appoint an arbitrator. The High Court may also, in appropriate circumstances, remit certain matters for reconsideration by an arbitrator. Also the Court may, where a time bar for the commencement of arbitration proceedings causes undue hardship, extend the time bar for such period as it thinks proper.

The Arbitration Act also gives the High Court the power to set aside arbitral awards in circumstances where an arbitrator has misconducted himself or the proceedings, or an arbitration or award has been improperly procured. The scope of this power clearly implies that there must be some sort of irregularity in procuring the award or in the actual arbitration proceedings. The term “misconduct” is used in the section in its widest sense and without attempting to make an exhaustive list, has been held to include situations involving bias, irregularities in evidence and serious errors of law on the part of the arbitrator. The power of the High Court to set aside a flawed arbitral decision exists despite the parties agreeing that such award would be final and binding between them.

Apart from misconduct, the High Court has a further inherent power to set aside an award that is bad on its face as either involving an apparent error in fact or law, or as not complying with the requirements of finality and certainty. An error of law on the face of the award means that one can find in the award or documents actually incorporated thereto (for instance, a note appended by the Arbitrator stating the reasons for his judgment) some proposition which is the basis of the award and which can be challenged as being erroneous. It should however be noted that if the error of fact or law does not appear on the face of the award the arbitral award is good and the Court is very unlikely to interfere or set aside the award based on such alleged error.

Provisions in a contract seeking to exclude the High Court’s jurisdiction (apart from a “Scott v Avery Clause”, that is, a clause framed as an agreement merely to submit a matter to arbitration before taking Court action) will be void as against public policy. Further, provisions in arbitration
agreements mandating that a party must in any event pay its own costs will be void. This notwithstanding, parties are free to come to such agreements on costs in relation to disputes that have already arisen at the time of their agreeing to arbitrate. It should also be noted that in the case of agreements where each party is to appoint an arbitrator and the arbitrators are to appoint a third, such third appointee shall be treated as an umpire so that, if the two arbitrators cannot agree the umpire shall make the arbitral award in their stead.

The Arbitration Act provides that an arbitral award can be enforced in the same manner as a judgment or order of the Court to the same effect and in such case a formal judgment may be entered in terms of the award. Any such award will also carry the same interest (unless otherwise directed) as a judgment debt.

Trinidad and Tobago is a signatory to the New York Convention on Recognition and Enforcement of Foreign Arbitral Awards (“the NY Convention”). The Arbitration (Foreign Arbitral Awards) Act Chap. 5:30 (“the FAA Act”) gives effect in Trinidad and Tobago to the NY Convention and permits the enforcement of awards made pursuant to an arbitration agreement in a State other than Trinidad and Tobago that is a party to the NY Convention in Trinidad and Tobago either by an action or in the same manner as a judgment of the Courts in Trinidad and Tobago. This considerably accelerates the enforcement process when compared to the procedure to enforce an arbitral award under the common law.

Under the common law, foreign arbitral awards from States that are not signatories to the NY Convention can be enforced by action in Trinidad and Tobago provided they are (i) in accordance with an agreement to arbitrate which is valid by its governing law; and (ii) are valid and final according to the law governing the arbitration proceedings. A Trinidad and Tobago Court whether under the FAA Act or under common law has the discretion to refuse to recognise and enforce any arbitration award that gives effect to a matter that is contrary to Trinidad and Tobago public policy. Examples include where such an award seeks to enforce clauses that qualify as a penalty or unreasonable restraint of trade under Trinidad and Tobago law. A court in Trinidad and Tobago Court will however use this discretion very sparingly and only in the clearest of cases.

**Restorative Justice:**
While there is general understanding of the restorative justice concept in the countries visited, RJ is not formally utilized in any way by them, except in Jamaica, St. Kitts and Trinidad & Tobago.

It would appear that in the majority of territories, it is still the position that the legislated sanction must be imposed on an offender, although there is agreement that in cases of minor criminal offences which come before the Magistrates’ Courts, there could be Magisterial intervention to have the offender make reparation for the offence, instead of Court enforcing state sanctioned retribution.

In Trinidad & Tobago, there are two Court-annexed programs that utilize the principle of Restorative Justice. The first program is the **Drug Treatment Court.** The current Chairman of the Drug Treatment Court Steering Committee is Justice Malcolm Holdip. The Drug Treatment Court program allows someone charged with petty drug crimes to utilize the Drug Treatment Court program. The Drug Treatment Court is not legislated, and was an initiative of the Chief Justice of the High Court.

The program is interventionist in nature. Defendant is allowed upon being notified and told what program is about to say that he no longer wishes to have his life controlled by drugs and get out of drugs. It is an eighteen-month non-residential program, and it is the alternative to serving a
custodial sentence. If momentum is kept up, the program will act as a Restorative Justice program in its own way, in that it has the potential to reconcile persons who may have been alienated and ostracized from their community because of their drug use and actions that may have stemmed from drug use, back into their families and the community at large.

If legislation is introduced in relation to drug treatment courts, it can formalize the program already in place, and it would be very important that it have an ADR component – the Restorative Justice aspect in particular, which is aimed at keeping these types of Defendants out of the prison system.

The second project is the **Bail Boys Project**. The basis of the project is that whilst alleged offenders are out on bail, a judge and a probation officer supervise them. The persons who are part of the project are young persons (18 – 35) who are charged with very serious offences such as attempted murder, wounding, sexual offences such as rape, larceny, robbery with aggravation and other serious offences, but who might be first time offenders. They are taken and a bond is created with them, whereby they are given bail, with the expectation that no further offences will be committed while out on bail.

A Judge gets involved from the Bench in the lives of these persons, and the conditions set down are tough conditions. They must report to the Probation Officer at least once and sometimes twice per week. In most instances, a curfew is imposed, which can also be lessened, but this is based on reports from the probation officer and from the home.

**Community Peace Building:**
The roots of Community Mediation can be found in Trinidad and Tobago community concerns to find better ways to resolve conflicts, and efforts to improve and complement the legal system.

In the year 2000, Community Mediation was introduced in Trinidad and Tobago and citizens, religious leaders and communities became empowered after realizing that they could resolve many complaints and disputes on their own, in their own community through mediation.

The benefits of successfully mediating a dispute to settlement vary depending on the needs and the interests of the parties. The most common advantages include:

- Parties are directly involved in coming up with the solution to the dispute.
- As the neutral party, the mediator can assist the parties in exploring alternatives that are free of bias
- As the mediation proves, it is faster than the court process
- It is free of charge as there is no cost to the disputing parties
- The process is simple and lacks complex proceedings
- Parties are flexible and use creative solutions

In Trinidad & Tobago, there is express provision for Community Mediation through the Ministry of People and Social Development, which seeks to “facilitate the empowerment of individuals, groups and communities by resolving disputes through mediation in a non-threatening environment.” The vision of the Community Mediation Programme is in promoting the culture of peace, thereby facilitating healing and harmony in the various communities.  

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66 www.community.gov.tt/home/content/community-mediation
Tobago is presently legislated through the Trinidad & Tobago Mediation Act of 2004. Under this Act, Community Mediation is available as a mechanism for handling/negotiating of the settlement if disputes in a wide variety of areas including, but not limited to the following matters:

- Landlord/Tenants
- Merchants/Consumers
- Small Claims (Quantum to be determined)
- Threat and harassment problems
- Neighbourhood problems
- Family and Relationships disputes, for example, Visitation Rights, Access, Custody and Maintenance
- Small Contractors and Home Owners
- Community Disputes
- Juvenile conflicts including truancy and delinquent children

Since the passage of the Mediation Act the use of community mediation has increased. Under the previous Community Mediation Act of 1998 and its Amendment in 2000, approximately 500 persons utilised the services of a Community Mediation Pilot Project between 2000 and 2003. Under the current legislation, by the end of October, 2012 19,640 persons had accessed the services at the community mediation centres and 4,719 cases had been managed. Two thousand six hundred and sixty three of these cases were self-referred and 2,051 were court-referred.

8. Number of formally trained nationals

(a) Antigua and Barbuda - 33 trained Mediators; (19 Females; 14 Males); 10 on Court Roster (8 Females; 2 Males).
(b) Belize - 52 Mediators (Females 30; Males 22)
(c) Barbados - 20 Mediators partially trained by the Dispute Resolution Foundation of Jamaica.
(d) Dominica - 23 Mediators; (12 Females; 11 Males)
(e) Grenada - 20 Mediators on Roster (8 Females; 12 Males).
(g) Guyana - 70 Mediators on Roster (30 Females; 40 Males); 11 Mediation Trainers (4 Females; 7 Males).
(h) Jamaica - 74 Supreme Court and 120 Magistrates Courts Mediators on Roster (109 Females; 85 Males)
(i) Saint Lucia - 18 Mediators on Roster (10 Females; 8 Males)
(j) Saint Kitts and Nevis - 5 Mediators on Roster (3 Females; 2 Males); Mediators trained and certified by the Justice Education Institute of the ECSC
(k) Saint Vincent and the Grenadines - 15 Mediators on the Roster - (7 Females; 8 Males).
(l) Suriname - No mediation system yet established.
(m) Trinidad and Tobago - 20 Certified Mediation Trainers; (11 Females; 9 Males); 338 Certified
(n) Mediators; (209 Females; 129 Males). 20 of these mediators have been certified as Family Mediators.

9. Qualifications of Mediators in all countries listed above:

Mediators are persons of diverse professional backgrounds with standing in the community. Mediator profiles include CEO’s with advanced degrees, policy makers in the public and private sectors;

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67 See generally, the address delivered by the Honourable Winston Peters at the Community Mediation Centre Caravan hosted by the Community Mediation Division of the Ministry of Community Development at Morton House in Tunapuna on November 18, 2012 as part of the observance of Mediation Week in Trinidad and Tobago from November 24-30, 2012.
Teachers, Police Officers, Engineers, Accountants, Probation Officers, Social Workers, Attorneys, Counsellors, Trade Unionists, Surveyors, two with Ph.D. Degrees; Clergy, Justices of the Peace, Magistrates and Judges.

10. **Number and quality of training programmes:**

(a) **Antigua and Barbuda** – The ECSC provides formal training for Mediators.

(b) **Belize**-The Open Campus of the University of the West Indies located in Belize City provides all country mediators training which is of forty hours in duration for each mediator.

(c) **Barbados**- No formal mediation-training programme has yet been established. The Dispute Resolution Foundation of Jamaica has made two visits so far to the country and is working closely with the Chief Justice in establishing the parameters of an appropriate mediation training and certification regime.

(d) **Dominica**- The ECSC provides formal training for Mediators. It should be noted that refresher training for existing Mediators has been requested from the Regional Mediation Coordinator based at the ECSC in Saint Lucia.

(e) **Grenada**- The ECSC provides formal training for Mediators.

(f) **Guyana**-Individuals selected for mediation training are provided with twenty-four hours mediation training over a period of days. Those persons selected for advanced training would be provided with another twenty-four hours of mediation training over a period of days. Those persons who advance through the advanced training can enter a Trainer-of-Trainees programme. Those individuals that have completed mediation training are listed on a Roster of Mediators that is prepared by the Guyana Court-connected Mediation Centre. The Chancellor of the Judiciary then certifies the Roster. This allows the trained individuals to conduct court-connected mediation at the Georgetown High Court as well as the New Amsterdam High Court. Persons trained outside Guyana can be placed on the Mediation Roster.

(g) **Jamaica**-The Dispute Resolution Foundation provides Mediator training and certification programmes. Training programs are forty hours in duration. It is estimated that between 1995 and 2010, over 37,000 persons have, through the work of the DRF, received mediation training or services in Jamaica, Belize, Bahamas, Guyana, Trinidad & Tobago and the OECS States. Participants have included students, community leaders, judges, correctional officers, attorneys, corporate executives and young persons.

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68 The DRF offers training and sensitization in Mediation with respect to: Court-annexed Mediation, Workplace /Business Disputes, Family Disputes, Schools/Colleges Disputes, Mediator Certification, Caribbean Programmes. To date, approximately 73 persons, drawn from a wide range of professions and occupations, have been formally trained as Mediators under the DRF’s Mediation Training Programme.

Since 2005, the DRF has also offered a mandatory 12-hour ADR Programme at the Norman Manley Law School. As a result, all attorneys trained in Jamaica since then, have had at least an introduction to the concept of Mediation.

Walk-in clients seeking mediation services including non-court –annexed mediations also attend at the DRF and its affiliated Peace and Justice Centres countrywide.

(h) **Saint Lucia**- The ECSC provides formal training for Mediators.

(i) **Saint Kitts and Nevis**- The ECSC provides formal training for Mediators. It should be noted that refresher training has not been delivered for some time. At this time a list of thirty persons that require mediation training has been generated and is awaiting ECSC mediation training input.

(j) **Saint Vincent and the Grenadines**- The ECSC provides formal training for Mediators.

(k) **Suriname**- Does not have a Mediation program.

(l) **Trinidad and Tobago**- The Mediation Board of Trinidad and Tobago arranges for mediator training. Candidates for civil, non-family certification must have completed a minimum of forty hours training and have observed four sessions conducted by a certified mediator. The Mediation Board may also interview the candidate and engage him in a role-play exercise. Certified Family Mediators must first be certified in civil, non-family matters and must then complete a further forty hours of training, observing three and conducting three family mediations. They must be attorneys-at-law with practical experience in family matters, or have a degree or extensive experience and training in social work, mental health, behavioural or social sciences, or equivalent field.

12. **Training Needs**

(a) **Belize**- Belize is likely to have a future need for the training of mediators as the Chief Justice has indicated his desire for court-annexed mediation services to be offered in other areas of the country outside the capital, Belize City. There is also a specialized need for the training of additional gang mediators, and mediation instructors, on the part of RESTORE Belize and the Belize Conscious Youth Development Programme under the Ministry of Human Development, Social Transformation and Poverty Alleviation.

(b) **Barbados**- Needs identified listing of 20 Mediators to be further trained for establishment of Court-Connected Mediation.

(c) **Dominica**- Refresher training for existing Mediators requested (8 Females; 8 Males).

(d) **Guyana**- As the plans for enlarging mediation beyond, Georgetown and Berbice come to fruition, additional trained mediators will be required to service the future expansion areas.

(e) **Jamaica**- Reference has been made to having automatic mediation being extended to the Resident Magistrate’s Courts. This coupled with the recent increase in the monetary limits of the Resident Magistrate’s Courts will mean a greater influx of mediations taking place in these courts with a corresponding need for more trained mediators. Additionally, while Supreme Court Mediators in Jamaica are trained to work with Attorneys, the enlargement of the monetary jurisdiction of the Resident Magistrates Court means that mediators that work in these courts will also need to be trained to work with Attorneys.
13. RECOMMENDED IMPACT PROJECT INTERVENTIONS:

(a) Programmes to be strengthened/implemented

The massive case backlogs at all court levels in the region, with particular reference to the Magistrate Courts, is unlikely to be significantly reduced unless serious attempts are made to encourage the fuller utilisation of alternative dispute resolution mechanisms on a widespread basis throughout regional court systems. Such mechanisms will embrace mediation and where appropriate, the utilisation of mandatory referral of some disputes to ensure that cases are equitably resolved in other settings which offer justice but which do not necessarily involve the disposition of the case via a trial process. At the present time, regional civil and criminal justice systems face intractable challenges such as case processing delays and massive backlogs in a significant number of regional Magistrates Courts, which hear 95% of all the cases coming into regional high courts. The introduction of ADR initiatives will have a positive effect in reducing civil, and possibly in the future, criminal case backlogs, in regional courts and will redound positively in the reduction of tension at individual and community levels thus leading to the further reduction of civil and criminal cases coming into the court systems.

Reducing these case backlogs through systematic application of modernization initiatives such as efficient and effective ADR mechanisms, modernized library systems, effective data and information management structures and better training of persons in mediation will go a far way in addressing the existing constraints to maximum disputes resolutions efficiency.

Any ADR modernization and reform changes will also have a positive effect on the flow of regional and international investment as research has shown that investors closely assess the strength of rule of law systems prior to making positive or negative investment decisions. This is particularly the case with respect to the development of efficient systems of Arbitration and the ratification of appropriate international accords that foster commercial dispute settlements.

In order to achieve the above objectives, the IMPACT Project could embark upon the following regional ADR system implementation, replication and modernisation initiatives under the following component headings:

Component 1: ADR Development and Modernisation: This component would support the regional court systems through the systematic provision of requested mediation technical assistance services to the DFATD JURIST Project to enable:

- The modernization of case delay reduction mechanisms through the provision of court annexed ADR development assistance;
- The support of mandatory ADR in those regional court systems that desire to go this route, such as the Eastern Caribbean Supreme Court. As was recently stated by Chief Justice Janice Pereira

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70 Justice Reform in CARICOM: Analysis and Programming Options, 2012, by J.Mark Stiles and Dennis Darby
of the ECSC, “I believe that the time is right for us to place greater emphasis on mediation by introducing the concept of automatic or mandatory mediation.”71 In the case of Jamaica, the use of automatic referral to mediation in the civil jurisdiction of the Supreme Court has been well established under its CPR. Mediation is also available in the Resident Magistrates’ Courts, but on a purely voluntary basis. Primary among the reasons for the expansion of mediation services to the lower Courts is the fact that the highest volume of civil and criminal cases in the Jamaican Court system comes in at the level of the Resident Magistrate’s Court. Data from a Caseload Audit Research 72 conducted by the Ministry of Justice in 2012, revealed that there were approximately Forty-Two Thousand Nine Hundred (42,900) cases pending in the Resident Magistrates Courts as at March 31, 2012 of which approximately Twelve Thousand (12,000) were civil cases, made up primarily of Plaints (59%) and Family Matters (29%), or a total of 88% of the civil cases before the Resident Magistrates’ Courts.

Benefits to be derived from expanding automatic referral to mediation at this level would include not only a reduction in the inventory of cases that are adjudicated in the Resident Magistrates’ Courts, but the freeing up of magisterial time to deal with more complex cases and the saving of costs to litigants, witnesses and the Courts.

The monetary jurisdiction of the Resident Magistrate’s Court in common law cases in Jamaica has been significantly increased since February 201373 which will result in more civil cases being channeled away from the Supreme Court to the Resident Magistrates’ Courts. Greater access to justice would also be afforded the average litigant who is neither able to meet the costs of retaining an attorney to handle his case nor have recourse to the legal aid regime as this does not cover civil litigation.

- Serious consideration to be given by the IMPACT Project to the provision of technical assistance support to regional countries in the extension of their existing mediation programmes to embrace other critical areas of need. As was again said by Chief Justice Pereira of the ECSC, “The time is also right to extend the mediation process to other areas particularly such areas as family proceedings and appropriate criminal proceedings particularly in respect of juvenile justice.”74 As was said by Sir David Simmons recently, “I believe that the introduction of court-connected mediation in family law matters will repay handsome dividends. The disputes, which invariably bedevil family law cases, are those involving the custody, care and control of access to children of the marriage and the disposition of matrimonial property. These disputes overload the court lists and conduce to delay and backlog. But it has been my experience, both at the Bar and on the Bench, that these ancillary matters are well suited to mediation by a neutral third party. Let the experience of the Family Court in Trinidad and Tobago be our guide.”75

71 At the opening of the new Law Year in Tortola, British Virgin Islands, on Tuesday, September 18, 2013
73 The Judicature (Resident Magistrates) Act empowers the Minister, by way of an Order subject to affirmative resolution, to increase the monetary limits, from J$250,000 to J$1,000,000 in certain common law matters heard in the Resident Magistrates’ Courts. A Resolution giving the Minister the authority to increase the existing monetary limits by way of an Order pursuant to the Act, was approved in Parliament and the Order giving effect was made in February, 2013 and subsequently gazetted.
74 ibid
75 Former Attorney General and Chief Justice of Barbados in an October 17, 2013 lecture presented in commemoration of International Conflict Resolution Day. The title of the lecture was “Civil Procedures and Mediation -Moving Forward in the 21st Century.”
The IMPACT Project to provide technical assistance for the development of a regional ADR statistical reporting system that can be used as a planning tool by regional governmental policymakers and regional court administrations for the development of relevant court modernization systems which further complement the work of regional ADR facilities. The assessment of the effectiveness of the regional mediation systems requires that data be gathered and analysed on the cases that are referred to the mediation centers. A comparison needs to be made with those cases that are adjudicated in the courts in the traditional manner. Whether mediation leads to a speedier resolution of disputes than does litigation, depends on the data showing the time lapse between referral and mediation, between mediation and resolution and how the mediation was concluded, that is, whether it was resolved or not, or partially resolved and the number of sessions it required to reach the point of resolution. The data so garnered could then be used to compare with those cases that went through the litigation process of the Courts, in order to draw conclusions as to the relative effectiveness or otherwise of regional mediation systems.

The IMPACT Project to explore the possibility of fast-tracking ADR development and modernisation through the utilisation of any complementary technical expertise and/or training that could be provided to regional countries under the auspices of the October 16, 2011 Memorandum of Understanding between the University of the West Indies and the Institute for Dispute Resolution in Africa of the University of South Africa (UNISA).

The IMPACT Project to consider the possibility of having a regional roster of mediators, the members of which will be certified by the University of the West Indies, to provide services in all regional countries. The services of these mediators could be made available to other regional countries in situations where the small size of regional countries, or the volatility of the issue under mediation, may be such that the services of an “outside” mediator may be more acceptable to the parties, having regard to all the circumstances. It should be noted that the rudiments of such a system is already available in the OECS countries where all rostered mediators can undertake mediations in any of the OECS Countries. In order to effect this recommendation, it might be necessary to consider the widening and standardization of mediator certification requirements across regional lines and having some reciprocal funding arrangements between countries where the cost of mediators coming from one country can be reimbursed when an equivalent service is provided by the receiving country to the previous service-providing country.

With regard to the fees presently being charged by regional ADR court-connected service offices, a technical assessment needs to be made by the IMPACT Project as to the feasibility of an increase in the user fees charged to their users as well as the percentage of the fees they retain in respect of the mediations conducted. At the present time the fees charged do not seem aligned to present day economic realities and in the future it might be difficult to continue to retain the services of capable mediators. Were this delicate balance not maintained, then the income earned by court-connected mediation centres will also be decreased with the resultant lack of funds to support court-connected mediation programmes. The provision by the IMPACT Project of the necessary technical assistance to assess the fee structures in the ADR Survey Countries with a view to assisting them to obtain a larger budgetary allocation for the conduct of mediations will have a positive impact on the ability of existing court-connected mediation service points to perform their mandates in accordance with court and regional public expectations.

76 It should be noted also that a mediator trained outside of Guyana can be placed on the Roster of Mediators without more.
To do an inventory of NGO’s in regional countries that are providing, or seeking to provide, private mediation services. The ability of these NGO’s to provide private mediation services over a sustained period of time could be buttressed by them providing mediation services for the payment of fees, having mediation service providers donate a portion of their fees to the NGO’s until they become self-sustaining and provide accredited training courses to mediators on a nationwide or regional basis for the payment of fees.

Component 2: Training

- The delivery of training in relevant areas of speciality, including mediation skills, is necessary to improve the rate of ADR utilisation in regional countries. It is recommended that training programs include specific modules relating to gender sensitivity and social context appreciation. Training should make extensive use of information delivery to regional countries through existing information dissemination mechanisms that are presently being used by the UWI Faculty of Law such a Blackboard Collaborate, which is an online vehicle being used to provide regional training for the Master of Laws Degree in Legislative Drafting. Consideration should also be given by the IMPACT Project to utilising the extensive UWI Regional Open Campus Centres in the delivery of the various ADR training initiatives identified under this Component, as well as those public education initiatives that are recommended for consideration in Component 5 below.77

- Training should be provided by the IMPACT Project on a regional and national basis, to Justices of the Peace78 to enable them to play a more direct role in Community Peace-Building. Training programs should take note of the long and specialised experience that Justices of the Peace have acquired in Community Peace-Building initiatives in Jamaica where the utilisation of a large number of Justices of the Peace in this type of initiative is of long standing and has legislative backing.

- With regard to the ADR training courses provided by the UWI Faculty of Law at Cave Hill and at the Law Faculty of the University of Guyana, it is recommended that serious thought be given by the University of the West Indies, and the University of Guyana, to ensuring that these courses are mandatory courses for all law students entering the faculties. This change would ensure that all lawyers graduating from the Law Schools79 who come through the regional law faculties have detailed knowledge of the utility of ADR in creating increased access to justice in regional countries.

- With regard to possible regional community peace-building activities, it is recommended that specific conflict resolution programs be developed with, and for, appropriate members of regional police forces, using the regional Association of Caribbean Commissioners of Police (ACCP)80 training facilities in Barbados or the National Police Training College in Jamaica as the main focal points for all proposed training activities. In addition, there is an existing

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77 See Appendix 7 to this report, which provides a diagram identifying where the UWI Regional Open Campus Centres are located throughout the Caribbean Countries. Special arrangements would have to be made by UWI to facilitate the participation of Suriname, which is not presently part of this information-sharing network.

78 Note that there are no Justices of the Peace in Suriname

79 It should be noted here that the Dispute Resolution Foundation has been providing a twelve-hour compulsory mediation course to students at the Norman Manley Law School in Jamaica for the past ten years.

80 It should be noted that the ACCP grouping includes the Suriname Police Commissioner.
NGO Management Certificate Course already been disseminated throughout the regional UWI Open Campus Network\(^{81}\) that could be looked at for curriculum modification to insert ADR Community Awareness Messages, with specific reference to Community Peace-and Trust Building interventions.

- The IMPACT Project should explore the possibility of liaising with the CARICOM Secretariat with a view to providing relevant conflict mediation training courses to those project implementation representatives that are delivering Youth-on-Youth violence reduction interventions in schools and communities located in the target countries of Antigua and Barbuda, Jamaica, St. Kitts and Nevis, St. Lucia and Trinidad and Tobago. The possibility of enlarging this program to encompass the other countries that were part of this regional ADR Survey should be canvassed by the IMPACT Project.

- Provide training programs to Attorneys, which clarifies their role in the mediation process and strengthens their awareness of how the profession can make mediation more effective. These information transfers should take place at individual Bar Associations throughout regional countries, at an OECS-sub-regional level though the OECS Bar Association\(^{82}\) and through the regional Organization of Commonwealth Caribbean Bar Associations (OCCBA).\(^{83}\) Training programs should be of three hours in duration. Consideration should be given by the IMPACT Project to having the subject of ADR development and changes throughout the region being made part of the Continuing Legal Education training regimes of those countries that make such training programs available to their national lawyers. Specific training for lawyers in the region is indicated throughout the life of any proposed ADR strengthening activities under the IMPACT Project. This is based on the assertion that “The role of the legal profession should not be overlooked in relation to assessing the appropriateness of ADR. Many disputants may not be aware of the full spectrum of dispute resolution processes that are available to them, and when assessing a client case, solicitors should also assess whether ADR is appropriate because an effective justice system must be accessible in all its parts. Without this, the system risks losing its relevance to, and the respect of, the community it serves. Accessibility is about more than ease of access to sandstone buildings or getting legal advice. It involves an appreciation and understanding of the needs of those who require the assistance of the legal system.”\(^{84}\)

- Provision of regional training courses to Magistrates in the form of two day training workshops which would include topics on the core values and principles of mediation, procedures and implications of court-connected and other mediation services and to enhance the ability of Magistrates to make referrals to mediation when access to mediation services becomes a reality in regional Magistrates Courts. It is suggested that these workshops be conducted initially in Jamaica since this country already has mediation in place in the

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\(^{81}\) See Appendix 7 for UWI Open Campus Network coverage.

\(^{82}\) Consisting of lawyer representatives from the following regional countries: Antigua and Barbuda; Dominica; Grenada; Montserrat; St. Kitts and Nevis; St. Lucia; St. Vincent and the Grenadines, Anguilla and the British Virgin Islands.

\(^{83}\) Consisting of lawyer representatives from the following regional countries: Anguilla; Antigua and Barbuda; the Bahamas; Barbados; Bermuda; Belize; British Virgin Islands; Grenada; Guyana; Jamaica; Montserrat; St. Kitts and Nevis; St. Lucia; St. Vincent and the Grenadines; Trinidad and Tobago and the Cayman islands.

Magistrates Courts, thus allowing access to the conduct of real-life mediations at this court level.

- Judges should also be provided with workshops to review the progress of court-annexed mediation delivery in the various countries of the region. It is recommended that these proposed training initiatives be undertaken in close consultation with relevant judicial training schedules of the DFATD JURIST Project and that these mediation workshops be introduced as part of any wider judicial training initiatives being undertaken by this Project. Of particular relevance is the relatively recent desire on the part of the judiciary in regional countries to undertaking Settlement Conferencing. In Settlement Conferencing, cases which are at a more advanced stage in the litigation process are eligible for a process whereby the parties and their attorneys meet with a Judge, Master or Senior Counsel to discuss possible settlement of their dispute. The settlement officer evaluates the strengths and weaknesses of each side's position and renders an opinion on how the case might be settled. Settlement Officers could be provided with advanced mediation training under the IMPACT Project.

- With regard to the possible regional training of Arbitrators, it is recommended that the development, and dissemination, of training programs be explored with the Caribbean Association of Arbitrators, with close liaison being made with the regional Caribbean Association of Industry and Commerce (CAIC), which is an umbrella group representing regional private sector interests.

**Component 3: Fostering policy dialogue on ADR implementation and reform:**
There are many modernization changes and reforms that might strengthen the start-up and delivery of additional regional ADR services that are likely to require the support of regional Governments and private sector companies to ensure their continuation and sustainability over time. One example would be to obtain continued government and private sector support for new ADR ventures, in the provision of adequate facilities for the conduct of mediations in regional countries. Developing a formal policy dialogue channel that ensures that governmental and private sector policy makers are kept apprised and support future modernization and ADR reform thrusts is critical to ensuring that necessary modernization and reform efforts are financially sustained after program assistance ends.

One ADR issue that might improve the efficiency of mediation delivery in some regional countries is the removal of the Mediation Coordinator’s function from the Registrar in those regional countries where this arrangement exists. This is on the basis that the Registrar’s role is so demanding and the mediation needs so great that a dedicated Mediation Coordinator seems to be required in each mediation country to ensure that all mediation activities and functions are undertaken in a timely fashion.

The UWI as a regional body is in a position to initiate and enable discussion at a regional level. To focus and sharpen this policy dialogue process, a regional group of eminent persons (Champions) should be assembled to advise the CARICOM Heads of Judiciary, Governments and private sector groups on the pace and direction of proposed regional ADR reforms and what matters need to be brought to their attention for support. A technical support person should be hired by the IMPACT Project part of whose responsibility would be to ensure that all regional government, judicial and private sector commitments of assistance are carried through to finality.

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85 Example, Dominica.
Component 4: Public Education on use and benefits of ADR systems:
To enhance and maintain public trust and confidence in the justice system, the regional citizens must be better apprised on the ADR methods being used to facilitate the resolution of disputes, which directly impinge on their quality of life and professional and business pursuits.

The above statement of intent should also be implemented internationally to ensure that information and advice concerning arbitration and other alternative dispute resolution options available in regional countries are made available to international publics as an adjunct to the promotion of trade and investment in CARICOM.

Targeted public education material needs to be developed by the IMPACT Project, using the services of regional technical assistance service providers if necessary, which contain information in simple language on the following:
- The roles, functions, and processes of the courts;
- Explains the benefits of ADR utilisation;
- Provides information on where ADR training centres are located;
- Provides information on where mediators can be found and what their training is;
- Explains how ADR services can be accessed, and at what cost;
- Broad-based programmes of education and training should also be mounted in the regional countries to make businessmen aware of the benefits that may be derived from attempting to settle commercial disputes by arbitration, and/or conciliation. It may be worthwhile for the IMPACT Project to initiate contact with the Caribbean Association of Industry and Commerce with a view to arranging the delivery of arbitration information through this regional entity.

In the various regional countries, the public education programmes developed should be specifically targeted to increasing access to ADR services on the part of women, men, at-risk youth, the poor and regional businesspersons, social development groups and political parties. Specific attention should be paid by the IMPACT Project in ensuring that public awareness information is directed at the indigenous population groups and leaders located in Belize, Dominica, Guyana (Toshaos) and Suriname.

Country and region-specific information on the nature, scope and extent of ADR services available in each regional country should be disseminated by the IMPACT Project to regional publics through a variety of means appearing in Component 5 below.

Component 5: Public Information dissemination on proposed ADR interventions:
The development of successful regional ADR interventions is predicated upon the effective dissemination of the full details of all project activities being implemented under the UWI portion of the IMPACT Project. Such regional information dissemination would at a minimum include:
- Personal attendance of the IMPACT Project Director at conferences and other knowledge exchange fora which allow the sharing of ideas among civil society, the legal fraternity and governmental policy-makers;
• Negotiating with the DFATD JURIST Project with a view to obtaining the allocation of specific time slots for ADR development and utilisation in regional judicial seminars that might be developed in a systematic way by the Project as part of its regional judicial reform mandate;

• Using public education messages delivered through Government public education arms in each country;

• Using such message outlets as the regional Caribbean 360 website;

• The creation of a project website incorporating social media platforms and fora;

• Regional Country Parliamentarians- Members of Parliament could mention the availability of mediation programmes in their speeches when appropriate;

• Utilising the print media- Providing information about the various court-connected mediation programmes using such avenues as:
  o Advertisement of the availability of mediation services
  o Articles written by mediators
  o Interviews with beneficiaries of mediation service
  o Justice system characteristics and how it is being strengthened by the availability of mediation services.

• Distance education technologies should be utilised to the fullest extent possible, using such existing distance education avenues as (i) the UWI Open Campus System; (ii) existing videoconferencing mechanisms including the CCJ, Supreme Court of Jamaica and ECSC videoconferencing bridges and systems in various regional courts which will serve to apprise the regional judiciaries and court staff of the new and ongoing developments relating to regional ADR; and (iii) the existing telecommunications linkages between the University of the West Indies and the Universities of Belize, Guyana and Suriname.

Component 6: Modernisation and Harmonisation of regional laws

(i) Amendments to Regional Mediation Acts:
In order to enlarge the awareness of members of the public on the benefits of mediation, it will be necessary to seek amendments to country Mediation Acts which do not explicitly give Mediation Boards the power to create/heighten the awareness of members of the public on the use and benefits of mediation, e.g. the Trinidad and Tobago Mediation Act and the age limit under Section 20 of the Penal Reform Act in Barbados, which provides for Mediation in the Magistrates Courts for certain criminal cases where the offender is under 21 years and a first offender.86.

86As was said by Sir David Simmons in his lecture of October 17, 2013 in commemoration of International Conflict Resolution Day 2013 “Professor Albert Fiaidjoe in his book “Alternative Dispute Resolution: A Developing World Perspective, welcomed the introduction of ADR principles into the criminal justice system. However, he was critical of the age limit imposed by the Act and the restriction to first time offenders. I was responsible for bringing that legislation and, on reflection, I readily agree that Professor Fiaidjoe was right. I was wrong. The Act should be amended.”
(ii) The amendment of the Arbitration Acts in all the regional countries to make them current and to reflect current commercial realities is indicated.

(iii) New Legislative Enactments to Enable Automatic Referral of Cases to Mediation:

To promote the mandatory referral of cases to mediation by the High Courts and Magistrates Courts in the region, it will be necessary to assist regional countries with the drafting of the necessary legislative enactments that will achieve this objective. As an example, the Resident Magistrates’ Court (Amendment) Rules, 1999 in Jamaica, requires the Resident Magistrate to order mediation in respect of certain criminal offences as set out in the Criminal Justice (Reform) Act. However, there is no automatic referral to mediation in relation to the civil jurisdiction of these lower Courts. Referral to mediation is purely discretionary. Amending the list of offences in the Second Schedule to the Criminal Justice (Reform) Act to address a wider range of offences that are triable in the Resident Magistrates’ Courts will result in the disposition of a larger number of criminal cases through mediation. Rules to stipulate that in respect of civil proceedings, the Court shall order that the matter be referred to mediation would significantly assist in the disposal of civil cases in the lower Courts in a more timely fashion. Consideration could also be given to expanding this type of assistance to all regional countries surveyed, with the exception of Trinidad and Tobago.

(iv) Many Justices of the Peace Acts in the region do not provide Justices of the Peace with sufficient community mediation responsibilities and authority. It is recommended that these Acts be identified for review and amendment by regional governments with a view to having new Acts drafted and passed into law giving JP’s more community mediation and peace-building responsibilities and authorities.

(v) CLIC Arbitration Recommendations

- That the regional ADR Survey countries that have not yet ratified the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958) (the New York Convention) and the Inter-American Convention on International Commercial Arbitration (the Panama Convention) take steps to ratify these conventions in order to establish a viable framework of law for the settlement of international disputes;

- That regional ADR survey countries modernise and harmonise their laws to ensure that they reflect current standards and practices employed in the settlement of domestic and international disputes. Particular attention should be paid here to the modernisation of regional Arbitration Acts which could be salutary in encouraging the development of a strong, cost-effective and efficient regional Arbitration regime in the ADR Survey Countries. The modernization of Arbitration Acts should place heavy emphasis on the use of Adjudication rather than Arbitration in the settlement of commercial disputes as arbitrations seem to get bogged down in the same court rules, causing settlement delays;

- That an arbitration and dispute resolution centre be established in a regional country, which will provide a means of administering arbitrations and the resolution of disputes, as well as

87 With reference to ADR in the Magistrates Courts, Sir David Simmons in his lecture mentioned in footnote 75 above said, “there is of course, a place for ADR in the Magistrates Courts, especially in the civil, domestic and juvenile jurisdictions.”
88 See Dr. Albert Fiadjoe, Alternative Dispute Resolution: A Developing World Perspective (Chapter 5).
89 See “Reducing the Cost of Disputes and Increasing Competitiveness through Alternative Dispute Resolution Approaches” by Justice Hugh Small in an address to the Private Sector Organization of Jamaica Chairman’s Club Forum on June 2, 2009.
organising programmes of information and education. At this time the jurisdictions that seem most ready for this type of initiative are the British Virgin Islands, Jamaica and Trinidad and Tobago that have existing, and active, Commercial Courts, are seeking to revise and modernise their existing Arbitration Laws and have strong Governmental support to proceed to finality on this course of action.

(vi) Settlement of Disputes
The ADR Survey Countries have no permanent tribunal exercising an international law jurisdiction, notwithstanding the existence of a regional court with jurisdiction in municipal law questions. Nor is there any incorporation of United Nations mechanisms for the settlement of disputes, such as the International Court of Justice.

(vii) International Conventions
With the advent of mega-blocks and mega-markets generating increased trade between nations and commercial entities, it is reasonable to expect that we will be witnessing an unprecedented explosion of gigantic proportions in commercial arbitration.

The sources of the law of international arbitration lie in a number of international conventions, such as the New York Convention of 1958, the European Convention of 1961, the Panama Convention of 1975, the Convention establishing the Multilateral Investment Guarantee Agency of 1985, the Convention on the Settlement of Investment Disputes of 1965, international model laws, model rules and institutional rules, such as those of the ICC and the London Court of International Arbitration (LCIA).

The following regional survey countries have adopted the New York Convention:  
- Antigua and Barbuda, Barbados, Belize, Dominica, Jamaica, Saint Vincent and Trinidad & Tobago.  
- No CARICOM Country has yet adopted the Panama Convention.
- Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St. Lucia, St. Vincent and the Grenadines and Trinidad & Tobago have ratified agreements supporting programmes of the US Overseas Private Investment Corporation (OPIC);
- Belize has signed, but not ratified, the Convention on the Settlement of Investment Disputes 1965 (ICSID);
- Barbados, Grenada, Guyana, Jamaica, St. Kitts and Nevis, St. Lucia and Trinidad and Tobago have ratified the Convention on the Settlement of Investment Disputes 1965 (ICSID).

Component 7: Sustainability Planning:

90 Which has been described as “one of the most successful commercial treaties in history” by Professor William Park of Boston University on page 7 of “Treaty Obligations and National Law: Emerging Conflicts in International Arbitration,” 2006.
91 The Convention requires courts in contracting states to recognise arbitration agreements in writing and to refuse to allow a dispute to be litigated before them when it is subject to an Arbitration Agreement. It also requires courts to recognise and enforce foreign arbitral awards.
The Achilles Heel of many regional development activities that have been funded by various International Development Partners over time is that as soon as the funding from the partners ceases, development activities start to close down. It is therefore recommended that a detailed sustainability plan for ADR continuance be drafted for implementation approval at the end of the third year of the implementation of IMPACT Project activities. At a minimum, this Implementation Plan should:

- Identify the regional sources from which funding will be obtained after IMPACT Project funding ends;
- Identify any policy dialogue discussions that could usefully be undertaken with regional governments during the life of the IMPACT Project to obtain ongoing, and increased, subventions for any court-connected ADR Centres established in their respective countries;
- Identify those charges that can be made for ADR services that strike a good balance between the cost for the provision of the services by established ADR Centres and the ability of persons using those services to pay a reasonable fee for services rendered;
- Actively involve regional private sector networks as contributors to a Regional Arbitration Centre should the IMPACT Project decide to support regional arbitration services from one regional focal point. It should be pointed out that a Regional Arbitration Centre need not be physically established in any particular Caribbean location but is capable of efficient functioning on a virtual basis using available regional communication technologies and ensuring the provision of regional locations where any hearings required can be conducted;
- Establish an active network of Caribbean and Canadian senior-level ADR practitioner experts to share information and best practices that could be utilised to ensure sustainability in regional ADR systems;
- Seek to implement the possibility of utilising regional members of the Canadian Diaspora in active relationships that continue the strengthening of regional ADR systems.93

Component 8: Restorative Justice Development:
Principles and Guidelines:

The Department of Justice of Canada broadly defines restorative justice as:
“A way of viewing justice that puts the emphasis on healing relationships that have been broken by conflict and crime. Viewed through this lens, crime is understood as a violation of people and relationships and a disruption of the peace of the community. It is not only an offence against the state. Restorative Justice encourages the participation of victims, offenders and the community affected by the crime in finding solutions that will achieve reconciliation and restore harmony”94.

According to one writer, “Justice is too important an issue to be left solely to the justice system.”95

93 At the October 2010 CARICOM 30th Anniversary Lecture, “CARICOM Beyond Thirty: Connecting with the Diaspora,” the former Jamaican Prime Minster, the Honourable Percival Patterson, said “I assert that the job of building the kind of Caribbean Society we desire is not restricted to those who are physically located within the geographic confines of the Caribbean Sea...The living boundaries of CARICOM are to be found wherever CARICOM nationals or their progeny reside and work.” Also see “The International Peace and Conflict Dimensions of Jamaican and Haitian Diasporas” by Stewart Prest, et. al., in Journal of the Sociology of Self-Knowledge, VII, Fall 2009.
94 See Restorative Justice in Canada by Kathryn Tucker.
95 By Ted Watchell, Founder of the International Institute of Restorative Practices.
The United Nations and some of its member states, including Canada, have done considerable work in developing principles that should govern RJ. These include such principles as:96

1. Participation of a victim and offender in a restorative justice process should be based on their free, voluntary and informed consent. Each party should receive a clear explanation of what the process might involve and the possible consequences of their decision to participate. Consent to participate may be withdrawn at any stage.

2. The victim and offender must accept as true the essential facts of the offence, and the offender must accept responsibility for the offence;

3. The facts must provide sufficient evidence to proceed with a charge, and the prosecution of the offence must not be barred in law;

4. The offender has the right to seek legal advice before and at all stages of the process;

5. Referrals to a restorative process can occur at all stages of the criminal justice system, from pre-charge diversion through to post-sentencing and post-release from custody in appropriate cases, and taking into account relevant prosecution policies;

6. Referrals to and conduct of a restorative process must take account of the safety and security of the parties and any power imbalances between victim and offender, with respect to either person’s age, maturity, gender, intellectual capacity, position in the community or other factors. In particular, implied or explicit threats to the safety of either party, or whether there is a continuing relationship between the parties must be of paramount concern;

7. All discussions within the restorative process, other than those conducted in public, must remain confidential, unless agreed to the contrary, by the victim and offender, and may not be used in any subsequent legal process;

8. The admission of responsibility by the offender for the offence is an essential part of the restorative process, and cannot be used as evidence against the offender in any subsequent legal process;

9. All agreements must be made voluntarily and contain only reasonable, proportionate, and clear terms;

10. The failure to reach or to complete a restorative agreement must not be used in any subsequent criminal proceedings to justify a more severe sentence than would otherwise have been imposed on the offender; and

11. Restorative Justice programs should be evaluated regularly in order to ensure that they operate on sound principles and to meet their stated goals.

Challenges include:

**Restorative Justice requires resources.** These resources are for such things as:

- The referral process by justice officials;
- Skilled and experienced workers (such as mediators and other facilitators to assist victims and offenders work out restorative resolutions);
- Programs to support restorative options (e.g. Community service placements) and
- Follow-up to ensure that restorative agreements are fulfilled.
- The size of the required resources must not be under-estimated. Nothing will sabotage an RJ program more quickly than a public perception that it is a thinly veiled attempt to save justice system costs by doing less. **Until sustainable sources of funding can be found to ensure the continuous implementation of the required activities over time, the necessary traction in this area cannot be achieved and maintained.**

96 Extracted from draft principles developed by Conflict Resolution Network Canada’s Institute of Peace and Conflict Studies.
• It is necessary to develop a policy and legal framework for integrating restorative justice into the operations of the traditional justice system for all regional survey countries that wish to utilise this form of ADR;
• Community support, for and participation in, restorative justice initiatives are critical to their success;
• Persons and organisations responsible for RJ in the communities must be, and be seen to be, fair, impartial, apolitical, credible, accountable, honest and disinterested in the outcome. All persons selected for training in RJ interventions in ADR Survey Countries must possess these personal attributes.

Despite the above challenges, Restorative Justice Interventions hold great promise of being a critical tool in the reduction of criminal cases coming onto regional criminal cases dockets. As has been said, “Restorative Justice is known to reduce costs in the criminal justice system; it helps victims to recover more quickly from the effects of crime, leaving them and offenders more satisfied that justice was done. By being victim-centred it will open up new and more useful roles for victims in the formal justice system. It also holds offenders accountable for their crimes and offers them a way to take responsibility for their actions and make reparation. It will also ease the burden on our courts and reduce overcrowding in our penal institutions as victims and offenders utilize alternative measures.”

It is recommended that the IMPACT Project provides relevant technical assistance for the strengthening of the mediation process in the Magistrates Courts in Jamaica. This would be a laudable first step to the stronger establishment of RJ in that country. After operational precedents and lessons learned have been obtained from the Jamaican experience, it is recommended that additional RJ programmes be established in those Regional ADR Survey Countries that evince a strong interest in pursuing RJ interventions. Countries could evince such strong interet by establishing the legislative framework within which RJ can be successfully conducted. It is believed that Saint Kitts and Nevis would be a strong candidate for the establishment of a formal RJ programme as that country is already actively engaged in a number of informal RJ activities on the ground, which have demonstrated successful outcomes.

Conclusion:
“It is safe to say that alternative dispute resolution is here to stay ….around the world, academic and professional disciplines have emerged around the various ADR interventions. Laws have been created and/or amended to give legal underpinning and legitimacy to the ADR theory and practice. The legal and public policy framework for ADR is still evolving and is expected to see even greater levels of development.”

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97 July 12, 2014 message by Minister of Justice Senator Honourable Mark Golding of Jamaica in speaking about the Government of Jamaica’s National Restorative Justice Policy.
Appendices

Appendix 1: Travel Schedule

May 11, 2014---Jamaica to Barbados
May 13, 2014---Barbados to Saint Lucia
May 15, 2014---Saint Lucia to Saint Vincent
May 17, 2014---Saint Vincent to Grenada
May 20, 2014---Grenada to Trinidad and Tobago
May 24, 2014---Trinidad and Tobago to Guyana
May 28-29, 2014---Guyana to Suriname via Trinidad and Tobago
May 31, 2014---Suriname to Jamaica via Trinidad and Tobago
June 8, 2014---Jamaica to Antigua
June 10, 2014---Antigua to Saint Kitts
June 14, 2014---Saint Kitts to Dominica via Antigua
June 17, 2014---Dominica to Jamaica via Puerto Rico and Miami
June 26, 2014---Jamaica to Belize via Miami
June 29, 2014---Belize to Barbados
July 3, 2014---Barbados to Jamaica via Miami

Appendix 2: List of persons interviewed

Barbados

Meetings of 12th May 2014
- Mr. Roosevelt King - BANGO – Barbados Association of Non-Governmental Organizations
- Mr. Ralph Boyce - MESA - Men’s Educational Support Association
- Mr. Rodney Grant-Head of Association of NGO’s and Pinelands Creative Workshop

Meetings of 13th May 2014
- Ms. Nalita Gajadar - Bureau of Gender Affairs
- Mr. Kumar Hithiramani- President of the ADR Association of Barbados
- Lady Marie McCormack Simmons - Member of the ADR Association of Barbados
- Lady Beverley Walrond QC- Member of the ADR Association of Barbados
- Inspector David Wilshire, Director of Research, Royal Barbados Police Force (conducted on 30/6/14)

St. Lucia

Meetings of 14th May 2014
- Ms. Shan Greer-Attorney, President, Dispute Resolution Association
- Mr. Gregory Girard-Court Administrator, Eastern Caribbean Supreme Court
- Ms. Leonore St. Croix- Office Manager, Eastern Caribbean Supreme Court
- Ms. Michelle Theobalds-Executive Assistant to the Chief Justice, Eastern Caribbean Supreme Court
- Mr. Francis Letang- Director of Projects, Eastern Caribbean Supreme Court
- Mr. Francis Compton- Regional Mediation Coordinator, Eastern Caribbean Supreme Court

St. Vincent

Meetings of 16th May 2014
- Mrs. Tamara Gibson-Marks - Registrar of the High Court and Mediation Coordinator
- Mr. Simon Kamara – Mediator, Real Estate Agent
Grenada

Meetings of 19th May 2014
- Mr. Franklyn Redhead - Deputy Commissioner of Police
- Madam Justice Margaret Price-Findlay - Senior High Court Judge
- Mr. Anderson Simon – Director of the Child Protection Authority

Meetings of 20th May 2014
- Mrs. Meryl Forsythe – Mediation Coordinator
- Reverend Osbert James - Pastor of the Presbyterian Church

Trinidad and Tobago

Meetings of 21st May 2014
- Chief Justice Ivor Archie - Chief Justice of the High Court of Trinidad & Tobago
- Justice Vasheist Kokaram - High Court Judge & Chairman of the Mediation Board of Trinidad & Tobago
- Ms. Janelle Frederick - Executive Assistant to the Chairman of the Mediation Board of Trinidad & Tobago
- Ms. Beverly Britain - Director of the Dispute Resolution Centre

Meetings of 22nd May 2014
- Ms. Fariza Shaama Seecheran - Director of the National Centre for Dispute Resolution, Ministry of Health/Prime Minister’s Office / Ministry of Legal Affairs
- Justice Anthony Gafoor- Chairman – Tax Appeal Board of Trinidad & Tobago/ Member of the Board of Directors of the Mediation Board of Trinidad & Tobago
- Sir Dennis Byron -President of the Caribbean Court of Justice
- Mr. Don Rose -Project Manager (Interim) CCJ IMPACT Project
- Justice Malcolm Holdip - Judge in the High Court of Trinidad & Tobago and Judge of the Drug Court

Guyana

Meetings of May 26, 2014
- Mr. Christopher Ram- Chartered Accountant and Attorney-at-Law
- Mr. Teni Housty- Director, Mediation Institute of Guyana; Attorney-at-Law, University of Guyana Lecturer
- Ms. Jamela Ali- Director, Mediation Institute
- Ms. Emily Dodson - Vice-President, Mediation Institute
- Mr. Colin Chichester- Director Court-Annexed Mediation Centre

Meetings of May 27, 2014
- Ms. Marcella Thompson- Development Officer, DFATD
- Mr. Daniel, Joly-First Secretary, DFATD
- Ms. Margaret Kertzious- Director, Help & Shelter NGO

Suriname

Meetings of May 29, 2014
- Mrs. Agnes Daniel- Commissioner of Police
- Mrs. Betty Goede - Chairperson, Organization of Justice and Peace

Meetings of May 30, 2014
- His Excellency Edward Belfort- Minister of Justice and Police
IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT JUSTICE) PROJECT
PROJECT IMPLEMENTATION PLAN

- Mr. Max Ooft – Director, Bureau of the Indigenous Organisation, VIDS
- Mr. Henk Naarendorp- Chairman, Chamber of Commerce

**Antigua:**
**Meetings June 9, 2014**
- Dr. Christopher Malcolm-Attorney General, British Virgin Islands

**Meetings of June 10, 2014**
- Ms. Tracy Samuel - Deputy Registrar
- Ms. Jan Peltier - Judicial Research Officer
- Sandra Richards - Court of Appeal Clerk (former Mediator)
- Mr. Kelvin John - Past President of the Antigua Bar Association / Mediator
- Dr. Errol Samuel - President, Chamber of Commerce
- Hon. Justin Simon, Q.C.-Attorney General

**St. Kitts and Nevis:**
**Meetings of June 11, 2014**
- Dr. Celvin Walwyn- Commissioner of Police

**Meetings of June 12, 2014**
- Ms. Azilla Clarke- Director, Social Services and Community Development, Ministry of Social Development Services, Community Development, Culture & Gender Affairs

**Meetings of June 13, 2014**
- Ms. Teslyn Flanders- Mediation Coordienator
- Mrs. Simone Bullen-Thompson, Solicitor General
- Ms. Merida Cable- Crown Counsel

**Dominica**
**Meetings of June 16, 2014-06-16**
- His Excellency Dr. Nicholas Liverpool, former Head of State
- Mr. Julian Johnson-Director Integrity Commission
- Mr. Ossie Walsh-High Court Registrar & Mediation Coordinator
- Mr. Daniel Carbon- Commissioner of Police

**Belize**
**Meetings of June 27, 2013**
- Ms. Marydelene Vasquez- Program Director, Restore Belize
- Mr. Allen Whylie- Commissioner of Police
- Mr. Miguel Segura-Assistant Commissioner of Police
- Hon. Kenneth Benjamin-Chief Justice
- Mr. Justice Courtney Abel- Supreme Court Judge
- Mediation Coordinator
- Mr. Derrick Courtney-Attorney-at-Law
- Ms. Kim Aikman, CEO-Belize Chamber of Commerce & Industry
- Ms. Kay Menzies-Past President, Belize Chamber of Commerce & Industry
Jamaica
Meeting June 5, 2014
Mr. Paul Hines, Chief Executive Officer, Dispute Resolution Foundation

Meeting July 7, 2014
Mrs. Carol Palmer, Permanent Secretary, Ministry of Justice

Appendix 3: List of persons scheduled for interview, but were not met
- Mrs. Joan Prevost, Attorney-at-Law, Mediator, Dominica (Mrs. Prevost was ill at the time she was visited for interview and stated her inability to participate).
- The Solicitor General of Dominica was not interviewed due to a schedule mix-up between the CLIC office and the consultants. The consultants while originally having the Solicitor General on the meeting interview selection list had an insertion of another person for interview at the same time slot. The Consultants were unaware that the Solicitor General was still on the meeting list.

Appendix 4: Number of Service Points
- Antigua & Barbuda – 1 High Court Service Point, St. Johns
- Barbados-No Service Point for Court-Connected Mediations at this time; 1 Service Point for private ADR Barbados Ltd.
- Belize-1 High Court Service Point, Belize City; RESTORE Belize, Belize City
- Dominica-1 High Court Service Point, Roseau
- Grenada-1 Court-Connected Service Point; 1 private mediator Service Point
- Guyana-2 Service Points, High Court Mediation Office, Georgetown; Court-connected Mediation Office Compound of New Amsterdam High Court, Berbice; 1 Private Mediation Agency
- Jamaica -15 Service Points99 and one private Dispute Resolution Foundation, Kingston
- St. Kitts & Nevis- 1 Court-Connected Service Point, High Court, Basseterre
- St. Lucia-1 Service Point, High Court Mediation Office, Castries
- St. Vincent- 1 Service Point, High Court Mediation Office, Kingstown
- Suriname-No Service Points
- Trinidad and Tobago-11 Service Points; 6 Statutory Mediation Agencies and 4 privately owned Mediation Agencies

Appendix 5: Gender and Environmental Considerations
Incorporation of cross-cutting gender equality issues
The World Bank reports that high crime rates and violence in the Caribbean are “undermining growth, threatening human welfare, and impeding social development.”100 Women, children and youth in this context are among those most at risk for experiencing situations of violence and yet they

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99 There are fifteen (15) Service Points, called Peace and Justice Centres, which are operated by the DRF. These Centres have been set up in eleven of the fourteen parishes in Jamaica, namely, Kingston and St. Andrew, St. Mary, Manchester, Hanover, St. Catherine, St. Ann, Portland, Trelawny, Clarendon with four locations in the parish of St. James. Trained mediators are assigned to the other three (3) parishes of St. Thomas, Westmoreland and St. Elizabeth. These Centres and mediators offer mediation services and offer support to the work of the Police, the Courts, community based organisations and schools in the fight to reduce crime and violence in Jamaica.

100 World Bank, ibid
also have poor access to regional justice systems. Approximately 80% of law graduates from the regional University of the West Indies, Bahamas and Guyana Faculties of Law are women.

Women have progressively entered the system, in significant numbers, at the Magistrates Court level. As an example, approximately 95% of all Magistrates in the Jamaican Magistracy (the largest magistracy in the region) are now women, with women comprising 99% of the OECS Magistracy. Conversely, statistics show that male youth between 15 and 24 are both victims and perpetrators of crime in all regional countries, and it is imperative that they be engaged, rehabilitated and re-socialised into the wider societies.

The high levels of unemployment and poverty as well as the low levels of employment skills in the youth at risk age group occurs right across the region and presents a clear and present danger to the Rule of Law as significant numbers of disaffected youth are joining gangs and being the perpetrators of serious criminal offences.

While all regional countries have subscribed to CEDAW, UN Women reports that an average of one in three women in the Caribbean will experience domestic violence. These women often have nowhere to turn to access psychosocial or legal support, or even a safe place to go to be able to escape their abuser. The situation is just as dire for children. UNICEF estimates that six million children and adolescents in the region suffer severe abuse each year. Adolescent boys in the Caribbean are reported to be most at risk for beatings in the home or at school, while adolescent girls face a higher risk in terms of sexual abuse from adult men in the family, school or workplace. In fact some 48% of girls surveyed across nine Caribbean countries report their sexual initiation to have been forced. Youth may also experience other types of victimization and exploitation, for example human trafficking, commercial sex work or being coerced into dangerous, yet available crime-based employment such as drug trafficking or gang involvement.

Considered to be one of the most violent regions in the world, the Caribbean ranks first globally in terms of murder rates, with the highest rates of homicide among youth. In fact, UNICEF reports violence as the leading cause of death among males aged 15-24.

For survivors of abuse, the long-term effects of violence and exploitation, compounded by a lack of access to justice within Caribbean judicial systems are extremely significant in terms of social integration and success later in life. Gender based violence cases sometimes come up 3-4 years after the incident. After that length of time, when the case does come up, the victim may no longer want to relive the violence through the ordeal of a trial. The women may have been willing to give evidence at the time of the incident, but not many years after the incident.

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101 The UN General Assembly adopted the Convention on the Elimination of all Forms of Discrimination Against Women in 1979. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.
102 UN Women, 2011. Acknowledging that this number could be a lot higher because many victims of abuse do not report their experience.
103 Latin America and the Caribbean.
105 UN Women, 2011.
Aside from the obvious physical toll, “the social and economic costs of violence against women are enormous and have ripple effects throughout society. Women may suffer isolation, inability to work, loss of wages, lack of participation in regular activities, and limited ability to care for themselves and their children.” Similar effects can be noted among youth in terms of poor educational achievement and reduced employability or earning potential, which also impede overall wellness and success later in life.

Other outcomes for children and youth, which can be linked to this type of victimization, include antisocial, aggressive or violent behaviour. Given the cyclical nature of abuse, the child victim who is entrusted to the state, sometimes waiting years to have their case heard at trial; or the young perpetrator who is detained in an adult prison, exposed to unimaginable violence; left to cope with the lifelong effects of these horrors will often transfer their sense of helplessness by victimizing someone else. Furthermore, justice systems in the Caribbean are not equipped to provide psychosocial / rehabilitative therapy to support victims to redefine themselves through counselling or mentorship - support that could make the difference between a life of perpetual violence and despair and a life that is happy and fulfilling.

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (“Convention of Belem do Para”) represents a legally binding mandate for the Caribbean States Parties. This is the only regional agreement to explicitly address the issue of violence against women. The Convention establishes women’s right to live a life free of violence and it outlines the human rights and universal freedoms needed in order to exercise this right. Presented below is current information on the signature or non-signature (denoted by *) of the Convention on the part of ADR Survey Countries:

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<thead>
<tr>
<th>Signatory</th>
<th>Signature</th>
<th>Status of the Convention</th>
<th>Date</th>
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<td>Antigua and Barbuda</td>
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<td>Accession</td>
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<tr>
<td>Barbados</td>
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<td>Ratification</td>
<td>5/16/95</td>
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<tr>
<td>Belize</td>
<td>*</td>
<td>Accession</td>
<td>11/25/96</td>
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<tr>
<td>Dominica</td>
<td>*</td>
<td>Ratified</td>
<td>6/6/95</td>
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<td>2/15/01</td>
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<td>Guyana</td>
<td>1/10/95</td>
<td>Ratified</td>
<td>2/2/96</td>
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<tr>
<td>Jamaica</td>
<td>12/14/05</td>
<td>Ratified</td>
<td>12/14/05</td>
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<td>St. Kitts</td>
<td>6/9/94</td>
<td>Ratified</td>
<td>6/12/95</td>
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<td>St. Lucia</td>
<td>11/11/94</td>
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<td>St. Vincent</td>
<td>3/5/96</td>
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<td>5/31/96</td>
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<td>Suriname</td>
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<td>Trinidad &amp; Tobago</td>
<td>11/03/95</td>
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All modernisation and reform efforts under the IMPACT project should seek to incorporate the above gender realities into its implementation planning. As an example, the regional training of ADR professionals should incorporate gender considerations. Similarly, any policy dialogue which will take place with high-level regional governmental representatives on ADR support should also specifically bring to their attention the need to support ADR structures which have the ability to cater

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106 World Health Organization, 2011.
to the needs of both male and females in various dispute resolution processes, thus lessening the use of incarceration strategies in the settlement of disputes and conflict situations.

**Environmental Considerations:**
There are no negative environmental consequences associated with the implementation of the proposed regional IMPACT Project. Project inputs and outputs are largely knowledge-based and no physical construction of buildings will be undertaken.

**Appendix 6**

**Court-Annexed Mediation**

(a) **Recommended increases and locations**
(i) Trinidad and Tobago presently has 30 Service Points but has 41 Electoral Districts. It would wish to have a mediation service point in each District making the number of service points required as 41.

(ii) The present Dominica mediation service location leaves much to be desired in terms of having adequate infrastructure. It would be ideal if court-connected mediations could be conducted in an environment that is physically comfortable, has infrastructure that is not decaying and is well supplied with basic office supplies.

(iii) The existing mediation facility in Saint Kitts is also woefully inadequate for the conduct of mediations both in terms of adequate space provision as well as having an environment where conversations can be undertaken without being overheard by third party strangers to the mediations.

(iv) The facilities of the DRF at the Peace Centre (its Headquarters) are inadequate with only five rooms available for the mediation. Recommendations have been made both in the 2007 Jamaica Justice Reform Task Force Report and the 2009 Jamaica Justice System Policy Agenda Framework for the provision of additional rooms in which to conduct mediation sessions. If the facilities remain inadequate, this will negatively affect any move to refer more cases to the DRF for mediation in the Kingston area.
Chapter 9, Article 223, Disputes Settlement, Revised Treaty of Chaguaramas

1. The Member States shall, to the maximum extent possible, encourage and facilitate the use of arbitration and other modes of alternative disputes settlement for the settlement of private commercial disputes among Community nationals as well as among community nationals and nationals of third States.

2. Each Member State shall provide appropriate procedures in its legislation to ensure observance of agreements to arbitrate and for the recognition and enforcement of arbitral awards in such disputes.

3. A Member State which has implemented the 1958 United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards or the Arbitration Rules of the United Nations Commission on International Trade Law shall be deemed to be in compliance with the provisions of paragraph 2 of this Article.
Jamaica, South Africa collaborate on dispute resolution

The Jamaican High Commission in Pretoria has facilitated the signing of a Memorandum of Understanding (MOU) on Dispute Resolution between The University of the West Indies (UWI) and the Institute for Dispute Resolution, located at the University of South Africa (UNISA).

The Institute was established to engage in research, primarily aimed at solving conflicts in Africa. However, the decision was taken to partner with the Caribbean, through The UWI, after the head of the Institute, Prof John Faris, saw first-hand, some of the work being done in Jamaica, including the programme being undertaken by the Dispute Resolution Foundation of Jamaica.

The programme of the Institute aims to promote access to justice and efficient settlement of litigation through the use of informal dispute resolution mechanisms. It also advocates restorative justice with the criminal justice system and conducting research aimed at producing and applying new knowledge that is relevant to the needs and problems of communities.

This partnership with the UWI will provide, among other things, opportunities for graduates of The University to undertake research at UNISA through one-year fellowships and other collaborative activities.

Recognising the global significance of the issue of dispute resolution and conflict management, the High Commission actively promoted the conclusion of this MOU. To mark the occasion, Jamaica’s high commissioner to South Africa, Norma Taylor Roberts, in collaboration with the Vice-Chancellor and principal of UNISA, Prof. Mandia Makhanya, held a ceremony in Pretoria where she emphasised the importance of the cross-continental partnership entered into by The UWI and UNISA. The UNISA principal commended The UWI leadership, the director of the Institute and the High Commission for working together in bringing this MOU to fruition, and he added that this step marks only the beginning of the partnership that he foresees between UNISA, UWI and other educational institutions in Jamaica.
## Appendix 10
### ADR Regional Survey Matrix

- ● Reform Implemented
- ○ Reform begun/partially implemented
- ….. No Country Activity

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<th>Reforms</th>
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<th>Barbados</th>
<th>Saint Lucia</th>
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ANNEX M: IMPACT PROJECT COMMUNICATIONS STRATEGY

INTRODUCTION

This section outlines the overall strategy for communicating with key stakeholders during the life of the Project. It includes key messages, identifies key stakeholders, and describes communications channels and activities and how their success will be evaluated. It also provides a communications budget. A detailed schedule of communications activities will be developed in tandem with the development of annual work plans.

ASSUMPTIONS AND CONSTRAINTS

Assumptions:
- A communications specialist will be appointed to coordinate implementation of the project’s internal and external communications strategy
- The project website will be ready for public access by September 2014, to serve as a focal tool for the dissemination of project-related news and information to all publics
- While some support for the design of promotional and informational materials will be provided by relevant units of the University, there may be need for outsourcing of some creative services
- Printing services may need to be outsourced for some materials
- Promotional and informational materials will be produced and disseminated primarily in electronic form, with printing only as necessary
- Approval and guidelines for use of the logos/crests of sponsors would have been obtained
- All promotional and informational materials are to be produced in English, with French translations where required

Constraints:
- The communication strategy must encompass 13 different countries and multiple publics with differing needs
- Lack of access to some mainstream media and Internet-based communications channels in remote areas in some territories, in addition to literacy issues in some target populations will require more direct, in person, communications strategies and use of more basic media channels such as radio
- The budget for communications activities is limited

COMMUNICATIONS OBJECTIVES

The main objectives of this Communications Strategy are as follows:
- Ensure that all stakeholders are kept abreast of project-related details and information, project plans, progress of activities, decisions and outcomes, in a systematic and timely manner
- Support the timely exchange of information between internal stakeholders in order to facilitate efficient execution of the project
- Ensure the efficient and timely exchange of information among project partners across the Caribbean and Canada, necessary for the efficient execution of the project
- Ensure the efficient and timely exchange of information between the Project Implementation Unit (PIU), UWI Administrative units and DFATD, in order to ensure that the terms of the Contributing Agreement (CA) are met
- Promote buy-in and engagement of targeted stakeholders in the developmental activities and programmes being implemented under the project
- Ensure effective reach and impact of project-defined educational messages and information to specially targeted groups, including young people, women, businesses and community groups in target countries
- Ensure that the primary sponsors, the UWI and DFATD, are given due recognition and prominence in all project-related communications

COMMUNICATIONS STRATEGY

This Communications Strategy outlines key project messages and/or categories of projection information to be disseminated over the life of the project, branding and visual identity considerations, analysis of stakeholder needs, and proposed communications vehicles, activities and events.
Key Messages/ Project Information

- **Beginning of the project:**
  - The case for change/intervention – project purpose and background, goals and objectives, benefits to be derived, beneficiaries and expected impact
  - General information about the project: groups and institutions involved, areas of focus, planned programmes and activities, timelines
  - Introduction of project-based communications vehicles and branding – launch of website, social media sites, logo etc.

- **Life of the project:**
  - Status updates on programmes and activities
  - Key findings and outcomes of studies, surveys and pilot programmes
  - Marketing of educational and information products and services to target groups
  - Impact of programmes and activities, benefits realized and feedback from beneficiaries
  - Ongoing plans/next steps
  - Lectures, speeches, media appearances by key players, on justice sector reform and on regional societal issues being addressed by the project, underscoring the importance and relevance of the project (also archived and disseminated via the project website)
  - Media articles, documentaries, radio and television discussions on justice sector reform and on regional societal issues being addressed by the project, underscoring the importance and relevance of the project (also archived and disseminated via the project website)

- **End of Project**
  - Assessment of and dissemination of statements on project achievements, impact and successes across the areas identified under the Intermediate Outcomes
  - Project-related and independent commentaries on the impact of the project on the legal framework of the CSME, at regional and national levels
  - Project-related and independent commentaries on the impact of the project on the creation of a framework for a more peaceful, just and safe Caribbean society, especially for the most vulnerable
  - Matters for future attention
  - Future use of/access to communications channels, website, blog, social media tools.

**Branding and Visual Identity**

A logo developed as a visual representation of the project will be used to brand all communications instruments, promotional materials, and official project stationery. The project logo will be used in conjunction with the logos/crests of the primary sponsors, DFATD and the UWI, in accordance with respective institutional guidelines governing the use of these emblems.

Tagline: The following tagline will be used as part of branding on communications instruments, promotional materials, and official project stationery - “Improving access to justice in the Caribbean”.
## AUDIENCE ANALYSIS

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Objective</th>
<th>Key Messages/Project Information</th>
<th>Communication Vehicles</th>
<th>Entity/Entities Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Internal Stakeholders</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DFATD</td>
<td>• Satisfy requirements under the Contributing Agreement</td>
<td>• Project details and information&lt;br&gt;• Schedules and Performance indicators&lt;br&gt;• Project progress/milestones&lt;br&gt;• Budget status and requests for budget allocation&lt;br&gt;• Risks</td>
<td>• Status reports&lt;br&gt;• Financial reports&lt;br&gt;• Official mail/regular and electronic&lt;br&gt;• Video conferencing&lt;br&gt;• Telephone&lt;br&gt;• Project website and blog</td>
<td>• PIU</td>
</tr>
<tr>
<td>UWI Administration – Bursary</td>
<td>• Satisfy requirements under the Contributing Agreement&lt;br&gt;• Ensure efficient access to and accountability for use of project funds</td>
<td>• CA terms and conditions&lt;br&gt;• Project budgets, schedule for funds disbursement&lt;br&gt;• Project progress/milestones&lt;br&gt;• Information on contracts/contractors&lt;br&gt;• Requests for funds&lt;br&gt;• Accounting for funds disbursed</td>
<td>• Face-to-face meetings&lt;br&gt;• Status reports&lt;br&gt;• Financial reports&lt;br&gt;• Written requests&lt;br&gt;• Banner system&lt;br&gt;• Telephone</td>
<td>• PIU</td>
</tr>
<tr>
<td>UWI Administration – HR</td>
<td>• Satisfy requirements under the Contributing Agreement&lt;br&gt;• Ensure timely and efficient hiring of quality staff, consultants and contractors</td>
<td>• CA Terms and conditions&lt;br&gt;• Job descriptions&lt;br&gt;• TORs for contracts&lt;br&gt;• Copy for ads for vacancies</td>
<td>• Face-to-face meetings&lt;br&gt;• Mail – regular and electronic&lt;br&gt;• Telephone</td>
<td>• PIU</td>
</tr>
<tr>
<td>Project Steering Committee (PSC)</td>
<td>• To facilitate efficiency in functioning of PSC</td>
<td>• CA terms and conditions&lt;br&gt;• Project details and information&lt;br&gt;• Schedules and Performance indicators&lt;br&gt;• Project progress updates/milestones&lt;br&gt;• Project budgets and budget status&lt;br&gt;• Advisory information</td>
<td>• Meetings – face to face and video conferencing&lt;br&gt;• Project documents&lt;br&gt;• Status reports&lt;br&gt;• Financial reports&lt;br&gt;• Electronic Mail</td>
<td>• PIU&lt;br&gt;• Project director</td>
</tr>
</tbody>
</table>
# IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT PROJECT)
## PROJECT IMPLEMENTATION PLAN

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Objective</th>
<th>Key Messages/Project Information</th>
<th>Communication Vehicles</th>
<th>Entity/Entities Responsible</th>
</tr>
</thead>
</table>
| Project Implementation Unit (PIU) | - To facilitate the flow and exchange of information between the PIU and relevant stakeholders | - CA terms and conditions  
- Project details and information  
- Strategic direction  
- Budget, schedules, risks and resource related information  
- TORs, Work plans, responsibilities and deliverables for project components  
- Performance standards  
- Status updates on project components | - Meetings- face-to-face and virtual  
- Status reports  
- Project documents  
- Contracts  
- Financial reports  
- Mail – regular and electronic  
- Telephone | - Project director  
- PSC |
| Project Management Committee | - To review recommendations made by TAGS before they are presented to the PSC  
- To discuss project implementation issues and recommend solutions to Project Director | - Project details and information | - Meetings- face-to-face and virtual  
- Status reports  
- Project documents  
- Contracts  
- Financial reports  
- Mail – regular and electronic  
- Telephone | - Project Director |
| Technical Advisory Groups | - To facilitate the flow and exchange of information between the TAGs and the PIU | - Project details and information  
- TOR, work plans and deliverables  
- Requests from PIU and the PSC | - Meetings – face to face and video conferencing  
- Electronic Mail  
- Project wiki | - Project Manager |
| External Stakeholders | | | | |
| CARICOM Secretariat (Legal Affairs Committee; General Counsel) | - To ensure that partners are fully informed and kept up-to-date on the progress of the project  
- To facilitate input by and engagement of partners in project planning and programme development | - Project goals and objectives, details and information  
- Requests for advisory information, guidance, opinions, approvals for drafts of laws - requested by the PIU and the PSC  
- Status updates | - Meetings  
- Status reports  
- Mail – regular and electronic  
- Website  
- Newsletters | - Project director, PIU, PSC |
## IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT PROJECT)
### PROJECT IMPLEMENTATION PLAN

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<th>Key Messages/Project Information</th>
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</tr>
</thead>
</table>
| The Jurist Project                               | • To ensure that partners are fully informed and kept up-to-date on the progress of the project, in particular, progress of requested initiatives such as draft legislation  
 • To facilitate input by and engagement of partners in project planning and programme development | • Project goals and objectives, details and information  
 • Requests for advisory information, guidance and opinions - from the PIU and the PSC  
 • Status updates                                                                                              | • Meetings  
 • Status reports  
 • Mail – regular and electronic  
 • Website  
 • Newsletters                                                                                                   | • Project director, PIU, PSC                                        |
| Regional Governments (Offices of Attorneys General; Ministers of Justice) | • To ensure that partners are fully informed and kept up-to-date on the progress of the project  
 • To facilitate receipt of reports on progress made in implementing new legislation  
 • To facilitate input by and engagement of partners in project planning and programme development | • Project goals and objectives, details and information  
 • Requests for advisory information, guidance and opinions from the PIU and the PSC, including requests for information on new legislation needed or amendments to facilitate implementation of model legislation | • Meetings  
 • Project component reports  
 • Mail – regular and electronic                                                                                   | • Project director, PIU                                            |
| CSME Unit                                        | • To ensure that partners are fully informed and kept up-to-date on the progress of the project  
 • To facilitate input by and engagement of partners in project planning and programme development | • Project objectives, details and information  
 • Requests for input and involvement in drafting of laws  
 • Requests for advisory information, guidance and opinions from the PIU and the PSC, including requests for identification of areas for focus, and feedback on implementation of model laws at regional and national levels | • Meetings  
 • Project component reports  
 • Mail – regular and electronic  
 • Website  
 • Newsletters                                                                                                   | • Project director, PIU, PSC                                       |
<table>
<thead>
<tr>
<th>Stakeholder</th>
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<th>Key Messages/Project Information</th>
<th>Communication Vehicles</th>
<th>Entity/Entities Responsible</th>
</tr>
</thead>
</table>
| Regional Bar Associations (OCCBA and OECS) & National Bar Associations | • Secure buy-in and involvement in framing of initiatives for improvement of legal services; and adoption of resulting products and frameworks  
• Determine market needs re. education and information  
• Facilitate input on content and strategies for development of courses and other education products, and framework for accreditation and delivery of continuing legal education | • Project objectives, details and information  
• Requests for input and involvement  
• Information re availability of courses, workshops and other education products and services  
• Requests for feedback on impact of training initiatives | • Meetings  
• Mail - regular and electronic  
• Surveys  
• Reports  
• Newsletters  
• Media releases  
• Website  
• Social media | • Project director, PIU, Communications specialist |
| Legal education service providers – regional (Faculties of Law, Council of Legal education, OECS Bar Association) | • Determine market needs re. legal education  
• Facilitate development of courses and other education products and services  
• Facilitate adoption of new policy for legal education | • Project objectives, relevant details and information re education component  
• Terms of reference for survey  
• Request for participation in survey | • Meetings  
• Survey  
• Mail  
• Reports | • Project director, PIU |
| Legal Information service providers (Law libraries – academic and government) Faculties of Law, Council of Legal Education, Bar Associations | • Identify training needs and design initiatives to meet training needs  
• Secure involvement in development of legal databases  
• Development of strategies for promotion of legal information, to improve access and use by target publics | • Project objectives, relevant details and information  
• Project component related information  
• Information on training opportunities  
• Requests for feedback on training effectiveness | • Meetings  
• Mail – regular and electronic  
• Telephone  
• Website  
• Newsletter  
• Media releases | • PIU, Communications specialist |
## IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT PROJECT)
### PROJECT IMPLEMENTATION PLAN

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<th>Communication Vehicles</th>
<th>Entity/Entities Responsible</th>
</tr>
</thead>
</table>
| Regional and National Women’s and Men’s Associations & Groups | • Secure buy-in and engagement with the relevant components of the project; secure assistance and advice re. needs and promotion of products and services targeted at women  
• Assistance with reaching women in remote locations  
• Participation in project activities and programmes | • Project goals and objectives and other background information  
• Background, purpose, goals, objectives, of the community legal education component  
• Information on products and services, programmes and initiatives under the community legal education component  
• Requests for information and advice  
• Cases/stories that highlight the need for ADR | • Face to Face Meetings  
• Mail – regular and electronic  
• Project website  
• Newsletters & other publications  
• Project Blog  
• Conferences  
• Social media tools  
• Mass media | • PIU, Communications specialist |
| Regional and National Youth Associations and Groups | • Secure buy-in and engagement with the relevant components of the project; secure assistance and advice re. needs, and promotion of products and services targeted at the youth  
• Assistance with reaching youth in remote locations  
• Participation in project activities and programmes | • Project goals and objectives and other background information  
• Background, purpose, goals, objectives, of the community legal education component  
• Information on products and services, programmes and initiatives under the community legal education component  
• Requests for information and advice  
• Cases/stories that highlight the need for ADR | • Face to Face Meetings  
• Mail – regular and electronic  
• Project website  
• Newsletters & other publications  
• Project Blog  
• Conferences  
• Social media tools  
• Mass media | • PIU, Communications specialist |
## IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT PROJECT)
### PROJECT IMPLEMENTATION PLAN

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<tr>
<th>Stakeholder</th>
<th>Objective</th>
<th>Key Messages/Project Information</th>
<th>Communication Vehicles</th>
<th>Entity/Entities Responsible</th>
</tr>
</thead>
</table>
| Regional and National Business Associations    | • Secure buy-in and engagement with the relevant components of the project; secure assistance and advice re. needs and promotion of products and services targeted at businesses  
• Participation in project activities and programmes | • Project goals and objectives and other background information  
• Background, purpose, goals, objectives, of the community legal education component  
• Information on products and services, programmes and initiatives under the community legal education component  
• Cases/stories that highlight the need for ADR | • Meetings  
• Mail – regular and electronic  
• Project website  
• Newsletters & other publications  
• Project Blog  
• Conferences  
• Social media tools  
• Mass media | • PIU, Communications specialist                                      |
| General Public/ Target groupings – women, youth, businesses, other social institutions | • Secure project buy-in and engagement; encourage use of project products and services and participation in project activities and programmes, particularly programmes and initiatives under the community legal education component  
• Reach target groups in remote locations | • Project goals and objectives and other background information  
• Background, purpose, goals, objectives, of the community legal education component  
• Information on products and services, programmes and initiatives under the community legal education component – community-based peace building initiatives  
• Cases/stories that highlight the need for ADR  
• Information on availability of training under the community peace building component  
• Behavioural change messages and resources | • Face to face meetings  
• Mail – regular and electronic  
• Project website  
• Newsletters & other publications  
• Project Blog  
• Conferences & workshops  
• Social media tools  
• Mass media advertising and information (television, radio, print) | • Communications specialist  
• PIU  
• Partner associations at national level |
# IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT PROJECT)
## PROJECT IMPLEMENTATION PLAN

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Objective</th>
<th>Key Messages/Project Information</th>
<th>Communication Vehicles</th>
<th>Entity/Entities Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional and national media/Government Information Services</td>
<td>Secure public buy-in and participation in the activities and programmes of the project</td>
<td>Project background, details and information</td>
<td>Press releases and features</td>
<td>Communications specialist</td>
</tr>
<tr>
<td></td>
<td>Promotion of the project: goals and objectives, its significance and potential impact; activities, programmes and achievements;</td>
<td>Regular project updates</td>
<td>Press packages</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Promote progress and major achievements over the life of the project</td>
<td>Information on programmes and activities; milestones of achievements, outcomes</td>
<td>Press conferences, briefings &amp; interviews</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Promotion of goodwill of sponsors</td>
<td>Articles and advertisements that promote project activities and programmes</td>
<td>Project website</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Assistance with reaching target publics in remote locations</td>
<td>Stories that speak to the relevance and impact of the project</td>
<td>Newsletters, status reports &amp; other publications</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Information, expert advice, and materials for use in public information media productions</td>
<td>Project Blog</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Social media tools</td>
<td></td>
</tr>
</tbody>
</table>

## COMMUNICATION ACTIVITIES AND EVENTS
### Standing Activities and Events

<table>
<thead>
<tr>
<th>Activity/Event</th>
<th>Purpose</th>
<th>Audience/Stakeholders</th>
<th>Timing</th>
<th>Entity Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Website</td>
<td>Primary source of general information and updates on all aspects of the project</td>
<td>All</td>
<td>Updated periodically through the life of the project and beyond</td>
<td>Communications specialist</td>
</tr>
<tr>
<td>Regular posting to Project Blog, microblog and Facebook page</td>
<td>Keep all stakeholders up-to-date on project activities, programmes, services and achievements</td>
<td>All</td>
<td>Weekly through life of the project</td>
<td>Communications specialist</td>
</tr>
<tr>
<td>Preparation and distribution of status reports and other reports</td>
<td>To apprise stakeholders on the progress of the project, achievements and successes, risks, constraints etc.</td>
<td>Relevant stakeholders</td>
<td>According to schedules</td>
<td>PIU</td>
</tr>
</tbody>
</table>
Newsletter (electronic)  
- To apprise stakeholders of the progress of the project; to promote programmes, activities and services offered under the project  
- Relevant stakeholders  
- Quarterly  
- Communications specialist

Features/Press releases/updates  
- To apprise stakeholders of the progress of the project; to promote programmes, activities and services offered under the project  
- General and specific stakeholders  
- As required throughout the life of the project  
- Communications specialist

Establishment and maintenance of databases and mailing lists (regular and electronic addresses) of stakeholder groups, partners, associations, media and GIS contacts  
- Used for mailings - regular and electronic; and other communication as required  
- N/A  
- Established at start of project and updated/maintained throughout  
- PIU  
- Communications Specialist

**Special Activities or Events**

<table>
<thead>
<tr>
<th>Activity/Event</th>
<th>Purpose</th>
<th>Audience</th>
<th>Timing</th>
<th>Responsible</th>
</tr>
</thead>
</table>
| Project launch – Regional Press Conference | - To sensitize all stakeholders to the project, its scope, purpose, goals and objectives; anticipated impact and outcomes; key players.  
- Provide public recognition/promotion of sponsors  
- Allow for questions from media leaders and representatives  
- Launch of project website, blog, social media tools and logo | - Mass Media, Information Services, general and specific publics, other stakeholders | - To be determined | - Communications specialist and Project Director |
### IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT PROJECT)
#### PROJECT IMPLEMENTATION PLAN

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>Stakeholders</th>
<th>Frequency</th>
<th>Responsible Party</th>
</tr>
</thead>
</table>
| Annual regional press conference/briefing | • Inform stakeholders of progress and achievements of project;  
• Issue appeals as necessary  
• Provide information on future/ongoing programmes and activities | Mass Media, Information Services, general and specific publics, other stakeholders | Yearly intervals            | Communications specialist  
Project Director                  |
| Develop and disseminate informational materials – pamphlets, fact-sheets, press kits, posters | • Fulfillment of Immediate Outcome 2 | All | As required for promotion of activities and programmes | Communications specialist                  |
| Conferences, public lectures              | • Promote understanding of project relevance, importance and impact | All | Three over the life of the project | PIU  
Communications specialist |
| Town hall/community meetings              | • Reach target publics in remote locations | Persons targeted under the community peace building component | Aligned with work schedule of project component | PIU  
Communications specialist |

### VALUATING COMMUNICATIONS EFFECTIVENESS
- Monitoring of website and social media usage statistics
- Level of participation of target publics in educational programmes and activities
- Results of “customer” surveys
- Assessment of project’s media presence and coverage of activities and events
- Assessment of efficiency in meeting of timelines for submission of reports, updates, and information exchange
ANNEX N: GENDER STRATEGY

Rationale

As the deadline for the Millennium Development Goals draws near, high-level leaders from CARICOM Member States and representatives of Civil Society have jointly declared their commitment to gender justice in the post 2015 and SIDS global agendas, generating a joint statement in August 2013, which calls for a stand-alone goal on Gender Equality as well as the mainstreaming of gender equality priorities in all development frameworks.

The statement identified, among other areas, the justice system as a priority for the promotion of human rights, and, recognizing that justice is “often delayed and denied,” called for “the reform of legal systems and amendment of laws which cause exclusion and harm, especially to vulnerable groups,” and ensure the removal of systemic barriers, such as delays, withdrawal of charges and the inappropriate use of cash to settle disputes.107

One of the impediments in the region to legal reform is the lack of qualified professionals to draft laws. Intent is there to pass Gender Equality legislation, and to implement the CSME, however, both of these are backlogged in good part due to this deficiency. Most CARICOM Member States are therefore in a CSME “implementation deficit,” and extensive work is also required still to align their national laws with their extensive international commitments to Gender Equality. With political momentum required for CSME implementation fragile, and the deepening of post financial crisis social and economic challenges, the region can ill afford delays, neither in the implementation of CSME harmonization, in ways that will improve opportunities for all citizens, nor in the implementation of Gender Equality laws that aim to reduce discrimination and the growing problem of violence in the region.

UWI is deeply concerned about gender equality, and has a strong programme and partners in this area. The gender dimensions of IMPACT are in direct response to requests from governments, the judiciary, regional and national Bar Associations, legal information service providers, other justice sector actors and citizens in the region to support their efforts in drafting, strengthening, amending, presenting and enacting Gender Equality legislation per se and gender-responsive legislation in the implementation of the CSME.

The IMPACT project in its attention to presenting and enacting gender-responsive legislation, and strengthening national and regional legal systems and personnel to be more gender-responsive is therefore timely. Its strategic focus on the formal as well as informal justice systems, including Alternative Dispute Resolution, Restorative Justice and Community Based Peace-building is innovative and this combination is essential to relieving the long delays in the court systems and ensuring men and women, boys and girls access justice de facto on the ground, not just in the letter of the law.

The ultimate gender equality outcome is enhanced gender justice for women and men, youth and businesses in the CARICOM region.

Background

Gender and Access to Justice in the Caribbean

All countries in the Caribbean have ratified the CEDAW\(^{108}\) and committed to promoting gender equality through the United Nations Millennium Development Goals, and the adoption of the 1995 Beijing Platform for Action. With the exception of four countries, all countries ratified the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,\(^{109}\) which is supplemental to the United Nations Convention against Transnational Organized Crime, and aims to use a rights based approach to protecting and assisting victims as well as preventing human trafficking and punishing perpetrators.\(^{110}\) All countries in the region have ratified the 1989 Convention on the Rights of the Child,\(^{111}\) which is relevant for both the girl and boy child.

In terms of the MDGs, the region has worked steadily to identify and commit to Caribbean-specific MDGs with an emphasis on gender equality, child mortality and maternal health, using Caribbean-specific targets and indicators. After 2015, when the MDGs run out, the community has reiterated its commitment to Gender Equality as a priority, both as a stand-alone goal and as an integral part of all development frameworks and agendas. These commitments are supported by the many hemispheric commitments, such as the Inter-American Commission on Women of the Organization of American States (CIM/OAS) Plan of Action and the Belém do Para Convention for the Prevention, Punishment and Eradication of Violence Against Women.

While all countries have ratified CEDAW, much work remains to be done at the national level to improve its application. A number of countries have enshrined gender equality in their constitutions, such as in Jamaica’s recent enactment of its Charter of Rights and Freedoms.\(^{112}\) Many countries have also developed National Gender Policies that include Action Plans, such as in Dominica, Jamaica and the Bahamas, St. Kitts and Nevis and Guyana.\(^{113}\) The Barbados Government is also currently seeking to implement a National Gender Policy.\(^{114}\) Work is still needed for countries to harmonize labour laws, penal laws and civil laws with the CEDAW.

As for the CSME, Article 17d of the 2002 Revised Treaty of Chaguaramas commits CARICOM to “establish policies and programmes to promote the development of youth and women in the community with a view to encouraging and enhancing their participation in social, cultural, political and economic activities”. The actual implementation of such commitments has been problematic due to the lack of sex-disaggregated and harmonized data across member states, in most spheres; the lack of resources on the part of both the national Women’s machineries and CARICOM institutions to carry out gender analysis in


\(^{112}\) CTCP Gender and CSME Country Report for Jamaica, page 15.


\(^{114}\) http://article.wn.com/view/2014/05/20/Gender_Policy_To_Be_Introduced_Government_of_Barbados_Office/
every area of the complex CSME agenda, and the lack of resources for member states and regional institutions to draft gender-responsive legislation. Efforts are further compounded by a weakened civil society, and weak inclusion of women and civil society organizations in regional integration efforts.

Gender Analysis: Priorities in the Caribbean

Education

The region’s rates in tertiary education continue to favour women over men, although the extent varies widely across the region. This creates a complex set of challenges and opportunities for both.

Table 1. Women’s share of tertiary enrolment, selected countries (%)

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antigua &amp; Barbuda</td>
<td>2010</td>
<td>74</td>
</tr>
<tr>
<td>Barbados</td>
<td>2010</td>
<td>69</td>
</tr>
<tr>
<td>Belize</td>
<td>2010</td>
<td>62</td>
</tr>
<tr>
<td>Bermuda</td>
<td>2010</td>
<td>67</td>
</tr>
<tr>
<td>Dominica</td>
<td>2008</td>
<td>76</td>
</tr>
<tr>
<td>Grenada</td>
<td>2009</td>
<td>57</td>
</tr>
<tr>
<td>Guyana</td>
<td>2010</td>
<td>71</td>
</tr>
<tr>
<td>Jamaica</td>
<td>2010</td>
<td>69</td>
</tr>
<tr>
<td>Montserrat</td>
<td>2010</td>
<td>85</td>
</tr>
<tr>
<td>St Kitts &amp; Nevis</td>
<td>2008</td>
<td>67</td>
</tr>
<tr>
<td>Saint Lucia</td>
<td>2010</td>
<td>72</td>
</tr>
<tr>
<td>Suriname</td>
<td>2002</td>
<td>62</td>
</tr>
<tr>
<td>Trinidad &amp; Tobago</td>
<td>2005</td>
<td>56</td>
</tr>
</tbody>
</table>

Source: UN Department of Social and Economic Affairs, 2011.

The gender divide begins in the secondary school system where the number of males graduating declines as the academic level increases, reducing their chances to move on to tertiary education. Other factors influencing participation include ethnicity and the economic situation of the community. Despite the female advantage in terms of numbers, women remain disproportionately unemployed and earn less than their male colleagues at all levels of educational attainment. The privileging of males in the paid labour force is facilitated, in part, by the traditional sex segregation of the curriculum, which begins in high school and continues into tertiary level.

Women continue to enter into post-secondary education related to occupations that reflect stereotypical gender roles and are less lucrative. As a result, the higher rate of tertiary education for women has not closed the income gap. Men continue to pursue academic qualifications in high paying sectors such as

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engineering, which gives them entry into the most advanced and lucrative sectors in the economy like the energy sector in Trinidad and Tobago, where 85% applicants are male and 15% female.\(^\text{118}\)

Recognizing challenges in the gender balance in education, the joint Caribbean MDG statement post 2015 calls for an “examination of education systems for their reproduction of racial, ethnic, social, economic and gender inequalities and to address factors negatively impacting boys’ participation in formal education systems,”\(^\text{119}\) and explore ways to change the perception and economic valuation of formal certification for both sexes.

**Women in Leadership**

Despite women’s high education levels in the region and their significant involvement in public administration, the Caribbean has one of the lowest rates of women in politics in the world. In Dominica, for example, women make up over 60% at the level of management positions in public administration but only 22.7% of positions in Parliament.\(^\text{120}\)

<table>
<thead>
<tr>
<th>Country</th>
<th>Proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antigua and Barbuda</td>
<td>11 %</td>
</tr>
<tr>
<td>Bahamas</td>
<td>13 %</td>
</tr>
<tr>
<td>Barbados</td>
<td>17 %</td>
</tr>
<tr>
<td>Belize</td>
<td>3 %</td>
</tr>
<tr>
<td>Grenada</td>
<td>33 %</td>
</tr>
<tr>
<td>Guyana</td>
<td>31 %</td>
</tr>
<tr>
<td>Jamaica</td>
<td>13 %</td>
</tr>
<tr>
<td>St Kitts and Nevis</td>
<td>7 %</td>
</tr>
<tr>
<td>Suriname</td>
<td>12 %</td>
</tr>
</tbody>
</table>


Organisations supporting women’s leadership are weak in the region,\(^\text{122}\) and women are under-represented on private sector boards. For example, none of the agriculture Boards or parastatals in Dominica such as banana marketing boards or associations\(^\text{123}\) are headed by women.\(^\text{124}\) Businesswomen in the region are also poorly represented in mainstream business associations and forums, and there are no well-established major businesswomen’s associations in the region.\(^\text{125}\) Women’s organisations exist in all countries but face serious resource challenges in terms of resources and women in rural areas are under-organised.\(^\text{126}\)

\(^{118}\) T&T report page 25  
\(^{120}\) Dominica report page 51  
\(^{122}\) Jamaica page 12  
\(^{123}\) Dominica report page 51  
\(^{124}\) Dominica report page 51  
\(^{125}\) As part of the global WEConnect effort, Hillary Clinton supported the establishment of the Women Entrepreneurs Network of the Caribbean (WENC), launched in 2012, now with chapters in the Bahamas, Barbados, Dominica, Grenada, Guyana, Jamaica, St. Lucia, St. Vincent, Suriname and Trinidad, for the purpose of “strengthening the voice, visibility and viability of businesswomen and interests in the Caribbean.” However, funding for what is a critical and demanding regional initiative appears to be minimal compared to the task, thus repeating an historical pattern and impediment to establishing an effective voice for women in business in the region. [http://www.wencaribbean.org](http://www.wencaribbean.org)  
\(^{126}\) Jamaica page 12
Women in the Economy

Employment

Labour force statistics clearly demonstrate that the higher levels of tertiary education for Caribbean women across the region as compared to men, is not being replicated in the work force. Unemployment is higher for women in every country, although there is variation in the gap depending on the country. Women are more concentrated in the informal economy.

Table 3. 2012 unemployment rate (m/f) for select CARICOM countries

<table>
<thead>
<tr>
<th>Country</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahamas</td>
<td>15.1</td>
<td>12.1</td>
</tr>
<tr>
<td>Barbados</td>
<td>13.9</td>
<td>9.6</td>
</tr>
<tr>
<td>Belize</td>
<td>11.4</td>
<td>5.8</td>
</tr>
<tr>
<td>Guyana</td>
<td>26.2</td>
<td>19.4</td>
</tr>
<tr>
<td>Jamaica</td>
<td>17.6</td>
<td>10.4</td>
</tr>
<tr>
<td>Suriname</td>
<td>19.3</td>
<td>8.8</td>
</tr>
<tr>
<td>Trinidad &amp; Tobago</td>
<td>6.7</td>
<td>5.0</td>
</tr>
</tbody>
</table>


Occupational segregation is also prevalent in the region. Women are more likely to work in trade, services and tourism, while men are more likely to work in agriculture, construction or manufacturing. Men tend to be overrepresented among skilled agricultural and fishery workers, craft workers and workers in related trades, and plant and machine operators and assemblers. Women tend to work in wholesale and retail trade; hotels and restaurants; and community, social, and personal services.

Table 4. Employees in Barbados and Jamaica, by sector, % male, % female, 2012

<table>
<thead>
<tr>
<th>Sector</th>
<th>Barbados</th>
<th>Jamaica</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>3 %</td>
<td>26 %</td>
</tr>
<tr>
<td>Industry</td>
<td>28 %</td>
<td>22 %</td>
</tr>
<tr>
<td>Services</td>
<td>63 %</td>
<td>52 %</td>
</tr>
</tbody>
</table>


The highest-paying occupations for both men and women are in the professional sector. The highest-paying activities for men are in electricity, gas, and water; for women, the highest-paying activities are finance, insurance, real estate, and business services. Some initiatives are underway which may facilitate women’s entry into non-traditional, high paying sectors such as the energy sector in T&T, where an industry-led competency development and assessment system aims to enhance expertise which can be exported as the country tries to position itself internationally as an energy based economy. The initiative

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127 T&T report page 11
expands opportunities for employment in the sector, and if twinned with education for women, could open up opportunities for women to fill vacancies in a higher paying sector left by men who have migrated out of the country to seek greater challenges.\(^{130}\)

According to a 2012 IADB report on gender and ethnic earnings gaps in Latin America and the Caribbean, when earnings of men and women of the same age and education are compared across Latin America and the Caribbean, men earn 17 percent more,\(^{131}\) and women earn on average less than half of men. The regional study explored gender earnings gaps in two Caribbean economies. In both countries, as in most of the region, women’s educational achievement is greater than that of men. In Jamaica, 12.3 percent of working women and just 4.5 percent of working men completed university, however, male university graduates in Jamaica earn 12 percent more than women. In Barbados, men earn 25 percent more than women.\(^{132}\) Women’s average income as a percentage of men’s has ranged between 50% to 88% in Trinidad and Tobago, for the period 1998-2000.\(^{133}\)

In Barbados, the largest unexplained gender earnings gaps are in manufacturing, agriculture, and mining, while the gender earnings gap among community, social, and personal service workers is almost zero. The construction sector represents an anomaly, where 18 percent of men and just 1 percent of women work, however, women have higher earnings than their male peers, and work as managers.\(^{134}\) Although there is gender sector segregation in all countries, the study suggests that the outright elimination of gender sector segregation would have different outcomes on the gender earnings gap, depending on the country. For example, it would predictably reduce the gender earnings gap in Barbados but increase it by 4.5% in Jamaica,\(^{135}\) as it would in other countries covered by the regional study.

The segments of the labor markets showing earnings disparities in favor of men tend to be in private employment and, to a greater extent, employers. Unexplained gender gaps in private sector employment are greater in small firms than in larger firms in most countries in the region. On average, differences in earnings are smaller for part-time and overtime workers than for full-time workers. However, gender gaps are the widest for the lowest-income earners.\(^{136}\)

In most countries in the Latin America and Caribbean region, the IADB report said that data showed no gender earnings differences in public sector employment and in some countries, such as Jamaica, no evidence of gender earnings differences in self-employment.\(^{137}\)

For men who work and have children living at home, there are no earnings differences with men who do not have children living at home, but working women with children at home earn less.\(^{138}\) There are also gender issues in job tenure. In Jamaica, for example, two-thirds of men have been at their job for five years or more, while the same figure for women is 57 percent.\(^{139}\)

The Latin America and Caribbean region has few empirical studies measuring discrimination against indigenous populations and exploring their potential economic costs, due to the limited attention by

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\(^{130}\) T&T report page 25  
\(^{132}\) New Century Old Disparities, page 238  
\(^{133}\) Trinidad &Tobago CSME and Gender country report, page 27, citing data collected from the Central Statistics Office.  
\(^{134}\) New Century Old Disparities, page 231  
\(^{135}\) New Century Old Disparities, page 238  
\(^{136}\) New Century Old Disparities page 239  
\(^{137}\) New Century Old Disparities page 232, 4th paragraph from top  
\(^{138}\) New Century Old Disparities page 232, 3rd paragraph from top  
\(^{139}\) New Century Old Disparities bottom of page 232 to below table on page 235
governments to address the inequality between ethnic minorities and ethnic majorities.  

Very little information is available on men and women in the informal sector. World Bank social indicators data reports data by country on “unpaid family workers and own-account workers as a percentage of total employment” by sex, however, the only data available for the region is for Jamaica, which indicates that men account for 43% and women for 31%. The study, “The Informal Sector and Gender in the Caribbean: The Case of Trinidad & Tobago”, indicates “there is a penalty for working in the informal, as opposed to the formal sector and that, in the informal sector, a penalty is imposed for being female.” The results of the study indicate that the informal sector male-female wage differential is driven primarily by the difference in the individual’s experience rather than education in that sector. 

The joint Caribbean statement on post 2015 development agenda called for an “enforcement of the decent work agenda and a living wage for all categories of workers, the promotion of labour reforms in the formal sector, prioritising living wages and state health and pension plans. Support for gender responsive economic policies and practices, including support for the integration of women in non-traditional sectors, including through training in environmentally sustainable technologies.”

Entrepreneurship

Women entrepreneurs both formal and informal are underserved in the Caribbean region. There are very few associations where women can network to access the information they need to succeed in their businesses and to face their many challenges, or to advocate for change. In the formal sector, until recently there was no Caribbean-wide women entrepreneurs’ network.

Mainstream business associations tend not to keep sex-disaggregated data and while women may form a significant percentage of small business association members, there are no concerted efforts to advocate for women or gender issues within these associations.

A survey conducted for the Small Business Association of Jamaica found that women comprised 39% of small business owners. Data on entrepreneurs in Suriname and employers registered at the Suriname Trade and Industry Association (VSB) and the Chamber of Commerce and Industry are not disaggregated by sex. The membership of the Manufacturers’ Association of Suriname is disaggregated by sex. As of 2010, only twenty of the 105 members were women-led enterprises. It is also noteworthy that 59% of students enrolled in Business Administration at Dominica State College are women, hinting further at the significant role women entrepreneurs can play in the formal economy of some member states, and the need for sex-disaggregated data collection in this area.

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141 The Informal Sector and Gender in the Caribbean: The Case of Trinidad & Tobago, by Sandra Sookram & Patrick Watson, Sir Arthur Lewis Institute of Social and Economic Studies University of the West Indies, St. Augustine Trinidad & Tobago, Page 19, accessed at [https://sta.uwi.edu/salises/pubs/workingpapers/18.pdf](https://sta.uwi.edu/salises/pubs/workingpapers/18.pdf) on June 25, 2014  
143 Ibid.  
144 WENC [http://www.wencaribbean.org](http://www.wencaribbean.org)  
145 Jamaica report page 47  
146 Suriname page 14  
147 CTCP Gender and CSME country study for Suriname, page 58  
148 CTCP Gender and CSME country study for Dominica, page 45
CSME country-level studies have identified the need to bring women, and the small business sector, into the mainstream of economic activity. According to an IADB survey published in 2014, on average, women represent just 15% of formal businesses in the Latin America and Caribbean region, likely due to their poor access to credit, limited business networks, excessive regulations and gender bias at each phase of developing their businesses. In Latin America and the Caribbean, only 56% of women feel they are capable businesswomen, while 68% of men do, and they tend to rely on their husbands, friends and relatives to access the resources they need to run their businesses. Women continue to take on businesses, in sectors, which are tied to women’s traditional roles, such as services, food and beverage, manufacturing and retail. Men tend to be more prominent in more innovative sectors, which require the higher investment they can access and are driven by higher value, like technology firms. According to the IADB survey, 71% of businesses run by men are exporting, while only 27-40% of businesswomen are exporting.

According to the IADB regional study, the two biggest challenges high-growth women entrepreneurs face when starting their businesses are lack of financing and fear of failure. A few governments in the region have recognized the important contribution of women entrepreneurs. The government of Dominica established a Small Business Support unit in 2008 and data for 2008-2010 indicated that financial and or technical assistance went to 304 women entrepreneurs, compared to 246 enterprises led by men. Dominica’s Government Business Investment Fund established in 2008 recorded an almost equal gender balance in access.

As women’s businesses grow, they face conflicts regarding the multiple roles they play. Eighty percent of those interviewed have children, and balancing work and family is main challenge when women’s businesses are in the expansion phase. In several countries in the region, common-law unions, which are quite commonplace, are not recognized by the law. This affects women’s access to credit, since it has a bearing on women’s property ownership and control, which in turn affects whether women can access credit for their businesses, especially in the weaker economies such as Dominica. In the case of enterprises in the agriculture sector, women may work jointly with their partners on the land but with no law dealing with property rights in common-law unions, even if she co-invested with her husband in the business, the woman would lose rights to the land when the relationship is severed.

Regional policy statements have advocated for the creation of and access to financing and investment opportunities to develop women’s and girls’ entrepreneurship, and it has been suggested that the availability of higher quality child care will allow women to concentrate more fully on their businesses.

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149 CTCP Jamaica Gender and CSME report, page 9
during the expansion phase on other activities. Access to non-traditional capital, which also provides mentorship, access to technology, and access to flexible education, including entrepreneurship training have also been recommended. There is also a need for greater public education on the role and contribution of women to the formal and informal economies and a need for stronger partnerships for the development of women’s entrepreneurship, with donors, government agencies and the private sector.

In addition to women-led enterprises in multiple sectors, there are a large number of women running small trading businesses in the region. These businesses are mostly informal and this renders them particularly vulnerable in negotiations around all transactions, especially commercial disputes. They also face transaction costs in selling between the islands, which are particularly high, such as transportation or currency fluctuation.

The economic participation and contribution of women owned businesses to their respective countries is adversely affected by the lack of access to formal networks and lack of advocacy. As part of the Global Women’s Issues Initiative led by United States Secretary of State Hillary Rodham Clinton, a forum was held in the region, which led to the establishment of the Women Entrepreneurs Network of the Caribbean (WENC). Launched in 2012, it now has chapters in the Bahamas, Barbados, Dominica, Grenada, Guyana, Jamaica, St. Lucia, St. Vincent, Suriname and Trinidad, for the purpose of “strengthening the voice, visibility and viability of businesswomen and interests in the Caribbean.” One of the stated goals of the newly formed WENC is to produce a comprehensive regional policy paper on women’s economic empowerment. However, funding for what is a critical and demanding regional initiative appears to be minimal compared to the task, possibly repeating an historical pattern and impediment to establishing an effective voice for women in business in the region.

Component 1 Gender equitable regional model laws and new or amended national laws

Gender Equality Laws in Member States

At the national level, some member states have amended their constitutions to incorporate the principle of equality of men and women and adopted a range of plans and policies to address different forms of discrimination against women, including violence against women. For example, in 2011 Jamaica incorporated the principle of equality of men and women in its Charter of Rights and Freedoms and adopted a National Policy on Gender Equality. There have also been important advances in the elimination of laws and sections of laws, which are discriminatory towards women in the exercise of their rights to education and employment. For instance, The Bahamas amended its Education Act in 1996 to provide for universal and equal access to education. Laws regarding access to land have also been amended. In 2002, the Bahamas and adopted an Inheritance Act, which permits women and men to inherit equally.

High levels of sexual and domestic violence exist in the region, which are often not reported or are not adequately dealt with by the justice system. According to a UWI Institute of Gender Studies report, domestic violence accounts for between 30 to 50 percent of all murders in many Caribbean countries. Caribbean Community model legislation beginning in the early 1990s was adapted to enact their own domestic violence legislation by Antigua and Barbuda, Barbados, Dominica, the Bahamas, Jamaica, Guyana, St. Lucia and Trinidad and Tobago. Countries in the region have further adopted the CARICOM
Secretariat’s model sexual offences legislation, which introduced gender-neutral sexual offences. Guyana adopted its Sexual Offences Act of 2010 to expand its legal framework on sexual violence and launched a national policy to address domestic violence in 2008-2013. Jamaica passed a Sexual Offences Act in 2011 and amended its Domestic Violence Act in 2004 to provide, not only for married women, but also for women in common-law and visiting relationships to apply for protection orders when they are victims of domestic violence. Grenada enacted its Domestic Violence Act in 2010 and the National Domestic and Sexual Abuse Protocol in 2011, and most recently, in Barbados, an amendment to the Domestic Violence Act was drafted in 2013.

It is widely held that for this legislation to be effective, other laws must be changed. These laws include those, which contain expressions of inequality in relation to pay, forms of labour exploitation, sexual harassment, rape within marriage and evidential rules related to sexual offences.

There are lacunae in the law with respect to full autonomy and control over reproductive and sexual health matters. Other areas in need of reform include the need to introduce new modes of giving evidence that do not compromise the due process rights of defendants, especially child victims and adequate laws to facilitate DNA testing in cases of sexual offences and proper admission of such evidence in courts and post conviction monitoring of sex offenders. It has also been recommended that the classes of applicants for protection from domestic violence be widened to include a party to a visiting relationship and that the definition of domestic violence be widened to embrace financial sexual violence and psychological abuse, and all forms of unwanted communications, including electronic communications. Women’s rights advocates stress that the police must be more vigilant in following up on reports made by women of threats and acts of violence by former or present male partners.

Trafficking in persons is now on the rise and of particular concern to women and girls in the region. Women and girls at highest risk of violence are those living in rural areas, urban slums, women and girls with disabilities, women and girls living with HIV, widows, and indigenous and migrant women and girls.

With regard to women in the workplace, the region needs to strengthen its harassment legislation. Guyana, St. Lucia, Trinidad and Tobago provide protection against sexual harassment in their anti-discrimination legislation, and in the Bahamas and St. Lucia, some protection is offered against sexual harassment as a sexual offence. However, there is no sexual harassment legislation in Barbados or Jamaica, and only Belize has stand-alone sexual harassment laws. Countries that have enacted protection against sexual harassment still need to review these laws to address the definition of “sexual harassment”, the duties of employers and employees, the method of dispute resolution and the relationship between sexual harassment laws and general employment laws including the laws relating to anti-discrimination.

Gender Equality and the CSME

The Revised Treaty of Chaguaramas provides the operational guidelines for the functioning of the Caribbean Community as well as the Secretariat. Unlike environmental protection, which is addressed in Article 65, Gender Equality is not specifically addressed, nor has a link been established between gender, trade and investment. However, there are articles, which have given rise to a Gender and Development Sub-programme, which is undertaken within the area of human and social development.

Article 17.2d in the Revised Treaty of Chaguaramas outlining the functions and powers of the Council of Human and Social Development (COHSOD) states:

“Subject to the provisions of Article 12, COHSOD shall be responsible for the promotion of human and social development in the Community. In particular, COHSOD shall:
(d) establish policies and programmes to promote the development of youth and women in the Community with a view to encouraging and enhancing their participation in social, cultural, political and economic activities (Revised Treaty of Chaguaramas).”

The goal of CARICOM’s Gender and Development Sub-Programme is to “promote new and focused inter-sectoral approaches to contribute to Human Resource Development, Poverty Reduction, Gender Equity and the protection of disadvantaged groups in the furtherance of the attainment of the Millennium Development Goals (MDGs).”

Mandates for CARICOM’s Gender and Development Sub-programme are decided at Heads of Government and Council meetings, which may include meetings of the Heads of CARICOM Women’s/Gender bureaus.

The CSME is not directly discriminatory, however, it is expected to affect women and men differently. Both women and men can be participants in the movement of goods and services, skills, enterprise and capital however, without due consideration of gender issues, these activities have the potential to increase or decrease labour inequalities, wage gaps, the amount of care provided by women, etc.

Trade

The Caribbean has faced shifts and losses in employment under free trade arrangements, as industries have moved on to countries with lower labour costs. The region has also experienced the dumping of subsidized agricultural products, which resulted in the erosion or destruction of local agriculture. Women face specific vulnerabilities in such fallouts, especially in the Caribbean, because a large percentage of women are responsible for feeding and caring for children, parents and other family members. Reductions in state revenue, pursuant to the removal of import taxes, tend to lead to reductions in spending on priority areas for women, such as health, education, and other public services like public transportation. By using the VAT to compensate for public revenue loss, governments add another expense to a shrinking income that has to cover several family members.

In spite of these measurable changes and their ripple effect outwards onto children and a wide spectrum of family members, trade is still assumed to be gender neutral and regional trade negotiation processes are still not looking at differential impacts on men and women. Regional institutions such as the Office of Trade Negotiations have limited capacity to carry out gender analysis or to integrate gender into regional trade initiatives. In addition, women are underrepresented in governments and business organizations where trade and integration policy decisions are made. The best alternative, a strong formal process to engage civil society participation meaningfully in shaping the trade and integration agendas, has also been lacking. Women and youth, although key contributors to trade and economic integration, therefore tend to be excluded.

Organizations, which support or represent a broader and more diverse spectrum of women’s needs and interests, have been under-resourced in recent years. Private sector stakeholders are relatively well integrated, however women entrepreneurs tend not to have specific representation within the private sector stakeholders. Business associations generally do not disaggregate their membership data by sex or represent the specific interests of women. In cases where businesswomen are integrated they tend to represent the business elite.

166 Even if women are part of negotiating teams, they are not necessarily trained to see positions from both an economic and a social lens, and even more rarely, a gender lens.
167 Women and youth tend not to be members of- and therefore tend not to be integrated into private sector stakeholder groups
168 Interview with UWI Sridath Ramphal Institute regarding its mapping of private sector stakeholders in CARICOM MS indicating how they are implicated in regional trade consultation processes.
Nevertheless, women in the Caribbean are contributing to trade and integration, as entrepreneurs, workers, consumers, caregivers, mothers, scientists and highly educated professionals. Significant volumes of trading of both agriculture and consumer goods and exchange of currencies is led by thousands of small-scale female farmers and vendors, however, the aggregate volume and value of this trade, and its contribution to food security, are not visible and therefore underappreciated.

Free Movement of Persons

Women who move within the region might be highly educated professionals, tourists, businesswomen, female hucksters, women who are trafficking drugs, or women who are being trafficked. First and foremost, Caribbean women need to be treated respectfully at the port of entry, regardless of which category they fit into, or what country they are from. There is concern that cultural differences as well as sexual discrimination will affect contingent rights and attitudes of recipient countries. Where there are clear imbalances, gender equality considerations must be integrated into the movement of people. A recent high profile case where a female Jamaican artist was allegedly harassed on entry into Barbados brought home the sensitivity of border issues in the region and the potential for harassment and discrimination in the face of prejudices as well as concern over regional security challenges, resulting in calls for high level talks and the adoption of “new approaches that could arrest the widening complaints of aggrieved nationals on arrival at ports of entry.”

Educated Professionals

Legislation in the region needs to support women professionals with equal recognition of their certification, in the categories they wish to work in, and offer the same or better than what they receive at home in terms of social security benefits and protection from violence. The skills certificate offers the possibility of seamlessly moving from one’s member state to another member state to pursue one’s profession. If implemented in a gender-responsive manner, Article 35 – 1 and Articles 45, 46 – 1 and 4(a), women who fall within the approved categories stand to benefit and move both as wage earners and non-waged earners, as per demand in the labour markets.

For one of the important categories, the “artisan,” CARICOM is trying to move towards a community-wide understanding of what an artisan is and develop a process that will result in a system of skill sharing that can be assessed, graded and certified. The main challenge is that the definition varies widely from country to country. Women tend to be in certain artisanal areas such as basket weaving while men are seasonal woodworkers, and carpenters. From a gender perspective, there is the risk that women’s activities may not be included in the definition or the application of it, because they are not as “visible” as carpentry and construction work done by men. There have also been efforts to encourage women to pursue “non-traditional” artisanal trades in countries such as Guyana, who has assisted female masons and carpenters to organize themselves.

Trinidad & Tobago, Barbados and Jamaica have clear sex-disaggregated data for technical and vocational certificates, including a breakdown by age. When analysed by sex data collected for 2002-2008 for the region showed that more males (55%) than females (45%) from other Member States applied for certificates of recognition to work in Trinidad. Countries of origin – Barbados, Guyana, Jamaica,

169 http://www.jamaicaobserver.com/results/Caricom-chairman-s-call-for-a-review-of-immigration-services_8612885#ixzz1NEorTItC

170 T&T page 15

171 (the data, as reported, did not come a breakdown by sex. The names of the applicants were used to provide an idea of the sex of the applicants), Trinidad and Tobago study page 73.
Dominica\(^{172}\), Grenada and St. Vincent and the Grenadines – more males than females applied and were issued Certificates of Recognition. St. Lucia had equal percentages of males and females.\(^{173}\) Trinidadian men also outnumbered women applicants for that time period. However, for the period January 2010 to January 2011, data for Trinidad indicated a total of 233 females (60%) and 155 (40%) males applied and were issued skills certificates, suggesting that shifts may happen, from a majority of male applicants to a majority of females.\(^{174}\)

The attraction to leave one’s home country involves more than just certification. For a move to be worthwhile and successful for an individual, men and women should be able to access training and employment and women must consider the wage gap in the recipient member state.

Equality of treatment must also consider social services and benefits. Much still has to be done towards harmonising social services (education, health, etc.) across the region, and this is of greater significance for women, since the burden of care affects women more than men, especially if they are heads of households. So far no special considerations are made for single parents or female heads of households in the movement of persons.

The CARICOM Agreement on Social Security (1997) is intended to protect CARICOM nationals’ entitlement to benefits and provide equality of treatment when moving from one country to another. Much still has to be done to provide for the transfer of social security benefits. In addition, provisions in the receiving member state might disadvantage women, relative to their home country, as they try to balance their productive and reproductive roles, a struggle that percentage wise a good majority of women face more than men. For social security to work for women, it also has to take into account the higher life expectancy, their time outside the work force to have children, otherwise women may be compromised in their access to benefits at the time of retirement.

Reciprocal agreements on social security between Member States do not provide short term benefits, which are critical for couples moving together, as without them, men’s ability to parent and women’s right to sustainable employment, are compromised. CARICOM is still in the process of deciding what coverage should be provided for the significant others of skilled and unskilled workers, considered complex due to the number of co-habitation unions in the region. The legal apparatus in many states does not fully recognize these unions,\(^{175}\) which makes dependents, usually women and children, ineligible for social security in the recipient country, and women tend to move more often in the region as wives and dependents than professionals.

Trinidad and Tobago, is an exception in the region and has the Cohabitational Relationships Act (1998) which applies to heterosexual couples and provides for cohabitational relationships in which at least one third of the duration of the relationship would have been lived in Trinidad and Tobago. This legislation would offer benefits to skilled – or dependent - women coming into Trinidad from other Member States, who are in cohabitational relationships. However, Trinidadian women moving as skilled workers or dependents to other countries in CARICOM cannot expect to receive these benefits in their new home.

\(^{172}\) The Dominica differs on this point, in the CSME country report, which suggested more women professionals have moved out of Dominica to take up positions within other CARICOM member states, and suggested this is related to the increasing number of women pursuing tertiary education and becoming qualified.

\(^{173}\) Data reported in the Trinidad and Tobago Gender and CSME report, page 73, quoted from A-Z Information Jamaica Limited for the period 2002-2008; data was not disaggregated by sex and had to be analysed by looking at the first name of the applicants.

\(^{174}\) Source Trinidad and Tobago CSME Unit quoted in the Trinidad & Tobago Gender and CSME country report, page 73. Data was not disaggregated by sex and was analysed by looking at the first names of applicants.

\(^{175}\) T&T report page 51
country.\textsuperscript{176}

In situations where women migrate, children are usually left in the care of a woman, possibly a grandmother,\textsuperscript{177} leading some to suggest that one of the costs of intra-regional migration is the dislocation of families.

A further consideration for individuals and couples moving together is legislation on domestic violence, which varies extensively from one state to the next. Member States are guided by CARICOM model legislation, but some have argued that a single “regional” protection order could be enacted, in a way similar to measures to track persons involved in other criminal activities across the region.\textsuperscript{178} Under such a protection system, an abused person may move to another member state for work or to escape the threat of violence, and still have the protection order from the home country valid in the recipient state.\textsuperscript{179}

Given their higher levels of education, labour markets demanding brain intensive jobs in countries such as Trinidad and Tobago, should under the CSME provide more opportunities for women. However, several areas still need to be addressed in order for the CSME to be of full benefit to women.\textsuperscript{180} In the drafting of legal definitions for Free Movement, the CSME and member states can ensure that revisions incorporate the range of activities undertaken by both women and men.

\textbf{Women in Trafficking}

Freeing movement of persons in the context of weak employment markets, high poverty and crime levels, is a double-edged sword. If movement is easy, but there is no solid employment or social system to receive individuals, people will fall into what is immediately available, namely, the informal, vulnerable and organized sectors of illicit trade, such as illegal drugs, weapons and human trafficking. The stronger and better organized will grow, accordingly. Poverty itself being ruthless, makes people vulnerable to criminal networks and dealings in these lucrative sectors. In response, CARICOM Member States must establish and enforce robust systems within the free movement of persons so that CSME implementation facilitates the formal economy through skilled wage and non-wage workers, legitimate businesses, as well as informal systems dealing with non-illicit trade, in agriculture and small consumer goods.\textsuperscript{181}

Gender is said to be the strongest predictor of criminal behaviour and criminal victimization. In the Caribbean, “women commit fewer crimes than men and are disproportionately the victims of some types of crimes. They are more at risk and more vulnerable to some types of crime, particularly gender-based violence.”\textsuperscript{182}

Several CARICOM Member States have been identified in the international network for trafficking in persons. As in other parts of the world, women and girls respond to offers of apparently well-paying jobs, and at the receiving end wind up in the sex trade, and maintained through withholding of pay and physical violence. Men in the region are also trafficked across the region for forced labor in construction

\textsuperscript{176} T&T report page 54
\textsuperscript{177} T&T page 17
\textsuperscript{178} the advanced passenger information system (APIS).
\textsuperscript{179} T&T report page 52
\textsuperscript{180} T&T report page 89
\textsuperscript{181} T&T page 85
and other sectors in receiving countries Trinidad and Tobago and Barbados.\textsuperscript{183}

The illegal trade in narcotics and small arms are seen as the major development challenge in the region. It has been reported that the majority of persons arrested for illegal trafficking in drugs are young women, while most of the perpetrators and victims of armed violence are young urban men.\textsuperscript{184}

**Cross Border Traders**

Until recently, no measures had been adopted to address the needs of women traders into the CSME\textsuperscript{185} or to include them in the approved categories for free movement.\textsuperscript{186} In the context of a region currently susceptible to organized crime, it might seem reasonable that informal commercial product and service traders might be marginalized in their freedom of movement. However, this belies their legitimate contribution to the region’s economy and food security.\textsuperscript{187} Much research has been done over the last decades to indicate that the majority of haggler, hucksters and agricultural traffickers, are women who “operate with great industry negotiating language and currency barriers,”\textsuperscript{188} and whose trade has been the main vehicle to export non-banana crops.\textsuperscript{189} Moreover, their industry plays a critical role in the rural economies of the region, such as Dominica.\textsuperscript{190}

Not being included in the approved categories of skilled labour, or named for free movement, means on the one hand, they will not qualify for business development support, such as access to credit, technical assistance and business training,\textsuperscript{191} while on the other the cost of their business transactions is high, especially given the low returns they make in their businesses.

It has been suggested that the supply capacity of agriculture value chains in the region could be strengthened if categories of workers could include to free movement of hucksters within CARICOM States. Measures to facilitate trade of fresh products such as priority service delivery at ports in CARICOM countries would also support these traders. One of the greatest benefits would come with Article 44 1(c) which allows free convertibility of currencies of member states and therefore simplify transactions, save time and reduce costs. Article 44 is also of enormous importance to small-scale traders, since they are in need of affordable, safe and appropriate (i.e. refrigerated for agriculture traders) transportation between islands.\textsuperscript{192}

It has been reported that border control systems allow for individual immigration officers to apply the law and policies based on personal interpretations, and testimony of women “hucksters” over the years abounds regarding harassment by officials when they enter member states to engage in legitimate business.\textsuperscript{193} Women hucksters need to be clearly distinguished from illicit traffickers and their economic activities recognized for the contribution they make to the regional economy and to food security.

Encompassing cross-border agricultural and consumer goods traders in legal definitions and measures to ease the burden of their transactions is an opportunity to enrich non-illicit forms of trade, enhance food security, and bring the benefits of development to the informal sector, and women in particular.

\textsuperscript{183} T&T page 85 quoting (Department of State USA 2009, 149).
\textsuperscript{184} T&T report page 90
\textsuperscript{185} http://www.unifemcar.org/Photos/Women%20Traders%20-%20Inter-Island%20Traders%20Feasibility%20Study.pdf
\textsuperscript{186} Dominica page 60
\textsuperscript{187} Ibid page 42
\textsuperscript{188} http://www.unifemcar.org/Photos/Women%20Traders%20-%20Inter-Island%20Traders%20Feasibility%20Study.pdf
\textsuperscript{189} Dominica page 60
\textsuperscript{190} Dominica page 68
\textsuperscript{191} Gender and CSME, Suriname Country Report, page 22
\textsuperscript{192} http://www.unifemcar.org/Photos/Women%20Traders%20-%20Inter-Island%20Traders%20Feasibility%20Study.pdf, page 47
\textsuperscript{193} http://www.unifemcar.org/Photos/Women%20Traders%20-%20Inter-Island%20Traders%20Feasibility%20Study.pdf
Women and the Right of Establishment

There is concern that local businesses, especially in manufacturing and services are not strong enough to withstand competition from incoming businesses from other CARICOM member states, especially in times of economic hardship. Already disadvantaged in terms of access to land, capital and resources, and their predominance in micro-enterprise, there is concern that if new entrants receive the same government support offered to locals, it will be especially difficult.

Women are less likely to have the capacity to establish a business outside their home country. To start with, more businesses owned by men are exporting than businesses owned by women. Of the 35 businesses seeking to establish themselves in Jamaica from other CARICOM member states, only 30% were owned by women. An IADB study on women in business in Latin America and the Caribbean indicated that 70% of businesses owned by men are exporting, while only 27-40% of businesswomen in the region are exporting.

With favourable conditions, business sectors such as services, where women predominate, offer growth and expansion potential in the region, for people who are willing to expand beyond their borders. These persons no longer require a work permit, as it is waived under the Right of Establishment. More needs to be done for to make sense for women to put their entrepreneurial skills to work outside their home countries. Businesswomen establishing themselves in a new member state, need access to an immigration status that will allow them to establish their businesses effectively, and to access credit and other resources without prejudice vis-a-vis their local and or male counterparts.

CTCP

Country level studies have been carried out by CARICOM on gender and the CSME, aimed at moving the region towards gender sensitive indicators and targets for the implementation of CSME. A region-wide synthesis of the country level studies is due to be produced which is expected to be useful to integrating regional gender and CSME concerns into relevant areas of IMPACT.

Component 2 Gender and the legal profession in the Caribbean

The increase in females in the legal profession has been phenomenal since the West Indian system of legal education was established in the early 1970s making access to legal education easier. During the first decade males exceeded females, but that position changed to the point where by 2006 the number of females graduating from the Faculty of Law and entering Law School exceeded males by 3 to 1 (which countries and source). Similarly, some 70 percent of the attorneys-at-law in private practice in the OECS, Barbados, Jamaica and Trinidad & Tobago today are female. This is reflected in more female attorneys appearing as Advocates in court, pursuing careers in legal drafting where they predominate and being appointed to in-house posts in insurance and other private sector organizations. More females are being appointed as magistrates and judges. Thus, in Barbados 7 of the 13 judges are female; in The Bahamas the number is 4 of 13; in the Eastern Caribbean Supreme Court system the number is 13 of 25 and in Jamaica it is 14 of 38.

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194 Dominica page 66
195 T&T page 89
196 As reported in the Jamaica Gender and CSME country report, data cited as collected from 2009 until the time of the report in 2011, an estimated two year period, page 49
197 WEGrow, page 41
198 T&T report page 89
Table 5. Male and Female Representation as Magistrates in the Caribbean

<table>
<thead>
<tr>
<th>Member State or regional court</th>
<th>Male Judges</th>
<th>Female Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbados</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>The Bahamas</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>Jamaica</td>
<td>24</td>
<td>14</td>
</tr>
<tr>
<td>Eastern Caribbean Supreme Court</td>
<td>12</td>
<td>13</td>
</tr>
</tbody>
</table>

More females are also being appointed to teaching positions in the faculties of law and law schools in the region. However, generally, fewer female attorneys are appointed to top posts than the increase in their numbers in the profession would suggest ought to be the case. For instance, there is currently only one female serving as an Attorney General (in The Bahamas); the first Dean of a Faculty of Law was not appointed until 2009 (nearly 40 years after the Faculty was established), so far, only two Chairpersons of six the Council of Legal Education have been female; and, there have only been three female Chief Justices in the region. Determining the true position in relation to the positions held by males and females in the legal profession will be one of the tasks of the legal education survey, which is being proposed under the IMPACT Project.

As far as the drafting of legislation us concerned, one of the primary objectives of IMPACT, the profession looks to be overwhelmingly female and the number of staff in drafting offices small. One of the reasons for this may well be the fact that the drafting offices are not accorded the budgets to pay higher salaries usually given to males, or males are not getting hired. It is noteworthy also that the actual number of legislative drafters in many members states is as low as two or less, which is low, given the task at hand.

Given the prevalence of women in the profession it may well be that drafters might be more responsive to gender training and inclined to include gender equality criteria in their reviews. This is speculation, and could be the subject of further research.

Table 6. Legislative Drafters in Offices of Chief Parliamentary Counsel in CARICOM Member States

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>LEGISLATIVE DRAFTERS</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MALE</td>
<td>FEMALE</td>
<td>TOTAL</td>
<td></td>
</tr>
<tr>
<td>ANTIGUA AND BARBUDA</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>BARBADOS</td>
<td>0</td>
<td>8</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>BELIZE</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>DOMINICA</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>GRENA DA</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>GUYANA</td>
<td>2</td>
<td>3</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>JAMAICA</td>
<td>4</td>
<td>6</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>MONT SERRAT</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>ST. LUCIA</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>ST. KITTS AND NEVIS</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>ST. VINCENT AND THE GRENADINES</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>SURINAME</td>
<td>6</td>
<td>14</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>TRINIDAD AND TOBAGO</td>
<td>6</td>
<td>16</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>CARICOM SECRETARIAT</td>
<td>2</td>
<td>3</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>OECS SECRETARIAT</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>22</td>
<td>65</td>
<td>87</td>
<td></td>
</tr>
</tbody>
</table>

Source: Personal communication between UWI and Attorneys General Offices.
Component 3 Gender and ADR, RJ and Community Peace building in the Caribbean

Alternative Dispute Resolution (ADR) is the use of negotiation, conciliation/mediation, and arbitration to resolve disputes in the community. It is a mechanism that may be complementary to or replace formal court proceedings. They offer an alternative for citizens who are unable to participate in more formal judicial systems and a way to resolve community tensions. ADR normally applies to civil rather than criminal matters. The processes are generally less formal than judicial processes and tend not to be documented as extensively as formal proceedings. Some member states such as in Trinidad and Tobago’s Family Court offer - both formal as well as informal mechanisms of mediation. ADR in the context of criminal cases is known as Restorative Justice.

ADR is intended to help an individual access justice and transparency and as such must identify gender inequities and not be structured to create them. On the one hand, the informal nature of ADR RL and CPB may lead to the reinforcement of traditional gender roles and stereotypes and gender bias. On the other hand, they may also lead to swifter justice for women and underrepresented populations.

To be effective, mediation must find a neutral person to facilitate the process in order to reach a mutually acceptable agreement, or a better understanding of each. Yet in areas where gender ideologies prevail, neutrality can be difficult to find. One illustration of gender bias in the system is in regards to a woman’s role being primarily inside the home. It is said to be a common perception in the Caribbean justice system that a woman’s birthright is the home and that this right is absolute, her physical right is unquestionable while in her home. However if she is violated in any way while outside her home, a violation may be more likely to be perceived to be a woman’s own making by virtue of her being outside her home. This idea prevails both at the community level and in the formal judicial system.

A second illustration is the case of child support. Parental responsibility for children is a highly contested area in the Caribbean, with apparent discrimination between women and men over the nature of their obligations. Non-compliance or uneven contributions to children are common, and perceptions about the initiation of child support proceedings by mothers are often negative, placing the burden on women to prove that they are not being unreasonable. Women are expected to center their lives around their children, with little value attached to this contribution, while men are rewarded for being attentive to their children. While women’s time and financial contribution to child raising are undervalued, they are increasingly expected to be equal economic contributors. For men, the judgment of men deemed to be deviant fathers may be overly harsh.

Some warn against the use of mediation at all in certain contexts, such as family law, due to power imbalances and strong cultural norms, which can compromise its effectiveness. Mediators need to be well trained in complex family law or parties should have access to legal advice, and be mindful of gender equity. Codes of conduct are more complex in order to guide fairness in these processes. The research


in the region suggests however, that gendered ideologies can be transformed through better training of judicial officers, mediators and social workers.  

Within Restorative Justice processes, gender and power issues must be considered carefully. As in other forms of ADR, restorative justice is prone to. The United Nations Declaration of Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters, endorsed in 2002, provides guidelines on how to avoid human rights abuses.

Restorative Justice is considered by some to be a risky approach to address certain areas, such as cases of gender-based violence, due to cultural norms, whereby abuse victims may be blamed, and crimes of domestic violence will be processed in ways that reflect a community’s own ideas rather than the law.

Efforts to target youth at risk in Restorative Justice must take into consideration the extraordinary levels of youth unemployment, averaging at 17 percent and reaching higher than 30 percent. “Boys at risk” is recognized in the region as a gender issue influenced by multiple factors including education, crime and violence, male marginalization, employment and poverty. Best practices have been developed in the region by the World Bank in working with youth at risk and creating opportunities for regional collaboration in this area.

**ADR for women in business**

The work of the IFC in Africa has demonstrated a link between women’s ability to access commercial justice and their ability to participate in economic activity. Transparency International’s Global Corruption Report 2007 notes that corruption in the justice systems has a disproportionate effect on women. Businesswomen, worldwide, face discrimination when they seek to uphold their commercial rights through the courts. There is gender bias against female litigants, court rules or rules of evidence may be biased in favour of men, and there may be sexism on the part of judges and even sexual extortion. In some countries, disputes brought by businesses owned by women can take several months longer to resolve than those brought by male owned firms. Not only do bias and harassment negatively impact outcomes of disputes, they tie up time and resources that could otherwise be invested into the business.

If mediators are men, or blind to gender issues, women may be intimidated from bringing their cases through the system. Mediation services tend to involve former judges and litigators, who are usually men. Mediators may be better trained for cases arising in male dominated business sectors, and less familiar with the specifics of the disputes that women bring forward. Evidence suggests that increased female representation tends to make courts more accessible to women. More data is necessary to determine whether mediators in the region are aware of the specific issues faced by businesswomen and to determine whether businesswomen in the region can access and benefit from ADR.

ADR systems must take into account specific issues that women, men youth and businesses face and in order to do so, there must be an improvement in the Caribbean in the collection of data disaggregated by sex, age, etc. The needs of businesswomen in the Caribbean region in ADR will be distinct from businesses owned by men, due to their sectoral segregation, their differentiated access to land, property and credit, their large numbers in the informal sector, and gender bias at all stages of business and export development. Women entrepreneurs may face very specific types of commercial disputes such as over

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property rights and mediators must be aware of these. Outreach and communications strategies may need to be more creative than the usual channels in order to reach marginalized women.

The large number of women running small trading businesses in the region\textsuperscript{204} are mostly informal and this renders them particularly vulnerable in negotiations around all transactions, especially commercial disputes. More data is needed to determine the ADR needs of small-scale informal agriculture and consumer goods traders in the region.

**Contribution of IMPACT to Gender Equality in the Caribbean**

In the IMPACT Project Proposal, funds were included under Immediate Outcome 1010 for assisting Caribbean Community Member States to draft new legislation or amendments to existing legislation to deal \textit{inter alia} with aspects of family law including adoption, parental responsibilities and rights, spousal and child maintenance, gender-based violence, sexual harassment, and human trafficking and to render the laws in this area compliant with various international conventions. Gender issues will be discussed at the inception of the Project and all legislation drafted under the project will use gender-neutral language (Velma: I am not sure what the gender or legal implications of this are. I think it is more important to say that legislation will respond to needs of men and women, reduce inequalities, and promote gender equality). The Project will work through the appropriate mechanisms to ensure that requests from Caribbean Community Member States for assistance in drafting legislation to reduce gender inequalities will be placed on the annual work schedule.

In addition, Alternative Dispute Resolution, Restorative Justice and community peace-building practices will identify and respond to the different needs of women and men and issues pertaining to the rights of women and men and young persons, both male and female will be integrated into the public legal education programme, including discussions, radio-programmes and lectures. All project initiatives will collect baseline data disaggregated by sex, and measure and report on participation rates and distribution of benefits between men, women, girls and boys. The project will also report on how it has contributed to a reduction in gender inequalities or contributed to resolving gender equality issues.

**Key IMPACT Gender Equality Interventions**

The gender dimensions of this project are in direct response to requests from governments, the judiciary, regional and national Bar Associations, legal information service providers, other justice sector actors and citizens in the region to support their efforts in drafting, strengthening, amending, presenting and enacting Gender Equality legislation and gender-responsive legislation in various areas. The ultimate gender equality outcome is enhanced gender justice for women and men, youth and businesses in the CARICOM region.

**Intermediate Outcomes**

Enhanced gender justice will be achieved in two ways. The first is a specific focus on Gender Equality legislative needs in the region. The second, is the identification of gaps and opportunities to address them in other legislative areas, such as the CSME. Both of these fall under intermediate outcome 1. The second intermediate outcome is an analysis and steps and measures taken to improve legal services for women, legal education for men and women on gender issues and education on gender equality legislation. The

\textsuperscript{204} FEASIBILITY STUDY ON SUPPORTING WOMEN TRADERS IN THE EASTERN CARIBBEAN, Study Commissioned by the UNIFEM Caribbean Office November 2004, http://www.unifemcar.org/Photos/Women%20Traders%20-%20Inter-Island%20Traders%20Feasibility%20Study.pdf
third intermediate outcome is the analysis of gender equality issues and the situation of women in accessing, participating in and benefitting from ADR, RJ and community-based peace-building practices in CARICOM Member States, and steps to improve women’s access to gender-responsive ADR, RJ and peace-building.

**Table 7. Intermediate Gender Equality Outcomes**

<table>
<thead>
<tr>
<th>Intermediate Outcome 1</th>
<th>Strengthened legislation and treaty policy articulation at the national and regional levels, of which one component is gender equality legislation, the second component is the addressing of gender equality issues in the CSME.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intermediate Outcome 2</td>
<td>Improved legal services, including legal education, which identifies and addresses the needs of both male and female students, and integrates training in gender equality issues in access to justice, WHR and gender equality legislation, and information on these areas provided to women, men, youth and businesses at the national and regional levels.</td>
</tr>
<tr>
<td>Intermediate Outcome 3</td>
<td>Strengthened gender-responsive ADR, RJ and community-based peace building practices for women, men, youth and businesses in CARICOM Member States</td>
</tr>
</tbody>
</table>

**Intermediate Outcome 1**
Regional integration in the Caribbean has been a challenge for Member States in part due to a shortage of financial and human resources for drafting in all legislative areas, including Gender Equality. Member States have made commitments and in some cases the only barrier to the enactment of gender equality legislation is the shortage of qualified drafters. More assistance is needed to draft, amend and promote the adoption of several pieces of legislation. IMPACT will therefore provide assistance at both the regional and the national levels for amending existing gender equality laws, or drafting new ones, based on requests from regional offices and Member States. Key areas identified include family law, child abuse, and gender-based sexual offence.

The other major area is to develop model or harmonized regional CSME laws, which are responsive to gender equality issues identified and ensure regional trade and integration do not increase gender inequality. In response to the high demand for legislative drafting in these key areas, IMPACT aims to mobilize drafters who are skilled in gender dimensions of key CSME areas and provide them to governments of the region in the short and long run. Part of this strategy involves the development and delivery of gender-responsive training programmes to existing legal professionals and to future legal graduates.

**Intermediate Outcome Two**
Outcome number two is improved legal services and involves both legal education, and legal information, that benefits women and addresses specific issues pertaining to gender equality. Attorneys-at-law need to be kept abreast of developments in WHR and gender equality law through continuing education. IMPACT will include gender analysis in its review of legal education in the region to determine the training needs on WHR, gender equality legislation and drafting, Gender Equality and the CSME, and gender and access to justice. Until now, no such review has taken place in the region.
Secondly, the need for improvements in the provision and dissemination of legal information on gender equality legislation and gender issues in the CSME as it applies to men, women, youth, and businesses will take place through existing or new legal databases. A legal database on Gender Based Violence has already been created under a project between UWI and UNWomen Caribbean. IMPACT will build on this experience and determine how it can be applied to its work with the establishment of other legal databases in the region. It will also look for entry points to ensure the databases are capable of disaggregating by sex and have search functions for gender equality law and cases of importance to women in CSME implementation.

The project will use these and other means to ensure that 1) the legal profession and 2) Civil Society and ordinary citizens, including men, women, youth, and businesses will have access to the information they need to exercise their rights as individuals, and 3) legal information service providers, and public legal education for non-lawyers in CARICOM Member States will be able to provide information on gender equality laws, WHR and gender issues in CSME.

Intermediate Outcome Three

Intermediate Outcome number Three is strengthened, gender-responsive Alternative Dispute Resolution, Restorative justice and community-based peace building practices. One of the major obstacles women face in accessing justice is the backlog in the formal court system. The aim of the IMPACT gender strategy will be to identify gender issues in ADR, RJ and community-based peace-building practices and potential entry points and strategies to address these issues. Training in these areas will be gender sensitive and respond to specific issues women face when accessing these forms of justice. A concerted effort will also be made to recognize women's important contribution to these important justice processes and build women into ADR RJ and peace-building strategies in innovative ways. In this way, when citizens are encouraged to resolve their problems outside the formal justice system, and before they escalate into violent confrontations, it will be done in a way that does not diminish the end result for women who opted to take this route rather than the formal court system.

Thus the project aims to ensure that the desired reduction in cases before the courts will not have the detrimental side effect of diminishing women's access to justice. This will apply to individuals as to women-owned business who will also be encouraged to use ADR, especially arbitration, to solve their disputes in a speedy manner. Gender issues and strategies will be fully integrated into training and capacity building in these three areas.

Implementation of Gender Strategy

Project Gender Equality Budget

The total project Budget assigned to support the gender equality objectives is 4% of the total budget of $19,200,000 but this figure could be increased after Year 1.

Project Gender Equality Accountability and Implementation Structure

The IMPACT Project Steering Committee has ultimate oversight of the integration of gender equality in the project. The Project Director and the University of the West Indies oversees the implementation and actively engages Gender Specialists through all phases of the project. A part-time Gender Advisor will be hired to further develop the Gender Strategy for the Project within three months of joining the project team, if necessary, and submit it for approval by the Project Steering Committee. The Gender Advisor will update, maintain and oversee the implementation of this Gender Strategy on an ongoing basis and ensure that all
elements of the IMPACT project consider and address, as appropriate, the context for gender relations in the Caribbean region.

The Gender Advisor will also advise the IMPACT technical advisory groups (TAGs) how best gender equity principles may be incorporated within the full range of operations of the IMPACT project. In so doing, the Gender Advisor reports to the Project Director and works closely with the TAGs coordinators. Each of the TAGs will identify, elect or assign from within, a focal point who will assume accountability for the implementation of the gender equality strategy in their respective component and report back to the Gender Advisor, CLIC TAGs Coordinator and Project Director. The person identified will liaise with regional and national partners and coordinate the involvement of gender experts and civil society organizations in the workings of the TAGs as needed.

Ideally, each of the project partners, regional and national will assign a member of their team to be accountable for the gender dimensions of their participation in the project, and identify them as the “GE Focal Point”. These include the CSME Secretariat GE Focal Point, CARICOM Secretariat GE Focal Point, Member States “GE Focal Points” which may be national machineries or members of national bar associations who have gender expertise. In addition, UWI is working closely with various organizations and institutes to strengthen the quality and reach of gender analysis and recommendations that will be required throughout the components, and at different stages in the implementation of the project. This implementation structure will be reviewed from time to time to determine its effectiveness and identify and fill gaps.
### Improved Access to Justice in the Caribbean (IMPACT Project)

#### Project Implementation Plan

**Immediate Outcomes: Key Interventions by component to achieve Immediate Outcomes, including data collection and institutional assessments.**

<table>
<thead>
<tr>
<th>Project Component</th>
<th>Key GE Interventions</th>
<th>Data Gap and Source</th>
<th>Institutions</th>
<th>Time Frame</th>
</tr>
</thead>
</table>
| **1010**  
Increased access by CARICOM Member States to gender equitable regional model laws and new or amended national laws | 1) Assign, elect, or appoint from within the TAG a Gender Focal Point to assume responsibility for the TAG GE planning and implementation including coordination of GE resources within regional and national stakeholders  
2) Technical assistance and skills training to build the capacity of the CARICOM General counsel and representatives of Attorneys general to integrate GE into regional and national legislation reform  
3) Technical assistance and skills training to drafters and to the CARICOM Legal Affairs Committee to draft, present and review model gender equality legislation and other legislation for gender equity  
4) Integrate WHR training and GE legislative drafting skills in the design and delivery of courses in UWI undergraduate and post graduate courses on legislation and treaty drafting  
5) Integrate WHR and gender equality into the planned Legislation and Treaty Drafting Instructions Manual – or design a separate manual (akin to the CIDA-funded CEDAW Bench book) for legal and treaty drafters, Ministries, Departments and Agencies | - Assessment of capacity to integrate GE issues, WHR and Gender Equality into legislation. Surveys and Interviews  
- Assessment of course design, content and delivery for GE issues, WHR and Gender Equality integration into legislative and treaty drafting  
- Assess skills of authors of Treaty Drafting Instructions Manual for capacity to integrate GE issues, WHR and Gender Equality integration into legislative and treaty drafting | - CARICOM General Counsel and Attorneys general  
- Offices of Chief Parliamentary Counsel and CARICOM Legal Affairs Committee  
- UWI Faculty of Law | 2010 |
| **2010**  
Enhanced gender-responsive accountability framework for legal profession in CARICOM Member States | 1) Assign, elect or appoint from within the TAG a Gender Focal Point to assume responsibility for the TAG GE planning and implementation including coordination of GE resources within regional and national stakeholders  
2) An assessment of gender needs in consultation with Bar Associations and the public and private sectors on improving GE accountability, providing gender-responsive continuing legal education for attorneys-at-law and providing gender-responsive public legal education  
3) Ensuring GE technical legal expertise and WHR are needed in continuing legal education and provision of public legal education  
4) Assessment of gender equality needs in continuing legal education and provision of public legal education, WHR and gender equality in the regional code of ethics and legal education certificate | Assessment of gender equality needs in continuing legal education and provision of public legal education  
- Assessment of Regional Code of Ethics for integration of GE  
- Assessment of Legal Education Certificate for | - Bar Associations, public and private legal information service providers - Council of Legal Education, Bar Associations |
<table>
<thead>
<tr>
<th>IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT PROJECT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROJECT IMPLEMENTATION PLAN</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2010 Enhanced skills of the legal profession in CARICOM Member States and knowledge of the law by the public (m/w/y)</th>
<th>2030 Improved access by the legal profession and public (m/w/y) to legislation, case-law and other legal information in CARICOM Member States</th>
</tr>
</thead>
<tbody>
<tr>
<td>integral to the development of a Regional Code of Ethics for endorsement by regional and national Bar Associations and CARICOM Member States. 4) Ensure the regional Code requires attorneys who are holders of the Legal Education Certificate issued by the Council of Legal Education, and who may be admitted to the Bar in any country which is a member of that institution to adhere to standards which are common throughout the region for promoting gender equality. 5) Amendments to regional legal profession legislation for endorsement by Bar Associations and CARICOM Member States integrate gender considerations highlighted in the assessment. 6) Survey of legal education includes questions on inclusion of knowledge of WHR and gender equality legislation and gender and CSME key areas.</td>
<td>1) Legal Databases TAG consults with gender advisor in the design and development of databases. 2) Databases established, include GE laws and are sex disaggregated where relevant. 3) Case law and other legal databases established or expanded, including GE case law and are sex-disaggregated where relevant.</td>
</tr>
<tr>
<td>integration of knowledge of GE issues, WHR Gender Equality legislation and GE and CSME as criteria for certificate issuance and admission to the Bar.</td>
<td>- Assessment of ability of systems to disaggregate data by sex and run a search query based on sex, age, Gender Equality issues and Gender Equality case law; assessment of</td>
</tr>
<tr>
<td>-UNWOMEN, CSME Secretariat, CARICOM Gender Desk, NWMs, UWI Gender Studies Unit, UWI and University of Guyana Faculties of Law, Bar Associations -Legal Information Service Providers</td>
<td>-Legal Information Service Providers --- -Key Database Staff and consultants -UWI and University of Guyana Faculties of</td>
</tr>
</tbody>
</table>

163
<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>4)</td>
<td>Staff of legal information service providers trained in WHR, gender issues in access to justice, and gender-responsive outreach strategies</td>
</tr>
<tr>
<td>5)</td>
<td>Legal texts for the Faculties of Law, UWI and the University of Guyana integrate WHR, GE case law, and gender issues in access to justice</td>
</tr>
<tr>
<td>3010</td>
<td>Increased capacity of ADR practitioners (mwy) to deliver ADR, RJ and community-based peace building practices for settling disputes in CARICOM Member States</td>
</tr>
<tr>
<td>1)</td>
<td>ADR and RJ Project TAG assigns, elects or appoints from within the TAG a Gender Focal Point to assume responsibility for the TAG GE planning and implementation including coordination of GE resources within regional and national stakeholders. Gender advocates are invited to be part of TAG in each of the three areas ADR, RJ and CBPB</td>
</tr>
<tr>
<td>2)</td>
<td>Situation of women, including women in business and small island traders, and gender equality issues in ADR RJ and peace building are studied and findings, entry points, addressed in policy and law reform framework, and legislation</td>
</tr>
<tr>
<td>3)</td>
<td>Capacity needs of organisations in the CARICOM region that focus on ADR, RJ and community-based peace building practices assessed for their gender awareness, ability to carry out gender analysis, ability to design and implement gender-responsive practices, with a particular emphasis on the challenges associated with using informal justice to resolve cases of violence against women.</td>
</tr>
<tr>
<td>4)</td>
<td>Best practices and resources in gender-responsive ADR, RJ and community peace building identified and adopted/adapted</td>
</tr>
<tr>
<td>5)</td>
<td>ADR and RJ networks, rosters and service points for communities assessed for their inclusion of women, women’s human rights organizations, innovative men’s groups, and gender-balanced representation. Where lacking, active recruitment of women and other marginalized “peer” groups undertaken.</td>
</tr>
</tbody>
</table>

| Stakeholders | Identify gender issues; establish number or percentage of men and women participating or benefitting from ADR, RJ, CBPB; Disaggregated data on claimants; Percentage of male and female mediators; differences in ways male and female mediators are used; review of training manuals and materials; length of time and cost to settle cases disaggregated by sex; obtain sex-disaggregated data and views from women-owned businesses regarding commercial justice; Interview legal stakeholders with gender expertise. |

| International Project partners, regional, national and local project partners in ADR, RJ and CBP | International Project partners, regional, national and local project partners in ADR, RJ and CBP |
## Improved Access to Justice in the Caribbean (IMPACT Project)  
**Project Implementation Plan**

<p>| | |</p>
<table>
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<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6)</strong> Training modules delivered to representatives of organisations include training in WHR, gender issues in access to justice (de facto vs. de jure), through ADR, RJ and peace building</td>
<td>Stakeholders with gender expertise; legal organizations, service points, management and clients</td>
</tr>
</tbody>
</table>

**3020**  
Increased access by women, men, youth and businesses to ADR, RJ and community-based peace building practices in CARICOM Member States  
1) Gender training needs identified and integrated into training in ADR, RJ and community-based peace-building practices designed and delivered to women, men, youth and businesses by UWI  
2) Regional workshops and public education in association with the CCH to share knowledge about ADR, RJ and community-based peace-building initiatives are gender-responsive and involve women and groups traditionally marginalized by ADR RJ and CPB processes.  
Needs assessment by client sex and age and occupation (businesses)  
International Project partners, regional, national and local project partners in ADR, RJ and CBP |
References


NOTES

10. See Note 4.
13. Ibid.
14. Ibid.
16. CDERA (Caribbean Disaster Emergency Response Agency).
18. See eur-lex.europa.eu/Lexuriserv. On March 29, 2012, the Secretary-general of CARICOM and EU representative Robert Kopechy signed three financial agreements aimed at boosting the integration efforts of CARICOM totalling US$110m.
19. CIDA. Tip Sheet. Integrating Governance into Sustainable Economic Growth programme. (nd)
20. Personal communication with offices of Attorneys General in the OECS States, October 2012.
21. Information from the Office of Graduate Studies, Cave Hill Campus, UWI, June 2014.
22. Personal communication from Chief Parliamentary Counsel at meeting held in Barbados on May 13-14, 2014.
23. Ibid.
24. The economic costs for students from Barbados, Jamaica and Trinidad and Tobago are three times as high as those for students from the OECS and other UWI Contributing Countries. See www.cave hill.uwi.edu/graduate studies.
25. Information in this section was provided in a on the status of legal profession legislation in the region prepared for the IMPACT Project in May 2014 by Nailah Robinson, attorney-at-law.
26. Personal communication from the President of the Grenada Bar Association on July 10, 2014.
27. See Note 25.
29. See Note 26.
32. Ibid.
34. Ibid.
35. Ibid, passim.
ANNEX O: RECORDS AND INFORMATION DISASTER PREPAREDNESS AND RECOVERY POLICY

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1. STATEMENT OF PURPOSE

The purpose of this Records and Information Disaster Preparedness and Recovery Plan is to enable the Project team to deal with a disaster with maximum efficiency and minimum loss to the records and information accrued from the Improved Access to Justice in the Caribbean Project in the event of a disaster. This plan is designed to outline the roles and responsibilities of project team before and after an emergency.

2. DISASTER TEAM

Team Leader 1 – Director
Team Leader 2 – Project Manager
Support Staff

3. ROLES AND RESPONSIBILITIES

3.1. Team Leader 1 - Director
The Director has responsibilities that include general oversight of all aspects of the records and information management that relate to the project. The Director should be informed of any major incidents resulting from a disaster. The Director should review the Disaster Preparedness and Recovery Policy to ensure that it is implementable, relevant and up-to-date on an annual basis.

3.2 Team Leader 2 – Project Manager
Team Leader 2 has overall responsibility for the execution of the Disaster Preparedness and Recovery Policy, major procedural decisions and for coordinating activities relating to those decisions. Team Leader 2 also ensures that all members of the Support Staff are aware of all aspects of the Disaster Preparedness and Recovery Policy coordinating
activities related to the back-up and recovery of computer systems, electronic
documents/records and records databases.

3.3 Support Staff
Support staffs are responsible for carrying out the activities outlined in this Disaster
Preparedness and Recovery Plan. Support staff will ensure that Team Leaders 1-2 are informed
of any incidents resulting from a disaster within their designated area(s).

4. STAGE 1 DISASTER PREVENTION

4.1 Safe Storage of Records
a) Each member of the project team is responsible for the safe storage of records in its
area(s) of responsibility.
b) Records should be stored no less than six inches away from ceiling and no less than six
inches above the floor.
c) Records should not obstruct any exits, doorways for access to equipment, air-
conditioning ducts or fire extinguishers.
d) Any substantial changes in temperature and/or humidity should be reported to Team
Leader 1 or 2.
e) Any signs of water infiltrations should be reported to Team Leader 1 or 2.
f) Any signs of pests including roaches, silverfish, pillbugs and mice should be reported to
Team Leader 1 or 2.
g) The storage of food and beverages in the records storage areas is prohibited.
h) Eating and drinking in the records storage areas is prohibited.
i) Mobile shelving units should be closed when not in use as added protection for the
paper-based files stored therein.
j) Daily inspections of the records storage areas should be undertaken.
k) Any signs of mould growth should be reported immediately to Team Leader 1 or 2.

4.2 Fire Prevention
a) Each team is responsible for ensuring that fire prevention procedures are in effect.
b) Smoking in the records storage areas is prohibited.
c) All flammable solvents must be kept away from the records storage areas.
d) Unwanted items, equipment or other forms of trash should be removed and not
allowed to accumulate in the records storage areas.

e) Any extension cords, electrical equipment or electrical sockets in use in records storage
areas should be monitored for defects. Electrical equipment should not be left
operating in an unoccupied area unless required for a particular purpose.
f) Each team should be familiar with the location of fire alarms, emergency exits and evacuation routes.
4.3 Monitoring for Water Leaks

a) Each team is responsible for monitoring its designated area(s) for water leaks from air-conditioning units, pipes, ceilings and windows.

b) Any signs of water leaks or water stains should be reported to Team Leader 1 or 2.

5. STAGE 2: DISASTER PREPAREDNESS

5.1 Tropical Storms/Hurricanes

a) Each team is responsible for disaster preparedness in its area of responsibility particularly in the event of notification of an approaching tropical storm/hurricane.

b) Secure all windows, doors and other openings against wind and water.

c) All records, regardless of format, should be secured in cabinets, vaults and covered in plastic sheeting.

d) An up-to-date inventory of all emergency supplies should be on-hand.

e) Switch off all air-conditioning units and disconnect all electrical equipment.

f) Move furniture and equipment away from windows and cover with plastic sheeting.

g) Raise all boxes, computers and equipment off the floor.

h) Clear all access ways of items that may restrict passage to exits.

5.2 Earthquakes

In the event that there is any threat or warning of an earthquake in the Eastern Caribbean, these measures should be taken as part of a preparedness exercise:

a) Shelving should be moved away from walls.

b) Any large or heavy objects should be placed on a lower shelf.

c) Breakable items should be stored in cabinets on a low shelf.

d) Hanging mirrors or framed pictures should be removed from walls and stored securely.

e) Any signs of deep cracks in ceilings, walls and floors should be reported to Team Leader 1 or 2.

f) Chemicals and flammable products should be stored in cabinets on bottom shelves.

g) ‘Safe places’ should be identified away from glass, windows, heavy furniture or packed shelves that could fall over in the event of an earthquake.

5.3 Fire

a) All vital records should be identified and copies stored near-to-site or off-site.

b) Back-up procedures should be carried out for all electronic records and databases.
c) The location of regularly serviced fire extinguishers should be known by all team members. All team members should be trained in the use of fire extinguishers.

d) Ensure that all smoke alarms within record storage spaces and offices are regularly serviced. This inspection and servicing should be coordinated by the Security Department.

5.4 Black-Outs

a) Back-up procedures should be carried out for all electronic records and databases.
b) Escape routes should be clearly marked and accessible.
c) Turn off all computers and electronic devices.
d) High-quality surge protectors should be placed on all electronic devices.

5.5 Flooding/Flash-flooding

a) Raise all boxes, computers and equipment off the floor.
b) Turn off all computers and electrical devices.
c) Back-up procedures should be carried out for all electronic records and databases.

5.6 Tsunamis

a) Listen to radio for a tsunami warning after an earthquake has occurred.
b) Move to higher ground as quickly as possible.
c) Stay away from coastline.

5.7 Theft

a) Ensure that all records, equipment and valuable items are stored securely after hours.
b) Alert Team Leaders 1 and 2 immediately if you suspect that items, equipment or records are missing.

6. STAGE 3: DISASTER RECOVERY

NB. All staff must wear protective clothing before starting recovery work i.e. work-coats, gloves (unpowdered latex), respirators and safety glasses. Rubber boots may be required in cases of flooding.

6.1 Paper Records: Water Damage

In the event of a disaster resulting in damp or wet documents, a tent and tables should be requested from The UWI, Cave Hill Maintenance Department to facilitate the air-drying of paper records.
a) All papers records should be removed from wet/damp boxes.
b) All paper records should be weighted down when placed on tables to be air-dried.
c) Paper records should be removed from direct sunlight on completion of the drying process.
d) If air-drying has to be conducted in-doors, standing fans and de-humidifiers should be employed to ensure that moisture is quickly removed.
e) The disaster team should inter-leave wet paper records with blotting paper to shorten the drying time.
f) A Damage Assessment Form should completed by the team.

6.2 Mould and Mildew

When mould and/or mildew have been detected on records, it must be addressed immediately to prevent the spread of spores to other records and to prevent its harmful effects on staff members.

a) Separate and isolate mouldy items from those not affected.
b) Set up dehumidifiers and air-purifiers in the area to reduce moisture and clean the atmosphere.
c) Ensure that the area is well ventilated. If there are no windows, open doors and use standing fans to remove dead air.
d) Clean area including walls, floors and shelving with a solution of Clorox bleach, 1 part bleach to 3 parts water.
e) Mouldy paper-based items should be placed on tables requested from the Maintenance Department in the area designated for air-drying adjacent to the Archives for approximately 2 hours to allow for the ultra-violet rays of sun to kill mould spores.
f) For large, extensive outbreak of mould, items should be wrapped in cellophane and the Salvage Team should contact Bico, Harbour Cold Store (431-2101) to request the use of their facilities to freeze items and halt the growth of mould.
g) Items can remain in storage after a period of three (3) days, removed, thawed, dried and cleaned with HEPA-filtered vacuum by Salvage Team.

6.3 Fire and Smoke Damage

When paper-based materials are damaged by fire:

a) Assess if records are completely or partially damaged.
b) If the document has charred edges only, carefully remove the charred edges and photocopy the document.

205 Contact West Indies Federal Archives Centre for blotting paper at Ext. 4052/4853.
206 See Appendix 1.
c) Handle the original document as little as possible and placed in polyester enclosures (Archives).

d) Records which are smoky should be aired or placed in a well-ventilated area to remove the smell.

6.1.4 Pest Damage

When paper-based records are damaged by pests:

a) Alert Team Leader 1 immediately if there are any signs of pests or pest damage.
b) Identify the type of pest damaging the records.
c) Removed damage records from boxes which may house the pests.
d) Place camphor ball packages in boxes with records and seal for 3 -5 days as a temporary measure.
e) Ensure that storage area is thoroughly cleaned.
f) Request that integrated pest management be undertaken in the infested area by the Maintenance Department.

6.1.4 Multi-media

Multi-media are extremely sensitive to the environment and can suffer irreparable damage in the event of a disaster.

a) The best strategy when dealing with multi-media e.g. CD ROMs/DVD ROMs/audio-visual materials such as VHS tapes/audiocassettes, is to create ‘surrogates’ or copies from the master copy into a digital format which could be saved to a server to undergo back-up procedures.
b) Multi-media should be kept away from direct sunlight and stored in low temperatures (between 2ºC - 18ºC).
c) Media such as CDs and DVDs could be cleaned with isopropyl alcohol to remove any harmful particulates.
d) CDs and DVDs with minor scratches may be cleaned with a scratch repair kit (Archives).
e) AV materials such as VHS tapes or audiocassettes may be repaired by removing damaged area only (Archives).
f) Flash drives may be recovered from water damage by air-drying. Critical data on this type of media should be placed on a server and subject to back-up procedures.

6.1.5 Photographs/Slides/Film/Transparencies/Negatives

Photographic material is extremely sensitive to their environment particularly printed coloured photographs.
a) Do not allow water-damaged photographic material to dry together. This would lead to irreparable damage resulting from them sticking together.
b) Photographs should not be placed in direct sunlight and should be stored at a low temperature (between 2ºC - 18ºC).
c) Place photographic material in a tray of cold water to remove dirt and debris.
d) Let excess water drip off, place photographic material individually in freezer bags and put in freezer. This would delay further damage and mould growth.
e) If damage is extensive, contact a trained Conservator to advise on further course of action.

**Electronic Records & Information**

**Backup and Recovery Plan**

A technical backup and recovery plan must be set in place for all software systems and other support devices in use by the IMPACT Project. This includes off-site storage of hard drive back-ups and duplicate flash drives with information pertinent to each Project Component.
### Appendices

1. **Records Damage Assessment Form**

<table>
<thead>
<tr>
<th>Prepared by:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Nature of the Damage:**

**Type of Damage:**

- [ ] Fire
- [ ] Smoke
- [ ] Soot
- [ ] Humidity
- [ ] Water damage
- [ ] Wind damage

Other: _____________________________

**Types of Materials Damaged:**

- [ ] Paper-based record(s)
- [ ] Photographic Material
- [ ] Magnetic Tapes
- [ ] Hard Disks
- [ ] Modern media i.e. CD ROMs/DVD ROMs/flash-drives

**Replacement/Back-up/Salvage**

Are the damaged items repairable?

Explain

_____________________________________________________________________

Are the damaged items replaceable?

Explain

_____________________________________________________________________

Salvage Done In-house? [ ] Yes [ ] No

Outside Help Required? [ ] Yes [ ] No
1. **Emergency Numbers**

<table>
<thead>
<tr>
<th>Service</th>
<th>Number 1</th>
<th>Number 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.W.I. Exchange</td>
<td>(246) 417-4000</td>
<td></td>
</tr>
<tr>
<td>Police Emergency</td>
<td>211</td>
<td></td>
</tr>
<tr>
<td>Police Hotline</td>
<td>(246) 429-8787</td>
<td></td>
</tr>
<tr>
<td>Fire Service</td>
<td>311</td>
<td></td>
</tr>
<tr>
<td>Ambulance Service</td>
<td>511</td>
<td></td>
</tr>
<tr>
<td>Campus Security</td>
<td>(246) 417-4159</td>
<td>(246) 417-4164</td>
</tr>
<tr>
<td>Campus Security (24 HOURS)</td>
<td>(246) 417-4003</td>
<td>(246) 417-4004</td>
</tr>
<tr>
<td>Maintenance Department (Until</td>
<td>(246) 417-4154</td>
<td>(246) 417-4155</td>
</tr>
<tr>
<td>7:00 pm, Mon-Fri)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Campus Safety Officer</td>
<td></td>
<td>(246) 417-7559</td>
</tr>
<tr>
<td>UWI Archives</td>
<td></td>
<td>(246) 417-4052</td>
</tr>
<tr>
<td>Team Leader 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Team Leader 2</td>
<td></td>
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</tbody>
</table>

2. **List of Emergency Supplies**

<table>
<thead>
<tr>
<th>Supplies and Equipment</th>
<th>Amount</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sand bags</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Portable de-humidifiers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Portable electric fans</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plastic sheeting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plastic garbage bags</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freezer bags</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Portable tables</td>
<td></td>
<td></td>
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</tbody>
</table>
**IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT PROJECT)**  
**PROJECT IMPLEMENTATION PLAN**

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absorbent paper</td>
<td></td>
</tr>
<tr>
<td>Plastic Buckets/Trash cans</td>
<td></td>
</tr>
<tr>
<td>Brooms and Dustpans</td>
<td></td>
</tr>
<tr>
<td>Wet/Dry Vacuum</td>
<td></td>
</tr>
<tr>
<td>Mops and Sponges</td>
<td></td>
</tr>
<tr>
<td>Plastic Aprons</td>
<td></td>
</tr>
<tr>
<td>Mops and Sponges</td>
<td></td>
</tr>
<tr>
<td>Rubber boots</td>
<td></td>
</tr>
<tr>
<td>Flashlights</td>
<td></td>
</tr>
<tr>
<td>Dusk masks</td>
<td></td>
</tr>
<tr>
<td>Gloves</td>
<td></td>
</tr>
<tr>
<td>Digital Camera</td>
<td></td>
</tr>
</tbody>
</table>

N.B. Other emergency supplies are requested from the Maintenance Department as needed