

**GUYANA
JUSTICE SECTOR REFORM STRATEGY
2006-2010**

***“Safety, security and access to justice
for all”***

The **goal** of the Justice Sector Reform Strategy describes the Government's ultimate objective, to which the Strategy will make a substantial contribution. In effect, it provides the justification for the Strategy. Reflecting Government's development objectives as set out in the PRSP, the Strategy goal is expressed as -

Safety, security and access to justice for all

The **purpose** of the Strategy expresses its immediate objective and intended impact. It reflects the specific means by which the Strategy will achieve its goal of safety, security and access to justice for all. The purpose of the Strategy is expressed as –

To deliver a justice system that is more trusted, accessible and accountable and works together to deliver all necessary services efficiently and effectively

The Strategy purpose reflects that fact that improvements in the sector have been on-going for some time. But there is need for a more consolidated and focused effort to achieve a real impact on service delivery. This can of course be best achieved if all the institutions in the sector work together in a co-ordinated fashion to deliver the objective expressed in the Strategy purpose.

How will success be measured? The test of whether the Strategy has delivered on its purpose will be an

assessment against solid performance indicators. These will include measures of public perception of the justice sector; Guyana's ranking in international rule of law / investment climate indices; and objective reports from independent bodies (e.g. Human Rights organisations). The strategy document describes the Strategy's monitoring and evaluation framework.

The Strategy **outputs** define the specific changes or results that the Strategy is designed to bring about. They are designed specifically to address sector-wide policy challenges. Each of the four Strategy outputs is described below, with detailed activities under each output set out in the Action Plan, and described in the narrative below.

Output 1: enhanced capacity of justice sector institutions to deliver services efficiently and effectively

This output is concerned with developing the institutional capacity of the agencies within the justice sector. The clear focus is on service delivery, with "users" at the heart of the reform process. In order to achieve this output, it will be necessary systemically to tackle all the services that the sector aims to provide, in particular -

Community safety: safety and security of people and property. The aim is to deliver a system that protects people and their property from crime and reduces the fear of crime;

Criminal justice: reporting, investigation, prosecution, court processing and sentencing of criminal justice cases. The aim is for criminal justice to be delivered quickly and fairly, and for the needs of special groups (e.g. juveniles) to be respected;

Civil justice: resolution of civil disputes. The aim is to provide speedy and affordable mechanisms to resolve civil disputes (including outside the formal justice system), and for there to be effective methods to enforce judgments;

Administrative justice: ensuring lawful exercise of their powers by public bodies. The aim is to provide clear and straightforward processes for administrative justice.

Penal system: providing punishment, deterrent and rehabilitation. The aim is to provide a more humane and cost effective penal system, including development of more robust alternatives to imprisonment

Government legal services: providing legal advice and representation to Government departments. The aim is to provide timely high quality advice, representation and legal services by Attorney General's Chambers to other Government Departments.

The approach will be to tackle underlying systemic issues, as well as providing much needed investment and better facilities. The approach to building institutional capacity across the sector will encompass -

Reforming organisation structures & mandates;

Improved, competency based, staff training;

Reviewing and reforming staff numbers and pay levels;

Improving equipment and infrastructure;

Creating greater autonomy and efficiency in the management, administration and financing of both the Judiciary and the office of the DPP. and

Modernising management and administration systems.

Output 2: strengthened linkages between justice institutions

This output is focused on strengthening systems and linkages between the institutions in the justice sector with a view to providing “joined up” justice. In the civil justice system for example, even if the courts are working well in delivering judgments in a timely and efficient manner, for the user, justice is only delivered once that judgement is enforced. Delays and inefficiencies in enforcement of judgments (for example through the Marshal’s Department) will defeat the Strategy purpose of efficient and effective delivery of justice.

The approach is to strengthen linkages between justice institutions from the “top down” and from the “bottom up”. “Top down” interventions will be concerned with sector-wide policy, planning and resource allocation. This approach acknowledges that policy decisions affecting one institution in the sector have a “knock-on” effect on others. The most obvious example is the impact that the functioning of the criminal justice system as a whole has on the Guyana Prison Service. With over 30% of the prison population on remand and awaiting trial, efforts to clear the backlog of criminal cases will have an impact on prison population; as will initiatives to encourage alternative sentences to imprisonment (such as community service). Key policy and resource allocation decisions in the sector need to be made on a sectoral basis. The approach to delivering joined up policy making, planning and resource allocation will include –

- Introducing s
- ector-wide policy leadership;
- Developing change management teams and change management methodology coordinated across the sector;
- Instigating cooperative, joined-up, processes e.g. outcome orientated sectoral budget submissions to the Ministry of Finance on the basis of the Justice Sector Reform Strategy’s performance indicators; and
- Developing a sector-wide monitoring and evaluation framework (see box 4.3 below)

There is also scope for enhanced communication, coordination and cooperation between the institutions in the justice sector at the operational / local level. Examples include –

- Improving coordination between the Police, Magistrates and Prison Service to ensure that cases are ready for trial before they are listed and that all necessary parties are present;
- Better sharing of resources e.g. Police boats to assist Magistrates accessing remote court;
- Coordination between judicial officers, the Mediation Centre, attorneys and users to ensure understanding of mediation and full preparation for each case.

Identifying and learning from such “bottom up” initiatives has the potential to shape policy and resource allocation at the centre. International experience suggests that a procedure known as *process mapping* can be a key tool in delivering enhanced performance through a “joined up” approach to justice delivery. This entails the detailed mapping of justice end to end processes leading to the elimination of wasteful procedures, and the design of efficient and

effective connected processes.

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Output 3: improved access to justice, especially for the poor and vulnerable

This output is concerned with all aspects of the justice system. The aim is a justice system that is accessible to all, regardless of socio-economic status, gender or ethnicity. The approach taken will be holistic, taking into account all aspects of the provision of justice and activities will be directed towards –

developing and implementing a national legal aid scheme, including providing legal advice and assistance to defendants in criminal trials as early as possible from the point of arrest;

introduction of a paralegal programme for remand prisoners and suspects in Police custody;

enhancing the provision of alternative and informal dispute resolution and strengthening linkages between formal and informal mechanisms;

providing legal advice and assistance in relation to civil matters, including a review of the funding of such cases in the light of international best practice (e.g. provision of legal aid; no win no fee arrangements); and

improving “customer service” ethos of justice sector institutions.

G. Output 4: enhanced citizens’ trust in a justice system which respects their rights, upholds their responsibilities, and meets their needs

This output is concerned with enhancing the trust and confidence that the citizens of Guyana have in their justice system. Part of the approach under this output will be to develop effective communications programmes, both about this Reform Strategy, and about citizens’ rights and responsibilities in the delivery of justice and upholding of the rule of law. But effective communications need to be underpinned by effective reform if trust in the system is to be strengthened. Approaches taken to strengthen the integrity of the justice system and to build trust in it will include –

improving transparency and public access to court decisions (including through law reporting);

strengthening independent complaints and oversight bodies with powers of investigation;

strengthening codes of conduct for justice sector institutions; and

developing a communications strategy for the sector.

Chapter 5 Activity outline

A. Prioritisation of activities

5.1 This chapter describes the key activities under each of the Strategy's four output areas. A full set of activities is listed in the costed Action Plan in Annex B. The identification of these priority activities was highly participatory, through detailed consultations with staff and leaders of the institutions concerned, more widely within Government, and with private sector and civil society stakeholders. During the consultative process, the focus was on identifying activities which would have a high impact on improving the performance of the justice sector, and which were affordable and represented good value for money.

5.2 For the private sector stakeholders consulted, three clear priorities emerged: (1) improving the processing of cases through the courts; (2) police recruitment, training and equipment; and (3) improving the performance of Police prosecutors. For civil society stakeholders, the focus was on strengthening informal dispute resolution procedures and enhancing their linkages with the formal justice providers. These priorities together with these identified by the Government of Guyana both through the consultative process for the development of this Strategy and from previous studies and initiatives (such as the GoG's Disciplined Forces Commission) are reflected in the Action Plan in Annex B.

B. Phasing of activities

The activities under the Justice Sector Reform Strategy will take place over a five year period in three phases –

Phase one: laying the foundations and quick wins. During the first two years of implementation, the focus will be on putting in place foundations for successful implementation of the Strategy (such as sector wide implementation and monitoring and evaluation arrangements), as well as on activities which can take place at

once and will have an immediate impact on justice sector performance.

Phase two: reform priorities. During the third and fourth year of the Strategy the focus will be on undertaking the fundamental reforms to justice sector institutions that are necessary to improve performance. In some cases this will involve legislation; in other administrative action.

Phase three: consolidation and next steps. During the final year of the Strategy the emphasis will be on continuing with and consolidating the gains made in previous years, and planning for future reform activities.

C. Strategy activities reflect GoG's development priorities in the sector

The Action Plan is designed to encompass the Government of Guyana's development priorities for the justice sector over the next five years. Funding for these activities will depend on public expenditure, IDB loans; and other donors. The GoG will continue to provide recurrent funding to the sector, In addition, its' Public Sector Investment Programme funds development activities (in the region of US\$ 340,000 in the 2005 budget estimates) which include the building and rehabilitation of police stations and prisons. The sector's priorities as identified in this Strategy will provide the framework for Government's future investment in the sector.

The description of the Justice Sector Reform Strategy activities below is designed to be read in conjunction with the Action Plan which sets out a full list of activities, and indicates their funding source.

D. Output 1 activities for enhanced capacity of justice sector institutions to deliver services efficiently and effectively

Activity area 1.1 - Community safety

Community Safety is concerned with crime reduction. The focus is on crime prevention; reducing the fear of crime; and the tackling of anti social behaviour. A range of activities will be undertaken all aimed at more effective service delivery in this area, the most important of which is a re-launched community policing initiative aimed at ensuring a true partnership between the Police and the communities they serve.

Activity area 1.2 - Reporting of crimes

Working with relevant NGOs enhanced training will be provided to "front line" members of the Guyana Police Force who deal with members of the public reporting crimes to them. This is particularly important in relation to vulnerable groups in society such as victims of sexual abuse or domestic violence. As well as providing training, police station facilities will be upgraded so that they provide a safe, welcoming and confidential environment.

Activity area 1.3 - Investigation / charging

It is estimated that currently 90% of criminal prosecutions in the Magistrates Courts are unsuccessful. There are a number of reasons for this unsatisfactory situation including deficiencies at the very start of a case – in its investigation. Activities will be undertaken to strengthen the ability of the Police to lay the foundations for successful prosecutions, including improving scene of the crime management; enhancing systems for the management of evidence; and strengthening the Police witness protection scheme. In addition, the system for issuing "tickets" for

minor offences (rather than taking such offences to court) will be strengthened, to enable these matters to be dealt with quickly and efficiently.

Activity area 1.4 - Police institutional strengthening

The Guyana Police Force is currently in the process of developing its institutional strategic plan, within the framework of the Justice Sector Reform Strategy. During the first phase of the Strategy the priority will be to launch this plan and to develop the management structures and systems necessary to implement it. During the second phase of the Strategy, consideration will be given to more fundamental institutional reform issues – in particular to a review of Police numbers, pay and conditions (in the light of resource constraints), encompassing a feasibility study for the civilianisation of the police and its transformation from a Police “Force” into a Police “Service”.

Activity area 1.5 - Prosecution

Activities in this area are designed to address technical legal constraints in bringing successful prosecutions including -

The legislative framework (including the Criminal Law Offences Act, the Summary Law Offences Act and the Evidence Act) will be modernised.

Legislation will be introduced to provide for cross border mutual legal recognition. The aim is to improve judicial cooperation between Guyana and other countries with different legal systems, and to replace cumbersome procedures with swift processes that recognise the integrity of other legal systems. An example is provision for mutual recognition of arrest warrants.

Activity area 1.6 - DPP institutional reform

Activities in this area focus around strengthening the office of the DPP and institutionalising the relationship between the DPP and the Police prosecutions.

Activity area 1.7 - Criminal procedures

Activities in this area focus on eliminating the current backlog of criminal cases that are clogging up the High Court and the Magistrates Courts, and on modernising court processes to speed case flow and ensure that backlogs do not develop again. Special projects will be undertaken to deal with the current backlogs, modelled on the successful High Court civil case backlog project. If necessary, part time Judges will be appointed under Article 128A of the Constitution to assist with the disposal of the backlog. It may be that many of the backlogged cases may in fact be speedily dismissed. It has been suggested that as many as 50% (or 12,700) of the criminal cases on the High Court trial docket will never go to trial - because cases have settled or been abandoned, those on bail have disappeared, or witnesses are no longer available

In the Magistrates Courts, disposing of the backlog will require strong leadership from the centre. It will be necessary for Magistrates Court clerks to supply the Chancellor with up to date returns showing number of cases awaiting trial, number of appeals in which papers have not yet been filed in the Registry, and the number of preliminary hearings.

Decisions can then be taken about deploying new Magistrates or redeploying existing ones to deal with backlog

At the same time as measures are taken to deal with the existing backlog, criminal procedures will be modernised and streamlined to increase the case flow for new cases.

Activity area 1.8 - Civil procedure

As with criminal cases, the key issues are both to dispose of the current backlog of civil cases, and to introduce improved systems to ensure that a new backlog does not build up. Key activities will include -

Increasing the jurisdiction of Magistrates Court which would immediately relieve the High Court of a large number of small cases. The aim is that this measure would be accompanied by the development of a Magistrates Court mediation system, which would then take the majority of these small cases out of the court system entirely, and enable them to be dealt with in a more appropriate manner.

Finalising the on-going reform of the Supreme Court Rules in line with international best practice including judicial case management; a “cards on the table” approach; and provision for the Registrar and Deputy Registrar to deal with interlocutory (minor) applications e.g. for amendment of writs, service out of the jurisdiction and substituted service .

Introducing a system of practice directions to operationalise details of Supreme Court Rules. Practice directions should be issued to cover matters such as the provision of skeleton arguments; and the granting of adjournments (see box 5.4 below).

Simplifying the long and complicated rules appended to the Summary Jurisdiction (Magistrates) Act by bringing them into line with the reformed Supreme Court Rules and introducing small claims procedures.

Introducing a system of “settlement weeks” in the High Court and Magistrates Courts (see box 5.5 below).

Strengthening the system of awarding and assessing costs in civil cases so costs follow the event in practice (i.e. the losing party pays the legal costs of the winning party). This means that there is a real incentive to settle, and a disincentive from bringing frivolous cases.

Activity area 1.9 - Court of Appeal cases

The current Court of Appeal backlog will be eliminated speedily, through the setting of targets for the delivery of judgments. In addition measure will be taken to simplify current appeal procedures including -

Eliminating the need to copy all the notes of evidence on appeal against sentence or on a point of law;

Requiring attorneys to make and keep written note of a judgments delivered in open court or chambers, thus

dispensing with need for judge to communicate the reasons for their decision to the Court of Appeal.

Activity area 1.10 -Execution of judgments

Once judgment in a civil case has been awarded, in order to conclude the case satisfactorily, it must be executed. Current methods of execution – including insolvency procedures, and performance of the Marshall's Department, will be reviewed, in the light of international best practice. Where necessary the review will be followed up by administrative and legislative reform.

Activity area 1.11 -Administrative cases

Administrative cases brought by way of judicial review proceedings are an important tool enabling members of the public to hold the executive to account for its decision making processes. Current court procedures for judicial review are cumbersome and outmoded. Modern procedures based on order 53 of English Civil Procedure Rules 1998 will therefore be considered.

Activity area 1.12 - Judiciary institutional strengthening

The Constitution guarantees the Judiciary's independence in the exercise of its judicial functions. A key aspect of this reform will be to improve the system for the control of public expenditure by the Judiciary. The new budgeting process will ensure that Judicial finances are protected from arbitrary political manipulation, while at the same time recognising the responsibility of Government and Parliament for prudent management of public finances.

Additionally reform measures will address many of the human resource constraints.

Measures will be taken to strengthen the management, administration and capacity of the Judiciary including -

Introducing enhanced accountability for Judges' and Magistrates' performance including clear time standards for case dispositions. This will need to be backed up by legislation in order to give effect to the Constitutional provision enabling Judges to be removed for failing to give timely decisions. Article 197 (3) states that *A Judge may be removed from officefor persistently not writing decisions or for continuously failing to give decisions and reasons therefore within such time as may be specified by Parliament...* [emphasis added].

Strengthening case management systems initially by the introduction of a simple data bases (e.g. Microsoft access) in the High Court and Magistrates Courts managed by a trained case management officer.

Enhanced Judicial training for the induction and on-going training of Judges and Magistrates including mentoring and refresher courses on practical issues such as sentencing and summing up.

Activity area 1.13 - Alternatives to imprisonment

Measures will be taken to enhance to ability of Judges and Magistrates to hand down non-custodial sentences which are appropriate in many cases for minor crimes and for first time offenders. Key activities will include -

Introducing legislation to provide a modern framework for community service orders.

Reviewing the institutional structure for the Probation Service under the Ministry of Labour, Human Services and Social Security with a view of ensuring that there is the probation function within the Ministry is fully staffed with specialist officers to work in the courts, write probation reports and undertake supervision of offenders.

Encouraging Magistrates to make use of their ability to make probation orders. Currently only about five probation orders are made a month. (To be included in sentencing guidelines)

Activity area 1.14 -Prisons

Measures will continue to be undertaken to improve the conditions in Guyana's prisons. Special emphasis will be placed on dealing with the third of prisoners who are held on remand. Key activities will include -

Undertaking an audit of remand prisoners and considering release in appropriate cases.

Undertaking an audit of the prison estate and of all prisoners including classification of their security status. This will ensure that prisoners are accommodated and segregated according to their security needs.

Developing a Security & Standards Manual to establish general procedures and standards in respect of the administrative and operational systems of prisons and to establish specific procedures in relation to the treatment of specific categories of prisoners. A system for monitoring and evaluating the implementation of the Manual's procedures and standards will be established including an inspection and monitoring team.

The system of independent inspections of prisons will be strengthened, with Prison Inspectors being required to make annual reports, thus providing a better system of accountability on behalf of prisoners

Probation Officers will be trained in undertaking risk assessments of offenders soon to be released into the community. This will be particularly important in the case of violent and sexual offenders.

Prisoner rehabilitation programmes will be strengthened, with all prisoners being assessed upon entering the prison system to determine an appropriate course of rehabilitation for them during sentence. Rehabilitation might include life skills, literacy classes, offence focused work, violence management, conflict resolution

Activity area 1.15 - Government Legal Services

Legal advice and representation is provided to the Government of Guyana by the Attorney General Chambers/Ministry for Legal Affairs. The Ministry is thus responsible for the conduct of Government's civil litigation, for giving advice about legal matters, and for drafting Government's legislation. A review will be undertaken of international best practice for the most cost effective and efficient provision of such Government legal services. Key issues will include where responsibility should lie within Government for payment of legal costs and damages; prioritisation of Government's legislative drafting programme; the cost effectiveness of contracting out some parts of Government's legal work to the private sector; and measures to ensure line Ministries use the services of the AG / MLA in a cost effective manner.

Activity area 1.16 - Policy making / planning / resource allocation

The Ministry of Legal Affairs has the formal mission statement of *ensuring an adequate system for the*

administration of justice” It currently does not have the capacity to perform this function, focusing rather on the provision of legal services to Government. International experience suggests that for legal reform to be taken forward it is necessary to have the capacity within the executive for legal sector policy making and planning.

5.27 In the short term, the capacity of the AG / MLA to undertake these responsibilities will be enhanced by the creation of the Justice Sector Reform Strategy Technical Secretariat within it. In the longer term, the Ministry will be re-structured to create a dedicated legal sector planning and policy making department.

Output 2 activities for joined up justice: strengthened linkages between justice institutions

Activity area 2.1 - Joined up policy-making, planning and resource allocation

Activities in this area are concerned with putting in place the institutional arrangements for implementing, monitoring and evaluating the Justice Sector Reform Strategy described more fully in chapters 6 and 7 below. Of particular importance will be the establishment of change management teams in the justice sector institutions, and the development of a common change management methodology. The necessity for careful change management is illustrated by Chart 5.1 on the next page which sets out the various initiatives which just one organisation in the sector – the Guyana Police Force will have to deal with in implementing this Strategy.

Activity area 2.2 - Sector-wide efficiency savings

Activities will be undertaken to identify efficiency savings in the sector through the creation of a cross-sectoral Efficiency Savings Team, which will publish annual reports feeding into the budget preparation process detailing justice sector efficiency savings achieved.

5.30 It is likely that a review of court fees and fines, and improving the system for collecting them will be one of the first areas to be considered as an efficiency saving measure. According to the Constitution all revenues collected must be transferred directly to the Consolidated Fund. Hence reforming court fees and fines, so that they more nearly reflect the cost of services provided would provide a strong argument for enhancing budget allocations to the Judiciary.

However, it will be important to ensure that there are corresponding investments in legal aid provision to ensure that increases in Court user fees do not impede access to justice for the poor.

Chart 5.1 Guyana Police Force activities

Other areas of efficiency savings will be pursued including -

The mapping of end to end organisational processes (see paragraph 4.14 in chapter 4);

The enhanced use by Government of alternative dispute resolution in civil disputes and

Improving Prison Farms

Activity area 2.3 - Criminal justice operational coordination

The key activity in this area will be the establishment of Criminal Justice Committees at the local level, centred on each Magistrates Courts. The committees will comprise representatives of all stakeholders involved in the processing of criminal justice cases and will be focused on improving inter-agency co-operation, communication and co-ordination at the operational level.

Activity area 2.4 - Civil justice operational coordination

Local Court User Committees will be established to enhance cooperation, coordination and communication between the courts and their users in respect of civil justice.

Activity area 2.5 - Coordinated approach to juvenile justice

The Action Plan contains a co-ordinated set of activities to be carried out to improve the provision of juvenile justice in Guyana.

Activity area 2.6 - New Opportunity Corps

Activities will be undertaken to enhance the provision of appropriate treatment for young offenders provided by the New Opportunity Corps. The aim will be to ensure that children who have come into conflict with the law are given specialist care, and are separated from children suffering from neglect or behavioural problems.

Output 3 activities for improved access to justice, especially for the poor and vulnerable

Activity area 3.1 - Legal Aid

The point of the limited availability of much of Guyana's population to legal advice and representation has been made. As a first step to address this issue, a plan will be developed in conjunction with stakeholders for a sustainable, national legal aid scheme for Guyana in the light of regional and international best practice. Realistic funding options for this will need to be considered, as well as realistic and affordable methods of providing such a service, for example through the use of a more institutionalised system of pro bono than operates at present and through the use of paralegals. A key aspect of the legal aid scheme will be to ensure that legal advice and assistance is provided to defendants in criminal trials as early as possible from the point of arrest.

Activity area 3.2 - ADR

The key activity in this area will be to replace the outdated 1931 Arbitration Act with a new Alternative Dispute Resolution Act to entrench all forms of ADR (including mediation) within Guyana's legal system. This will include provision for the registration of ADR settlements with the court to streamline enforcement.

Activity area 3.3 - Paralegals and mediation

Within the context of developing a legal aid scheme under activity area 3.1 above, provision will be made for a paralegal scheme aimed at remand prisoners in prison and suspects held at police stations. Paralegals will be trained to provide assistance with bail awareness, and legal rights in general. In addition, they will monitor remandees who have exceeded time limits in prison.

Activity area 3.4 – Funding civil litigation

Reforms will be undertaken to introduce affordable methods of funding civil litigation in the light of international best practice.

Activity area 3.5 - Customer service

Measures will be undertaken improve the “customer service” provided by “front line” justice sector institutions such as police stations and courts. The starting point will be customer service reviews which will consider issues such as how to enhance the service provided to customers with special needs; and enhancing the “customer service” ethos of justice sector institutions.

Activity area 3.6 – Civil education

In conjunction with civil society organisations, activities will be undertaken to enhance legal awareness. Consideration will be given to innovative methods of undertaking such education, for example through radio or television soap operas.

Output 4 activities for enhanced citizens' trust in a justice system which respects their rights, upholds their responsibilities, and meets their needs

Activity area 4.1- Law reporting

Transparency and public access to court decisions will be enhanced through the re-introduction of the Guyana law reports.

Activity area 4.2 - Accountability institutional framework

Independent complaints and oversight bodies with powers of investigation in to justice sector institutions will be strengthened, and where necessary set up. This will include -

Strengthening the Guyana Police Complaints Authority, so that it has its own team of investigators, properly equipped office and is empowered to investigate any case it considers is in the public interest.

Strengthening the Judicial Service Commission (JSC) by way of a Judicial Services Commission Act giving the roles and responsibilities of the JSC statutory authority and providing the JSC with a permanent secretariat.

Strengthening the regulation of attorneys by undertaking a fundamental review of the Legal Practitioners' Act and implementing reforms. The focus will not only be on the regulation of attorneys, but will also consider reform of funding of civil litigation

Operationalising the Human Rights Commission provided for under the Constitution.

Activity area 4.3 – Ethics

The relevant regulatory authorities will seek to enhance the ethics of the institutions in the sector through the development and adoption of appropriate codes of conduct, with clear sanctions for their breach. Regional standards will be adopted where appropriate.

Activity area 4.4 – Communications

A communications strategy for the Justice Sector Reform Strategy will be developed and launched. The focus will be on providing members of the public with clear measures of performance of justice sector institutions and of the reform process through measures of progress against clearly defined performance targets.

Project implementation and risk mitigation activities

Mitigation of the risks that threaten the livelihood of the Justice Sector Reform Strategy will be vital for its successful implementation. The Strategy's ability to manage those risks will be identified in addition to activities that will be undertaken to mitigate them.

Structures for implementing the Strategy

A. Introduction

The Justice Sector Reform Strategy sets out an ambitious and far-reaching programme of reforms. However, the Strategy will count for little if these reforms remain just ideas on paper. What counts is what can be implemented.

Designing and putting in place the right implementation structure will be essential to the Strategy's success. This narrative describes how this will be done.

What the implementation structure must provide

The Strategy is an holistic approach to reforming and strengthening the justice sector, which involves a cross-section of institutions. Its implementation structure should enable these institutions to work together effectively towards common objectives, without compromising their operational, legal or constitutional independence.

The implementation structure must provide –

essential change management capacity to drive through reforms with trained change management teams following a common methodology;

high level policy coordination so that justice sector reform policy is discussed, agreed and communicated to all stakeholders;

effective engagement of key stakeholders in the reform process including Government, the Judiciary and civil society;

effective prioritisation of reforms across the sector, so that scarce resources are used efficiently;

coordination and technical support to ensure that reform efforts are “joined-up”, are undertaken in the right sequence, and that resources are made available where and when required;

transparent, clear and accountable mechanisms for oversight, direction and implementation of the strategy; and

utilisation of existing governance structures as far as possible to avoid proliferation of *ad-hoc* task forces and working groups.

C. The structure

The structure for implementing the JSRS is set out below. The key features of the structure are described below.

JSRS Steering Committee – providing overall leadership

The JSRS Steering Committee will provide high level policy guidance and coordination for implementation of the reform strategy. The Steering Committee brings together a small group of key policy makers from Government and the Judiciary, and provides continuity with the group that led the development of the strategy. The Steering Committee will provide an important high level forum for the various sector agencies to coordinate the overall reform, iron any problems, ensure that the overall Strategy is being followed, and all organisations are delivering what they need to do on time and within budget. It will meet quarterly to review progress and take any necessary policy decisions to guide implementation.

Change Management Teams – bringing together change agents

The capability to manage change is absolutely essential to any successful reform programme. Change management is a different skill – and requires a different approach – to regular operational management. Generally, the institutions of the Guyana justice sector are managed by highly committed individuals. But their main focus is operational management within a severely resource-constrained environment. The demands of operational management are, becoming overwhelming. In these circumstances, simply adding additional responsibility to bring about major change would be counter-productive.

The Justice Sector Reform Strategy addresses this challenge by building change management capacity into the implementation structure for the strategy. Change management teams will be established in each justice sector

institution or group of institutions. Led by the senior institutional decision maker, the teams will bring together key change agents such as heads of departments and agencies, with a mandate to change their institutions in line with the agreed strategic objectives. Subject to the overall strategic framework, the change management teams will be allowed considerable independence to decide upon reform priorities, the allocation of resources, and the approach to tackling reforms. The teams will be supported by professional long-term change management advisers, who will guide and support the change management process in accordance with international best practice. (This will include strategy development, top team development, project management, performance and process management.) A common methodology for change management, designed specifically within the Guyana context, will apply across all teams in the justice sector, coordinated by the JSRS Technical Secretariat.

JSRS Technical Secretariat – providing coordination

The Technical Secretariat will provide coordination and technical support to all justice sector institutions and change management teams. Specifically, the Technical Secretariat will –

- ensure that complex reforms in different institutions are effectively linked, sequenced, managed, resourced and led, and in particular that issues of “joined-up justice” under Output 2 of the Strategy are properly addressed;

- source additional technical assistance or other support as necessary to enable institutions to implement Justice Sector Reform Strategy reforms;

- ensure timely and appropriate monitoring and evaluation (M&E) of strategic performance, and ensure that this performance is communicated to stakeholders;

- provide a secretarial function for the JSRS Steering Committee, ensuring that the Committee has all necessary information available to support its decisions;

- coordinate donor agencies supporting the justice sector, including establishment of a justice sector donor group; and

- support the establishment of the Justice Sector Reference Group, and organise annual joint reviews of Justice Sector Reform Strategy progress.

6.10 The Technical Secretariat will be staffed by a small number of justice sector technical specialists, including a change management expert who will provide support to the change management teams described above. It will be located in the Ministry of Legal Affairs, as the agency with overall policy responsibility for the administration of justice in Guyana.

The National Commission on Law & Order – engagement with other stakeholders

The Justice Sector Reform Strategy is primarily concerned with the reform and modernisation of the Judiciary and other Government actors in the justice sector. But Government recognizes that reform will involve partnership with other justice sector actors. Many groups – from Government, the Judiciary, civil society, the private sector and donor agencies – have a stake in the success of the Justice Sector Reform Strategy. Effective engagement of these groups will help build support for the strategy, increase transparency and address perceptions of bias or inappropriate motives in the implementation of reforms.

The Government of Guyana's recently constituted National Commission on Law & Order is ideally placed to support the engagement between justice sector institutions and these other stakeholders (see terms of reference in box 6.1 below) . The membership of the National Commission is drawn from state and non-state actors and provides a representative forum of justice sector stakeholders. The National Commission will be mandated to undertake a formal annual review of the Strategy. The annual review will include donor agencies, as well as a wide grouping of civil society organisations involved in the sector. The annual review will be a formal opportunity for all stakeholders to monitor progress in the implementation of the Strategy; consider emerging issues in the sector; raise issues of concern, and make practical suggestions to enhance the impact of reforms.

National Commission on Law & Order – terms of reference

To take into consideration the various reports and consultations on crime which emerged over the last few years, and to examine their status and relevance to present crime trends and patterns, such as the National Consultations on Crime Report and the Disciplined Forces Commission Report.

To examine the status of the National Drug Strategy Master Plan 2005-2009 periodically, and to make recommendations where necessary.

Review and identify problems and weaknesses in the legislative, organisational and administration of law and order, and propose creative and sustainable innovations to remedy the situation.

Utilise creative interventions where necessary and within reasonable means, to enable the consultative, educational and participatory aspects of the Commission's work.

Evolve greater awareness of the multi-dimensional approaches required to fight crime, and create safe communities and to encourage their greater involvement.

Make annual reports to the Government, which can be tabled in Parliament, evaluating the performance of the body as well as evaluate the status of implementation of recommendations and their impact on law and order.

Implementation partners

For successful implementation of the Justice Sector Reform Strategy, the Government of Guyana's partnership with civil society will need to go beyond the National Commission on Law & Order. The wider contribution that civil society organisations can play in the implementation of the Strategy is outlined below.

How civil society can engage with the Justice Sector Reform Strategy

The role that civil society organisations can play in collaborating with Government on policy issues has been highlighted in the National Development Strategy, Poverty Reduction Strategy and domestic violence task force processes. The contribution that civil society organisations bring to the justice sector can be split into three broad roles –

As providers of services to users of the justice system: eg legal aid provision (see box 2.10 above for examples); as trainers eg Help & Shelter has been training new police recruits on domestic violence issues;

As representatives of particular groups of citizens, most often those who do not appear to have a “voice” in influencing decisions: eg Amerindian communities may need an interpreter in order to understand the legal process; people with visual difficulties may need bigger signs; those with physical disabilities may need an escort in accessing public buildings; and

As promoters of change, as lobbyists and advocates for improvement in the delivery of justice.

In implementing the Strategy the Government of Guyana will seek to form partnerships not only with relevant local organisations, but also with organisations internationally who may be able to provide expertise. One such example is the Guyana Law Association (UK), comprising UK based members of the Guyanese legal diaspora. The Association has already been involved in sending law books and computer equipment to Guyana. In August 2005 the Association working with the Chief Justice conducted UNDP sponsored workshops for magistrates and police prosecutors in Guyana.

Monitoring and evaluation arrangements

A. Introduction

This Chapter sets out the arrangements for monitoring and evaluation (M&E) of the Justice Sector Reform Strategy.

Effective monitoring and evaluation is vital to the success of the Strategy

The objectives of monitoring and evaluation of the Strategy are to -

measure progress towards the goal, purpose and outputs of the Strategy;

link with the on-going monitoring of the PRSP (through the Poverty Reduction Strategy coordination, Monitoring and Evaluation Unit in the Office of the President);

evaluate progress against specific time bound targets;

provide timely, accurate and useful information to stakeholders on the status of implementation;

provide a basis for making informed decisions on the future direction of the Strategy, and in the development of justice sector policy;

provide a consistent framework within which progress on all key Justice Sector Reform Strategy initiatives can be assessed, compared and coordinated;

provide an entry point for civil society involvement in monitoring and therefore in prioritisation and resource allocation;

assess the impact of specific Strategy interventions, and provide data for the design of new interventions; and

monitor key indicators in other programmes which are not primarily focused on the justice administration but which are critical to the success of the Justice Sector Reform Strategy (e.g. pay reform under the public sector modernisation programme).

All the institutional structures for the Strategy are involved in monitoring and evaluation

Monitoring and evaluation is integral to the institutional structure for implementation of the Strategy. The key M&E institutions are -

The JSRS Steering Committee – providing M&E at the strategic level

The JSRS Steering Committee will provide strategic and policy level monitoring of the Strategy, bringing together Government and the Judiciary at the highest level to assess progress against key JSRS indicators every quarter. The Steering Committee will work to enhance the openness and transparency of its proceedings, to foster greater public accountability for progress towards JSRS objectives.

The Technical Secretariat and Change Management Teams – responsible for M&E on a day to day basis

The Technical Secretariat will be responsible for working with the change management teams to coordinate all M&E processes for the Strategy, including -

developing of monitoring indicators and identification of suitable monitoring instruments (based on those set out in the strategic framework at Annex A);

commissioning baseline and follow up studies;

commissioning impact assessments of specific interventions;

ensuring engagement by key stakeholders – including all justice sector institutions and their users – in the Strategy M&E process;

preparing and disseminating M&E reports; and

providing M&E inputs for all justice sector aspects of the PRSP.

National Commission on Law & Order – providing oversight and accountability

The membership of the National Commission on Law & Order is widely drawn from state and non-state actors to provide a representative forum of justice sector stakeholders. The Commission will undertake regular monitoring of progress on the implementation of the Justice Sector Reform Strategy. In addition the Commission will convene on an annual basis a joint review of the Strategy with donor agencies. The aim of the review will be to receive M&E reports on implementation progress and emerging issues in the sector. Consideration will be given to including a wider range of stakeholders at the annual review than is possible at regular Commission meetings, to ensure that all stakeholders (including as wide a range of civil society stakeholders as possible) have the opportunity to raise issues of concern, and make practical suggestions to enhance the impact of reforms.

D. Performance indicators will allow progress to be measured

The key to successful monitoring is to have a clear understanding of the intended goals and objectives of the programme. These are the verifiable basis for evaluating success; for assessing the reasons for any over or under achievement; and for developing changes to objectives or to implementation priorities.

The Justice Sector Reform Strategy strategic framework, as well as explicitly setting out the Strategy's goal, purpose and outputs, also sets out the performance indicators which will be used to assess progress towards the goal, purpose and outputs, and the monitoring instruments which will be used to gather performance data.

The performance indicators elaborate the Strategy objectives in terms of quantity, quality, time and place. They focus on important characteristics, defining performance standards, specifying evidence of achievement and providing the basis for monitoring and evaluation.

The selection of indicators needs to be flexible, to reflect the fact that priorities are likely to change over time, and it will be necessary to build on successful interventions and modify less successful ones. The development and validation of monitoring instruments will be a key task of the Technical Secretariat, working with the change management teams.

Monitoring instruments for gathering performance data

Proposed monitoring instruments in relation to each performance indicator are set out in the logical framework. Identification of monitoring instruments is important, because to be useable, indicators must be based on obtainable data. Means of verification must exist that are available, reliable, practical and affordable.

The aim has been to rely on more than one data source for each indicator. Relying on just one type of information – for example, national statistics - may give a distorted picture. Where possible, a variety of sources, such as user surveys and third party reports have been included. Third party reports have the advantage of giving additional credibility to the monitoring process.

As far as possible, in order to ensure cost-effective data collection, it is proposed that monitoring instruments that are already in existence should be used for Justice Sector Reform Strategy monitoring. The aim should not be to impose a new monitoring regime, but to link in with on-going processes.

A particular valuable survey instrument is the Caribbean-wide comparative survey of users and providers of justice sector services, last undertaken under the auspices of the Caribbean Group for Cooperation in Economic Development in 2000. This survey covers ten countries including Guyana, and provides detailed quantitative and qualitative feedback on the perceptions of users and providers regarding the efficiency, effectiveness and accessibility of services from a wide range of justice sector institutions. The 2000 survey provides a comprehensive, albeit slightly out-of-date, baseline for the Justice Sector Reform Strategy. Future surveys utilising the same methodology, but focused specifically on Guyana, will enable progress against this baseline to be determined.

Financing the Strategy

A. Introduction

The Strategy will have significant implications for the Government of Guyana budget, both in terms of resources required to implement the strategy, and the budgeting processes within the justice sector. This chapter considers these implications, and describes how they will be addressed during implementation of the strategy.

The aim is for improved resource allocation to and across the sector

Guyana is making strides towards improving its resource allocation process through the development of a medium term expenditure framework (MTEF). The process is still weak, and the Ministry of Finance is working to strengthen it, and to use the MTEF as a tool to align PRSP priorities with resource allocations.

The current resource allocation system for the justice sector in Guyana is far from satisfactory. There are conflicting budgetary priorities and inadequate government income. The justice sector has to compete with other priorities that Government has to fund. Approved budgets are lower than estimated expenditure for the year (for example the Police estimate that they receive 60% of their required funding). But the case made out for increased funding across the justice sector tends to be weak, with little justification provided for additional funds in terms of achievement of agreed objectives. In order to break this vicious circle the Justice Sector Reform Strategy is intended to strengthen planning mechanisms institutionally and as a sector and facilitate the process of linking budget planning to agreed strategic aims.

Resources in the sector must be used efficiently

Resources available for public services in Guyana are severely constrained. Sound macroeconomic management and economic growth, combined with strengthened public financial management should increase the public resource base over the medium term. But justice sector reform needs to start immediately. It is therefore essential to utilise available resources as efficiently as possible, and to make a clear and compelling case for sector priorities given the many competing demands for public expenditure.

Efficient prioritisation of resources will be achieved by –

focusing on cost-free activities where policy, administrative or procedural decisions and actions can advance reforms without the need for additional expenditure;

achieving cost savings by eliminating inefficiency and unnecessary processes identified through business process mapping;

working towards integrated, sector-wide, output-oriented budgeting, so that all resources for the sector (Government and donor; grant and loan; operational and development) are rationally allocated across sector institutions according to agreed strategic priorities.

The main sources of funds are Government and donors

The main sources of funding for the Justice Sector Reform Strategy are the Government of Guyana and donor partners; though other groups may make important contributions in specific areas (for example, local NGOs providing training for police staff).

GoG finances the operational costs (wages and other charges) of the sector, plus some capital costs, by allocating public resources through the annual budget process. Public resources allocated in this way include significant revenue from fines imposed by Courts. Public resources are augmented by general budget support provided by donors either as concessionary loans or grants.

In addition to general budget support, donors may provide support directly to the justice sector, usually of an investment nature. These funds may be provided under loan or grant arrangements, and are generally reflected in the GoG development budget as a memorandum item. current and planned donor support to the justice sector is outlined below.

The Strategy enables alignment of all justice sector funding under a single coordinated framework

The Justice Sector Reform Programme is designed as framework to enable all significant funding for the sector (both from Government and donors) to be aligned to support a single sector policy and coordinated expenditure framework, under Government leadership. The intention of Guyana’s public financial management reforms is to develop the MTEF so that it provides an integrated resource allocation mechanism for all sectors. When this framework is operational it should be possible to allocate a single “resource envelope” incorporating all available funds to, and across, the justice sector according to identified service delivery priorities. This will enable trade-offs between alternative uses of funds – for example, pay reform versus capital investment – to be made more systematically and transparently.

In the meantime, it is necessary to set up practical financing mechanisms for the Justice Sector Reform Strategy. Given overall resource constraints, it is unlikely that substantial additional resources will be available from Government for the sector in the near future. Hence the initial focus will be in three areas -

reforms which are essentially cost-free;

reforms which can be self financing through efficiency savings or revenue enhancement (e.g. Court user fee reform); and

reforms which can be financed through donor support to the justice sector

Justice Sector Reform Strategy Strategic framework

Planning period: 5 years: 2006- 2010

Budget: US\$ 10.5 million

Narrative Summary	Objectively Verifiable Indicators	Me
Goal: Safety, security and access to justice for all		

Narrative Summary	Objectively Verifiable Indicators	Meas
<p>Purpose: To deliver a justice system that is more trusted, accessible and accountable and works together to deliver all necessary services efficiently and effectively</p>	<p>Scores and rank for effectiveness of justice system/rule of law in periodic international surveys</p> <p>Score and rank in Transparency International surveys relating to justice sector corruption</p> <p>World Bank Cost of Doing Business indicators</p> <p><u>Crime statistics</u></p> <p><u>Public perceptions of safety, security & access to justice</u></p> <p><u>Proportion of poorest 10% of households with positive attitude to justice system</u></p>	<p>Eg World bank C Economist Intellig Forum</p> <p>Transparency Inte reports</p> <p>World Bank Cost</p> <p>National statistics</p> <p>User perception b</p> <p>User perception b</p>
<p>Outputs/results:</p> <p>1. Enhanced capacity of justice sector institutions to deliver services efficiently and effectively</p>	<p>-road safety statistics</p> <p>- <u>numbers of Police fatal shootings</u></p> <p>-<u>number of serious crimes reported (% violent crimes; crimes against women etc)</u></p> <p>- <u>no. of cases prosecuted as a proportion of cases reported</u></p> <p>- <u>case clear-up rate</u></p> <p>- <u>proportion of successful Police and DPP prosecutions</u></p> <p>- <u>proportion of prisoners on remand</u></p> <p>- <u>proportion of High Court and Magistrates Court cases (including preliminary inquires) > 1year old, > 3years old</u></p> <p>- <u>backlog of Court of Appeal cases</u></p> <p>- <u>average numbers of adjournments for more than one day of Magistrates and High court cases</u></p> <p>- <u>proportion of High Court and Magistrates Court cases referred to ADR</u></p> <p>- <u>time taken for cost assessments in civil cases</u></p> <p>- <u>proportion of defendants bailed</u></p> <p>- <u>level of use of probation orders and community service orders</u></p> <p>- <u>level of prison overcrowding</u></p> <p>- <u>prisoners' death / illness rates</u></p> <p>- <u>recidivism levels</u></p> <p>- <u>number of judicial review cases per annum</u></p> <p>- <u>level of client satisfaction with performance of AG's chambers in respect of legal advice and representation provided</u></p>	<p>Institution's statisti Surveys</p>

Narrative Summary	Objectively Verifiable Indicators	Measures
2. Strengthened linkages between justice sector institutions	<ul style="list-style-type: none"> - <u>efficiency savings achieved in justice sector</u> - <u>extent of application of efficiency savings within sector</u> - <u>time and cost of key justice sector processes eg arrest through to sentencing or acquittal for specific categories of crime; average time taken to process court cases</u> - <u>numbers and quality of meetings between justice sector institutions</u> - <u>proportion of magistrates, judges, probation officers and police with ability to resolve cases involving juveniles with respect for human rights and international standards</u> - <u>proportion of juvenile offenders in appropriate care</u> 	<p>Annual Reports of Ministry of Finance</p> <p>End to end process</p> <p>Minutes of JSRS Savings Team, local and court user co</p> <p>UNICEF statistics</p> <p>Prison, Probation</p>
3. Improved access to justice especially for the poor and vulnerable	<p>Survey of perceptions of barriers to justice among different categories of citizen, including poor and vulnerable groups</p> <p>Quality, coverage and uptake of legal aid services</p> <p><u>Quality, coverage and uptake of ADR</u></p>	<p>User perception b</p> <p>Legal aid project line and follow up Annual report – S Centre; user perc studies</p>
4. Enhanced citizens' trust in a justice system which respects their rights, upholds their responsibilities, and meets their needs	<p>Level of citizen's trust in and satisfaction with different components of system (courts, police, lawyers etc)</p> <p><u>Improved human rights outcomes</u></p>	<p>User perception b</p> <p>Transparency Inte reports</p>

Government of Guyana Justice Sector Reform Strategy Action Plan 2006-2010

Summary costing

	Indicative costing, US\$000s		
	Phase 1 Years 1 & 2	Phases 2 & 3 Years 3, 4 & 5	T
Output 1: Enhanced capacity of justice sector institutions to deliver services efficiently and effectively	3,505	2,690	
Output 2: Strengthened linkages between justice sector institutions	1,445	1,220	
Output 3: Improved access to justice especially for the poor and vulnerable	565	650	
Output 4: Enhanced citizens' trust in a justice system which respects their rights, upholds their responsibilities and meets their needs	290	140	
Total all output areas	5,805	4,700	

Costing notes

1. Costs are stated in thousands of US\$
2. The costing includes only incremental capital and operating costs of implementing the Justice Sector Strategy which it is envisaged will be financed through the IDB Justice Sector Modernisation Loan . The costing does not include routine recurrent Government of Guyana expenditures (such as salaries for serving civil servants), nor expenditure in the sector by way of the Government of Guyana's Public Sector Investment Programme, which for 2005 is shown in the budget estimates as standing at approximately US\$340,000.
3. The costing is based on the estimated cost of implementing Strategy activities which are not already provided for under other programmes. Where other sources of financing exist, these are indicated in the Action Plan.
4. Costs for the phase 1 (the first two years) of the Strategy are analysed into major cost categories on an indicative basis. Indicative costs are computed using the following estimated unit costs:
 - Development of computerised systems: \$5,000 per user
 - Training: \$50 per participant-day
 - Technical assistance/consultancy (short term): \$1,500 per person-day (average rate for local & international consultants, inclusive of expenses)
 - Technical assistance (long term advisers): \$150,000 per person-year
5. Where an activity has been identified for action, but no funding source has been identified, this is indicated by an "x" in the Action Plan. Some such activities may be funded through the Government's Public Sector Investment Programme.

