

## **STRATEGIC FRAMEWORK FOR THE TURKS AND CAICOS ISLANDS JUDICIARY 2020-2025**

### **Preface**

The Judiciary of the Turks and Caicos Islands aspires to be the citadel of the rule of law.

In this regard, it seeks to build its foundations on independence, accountability through transparency, efficiency, accessibility and effectiveness.

The objective is to provide access to quality justice for all persons in the Islands: young or old, rich or poor, educated or uneducated, able-bodied or physically and mentally challenged, and to do this efficiently.

As a governance institution, we aspire to administer justice which is an indispensable component of good governance.

In this regard, we aim to be effective in providing justice to all, and to be relevant to the needs of the residents of the islands.

To do this we have identified common issues of inefficiencies, delays, poor work output and poor public relations, that plague many judiciaries and resolve to reduce or eliminate them in our quest to enhance the quality of our service.

### **Vision**

- A Turks and Caicos where Justice is Available, Accessible and Attainable.

### **Mission**

- Providing Access to Quality Justice with quality judgments, efficient and effective dispute resolution and excellent court services.

### **Core Values**

- Excellence
- Accountability
- Service
- Independence, Integrity and Impartiality
- Fairness

## **STRATEGIC OBJECTIVES:**

**GOAL:** To build a functional, efficient, and effective system of justice delivery.

## **OUTCOMES:**

1. A more independent and accountable judiciary
2. Enhanced Access to Justice for all persons
3. A smart, paperless Court
4. A stronger Judicial Administration

To achieve these outcomes, we set for ourselves these 5 Strategic Objectives

## **OBJECTIVES:**

1. To achieve real, meaningful and sustainable judicial independence;
2. To achieve infrastructural reform;
3. To enhance access to justice;
4. To enhance the quality of justice delivery through digital transformation.
5. To strengthen court administration, and efficiency.

### **OBJECTIVE 1. ACHIEVING JUDICIAL INDEPENDENCE**

To achieve judicial independence there must be:

1. Financial support guaranteed by the Constitution, as well as a degree of administrative independence

Financial support includes the payment of adequate remuneration. Administrative independence will permit decisions tailored solely for achieving judicial ends. Decisions include the acquisition of fit for purpose physical and electronic infrastructure, and other provisions that will serve the unique needs of the administration of justice

2. Security of tenure.

A judge with security of tenure will be less prone to corruption and will certainly be more likely to be seen as incorruptible, than the contract judge whose tenure may depend on decisions favourable to the appointing body. Contract appointments governed by s. 77(5) of the Constitution must be

gradually phased out, replaced with term judicial appointments in accordance with s. 85 of the Constitution.

3. Training and adequate education in the law.

Training must include substantive and procedural law, as well as in judicial ethics. Judicial Officers who lack a continuing sharpening of skills stagnate in their knowledge and are often ignorant of best practises in justice delivery. To be accountable to the people, Judges must be equipped with tools for proper and effective adjudication and justice delivery.

4. Access to legal resources.

**OUTPUTS:**

PROVIDE:

1. CONTINUING JUDICIAL EDUCATION

To ensure institutional accountability, the Judiciary must establish a Judicial Education Institute with a governing Committee which will develop a training curriculum for induction as well as continuing judicial education, as well as an annual training calendar for both Judicial Officers and support staff of the Judiciary. The Training Calendar must provide for lectures, seminars, workshops, conferences in substantive and procedural law, comporment, and improvement in justice delivery as well as service delivery by support staff.

Other initiatives that improve the quality of judicial work is the provision of legal resources in the form of law reports and law reporting opportunities, libraries, physical and electronic access to global legal resources.

2. ACCESS TO LEGAL RESOURCES

Access to legal resources such as reported cases, to ensure adherence to stare decisis, law reports from other jurisdictions and court libraries develop the law and improve jurisprudence. It is important for Judges and Magistrates to be provided with law books, law reports, and other legal material. Electronic legal research has equipped many a judge for effective adjudication, as a well-trained Judge or Magistrate will be more effective in providing justice.

**OBJECTIVE 2. ACHIEVING INFRASTRUCTURAL SUFFICIENCY**

The Judiciary of the Turks and Caicos lacks adequate infrastructure, especially in Providenciales where most of the courts are situated. The Supreme Court, the Court of Appeal (which sits in session), operate for the most part from rented premises in Providenciales which are not fit for purpose. Without adequate infrastructure, the court is also limited in the provision of its core service as well as necessary ancillary services.

Moreover, the court's infrastructure, such as there is, is limited to two islands: Providenciales and Grand Turk. Although Magistrates travel to North and South Caicos to sit over cases, the court has no buildings of its own. The Magistrates therefore depend on the local administration and the police to carry out their duties. The perception of lack of independence in this circumstance where the Magistrate is seen to be dependent on the police which investigate cases prosecuted before them, waters down the effectiveness of the work of the court as judicial independence is compromised.

There is the need therefore for:

### **OUTPUTS**

#### **1. A FIT FOR PURPOSE COURT BUILDING**

This will provide room for adjudication and other forms of justice delivery, and important ancillary services, such as providing for juvenile justice, have regard to vulnerable witnesses, house a well-stocked law library, and provide room for continuing judicial education;

#### **2. MAGISTRATE'S COURTS IN OTHER ISLANDS**

The need for Magistrate's courts in North and South Caicos has long been recognised. That is the reason for the itinerant once a month sittings of Magistrates in the said islands. The Magistrates sit in borrowed rooms and move around in transportation arranged by the police who arrest persons prosecuted before them, compromising judicial independence. Access to justice is also impacted where in a circumstance such as the Covid-19 pandemic, remote and hybrid hearings are not possible without dedicated buildings equipped for use as courts.

#### **3. A PLACE TO CONDUCT MEDIATIONS**

With the expansion of the court's services to include Mediation in civil cases and Mediation in criminal cases (restorative justice), there is the need for space appropriately furnished to expand access to justice.

### **OBJECTIVE 3. INCREASING ACCESS TO JUSTICE**

Every Judiciary must aspire to provide justice to all persons within its area of operation. This means providing speedy resolution to disputes, and speedy conduct of trials, providing legal aid for indigent persons, providing for alternative dispute resolution, providing access to juvenile justice in accordance with the highest global standards, providing safety for persons under any form of disability, and doing so in a manner that accords with the constitutionally guaranteed right to equality under the law.

To increase access, the Judiciary must:

#### **OUTPUTS**

1. SET UP MECHANISMS FOR ALTERNATIVE DISPUTE RESOLUTION
2. SET UP COURTS IN OTHER ISLANDS
3. PROVIDE FOR JUVENILE JUSTICE
4. PROVIDE RULES OF COURT THAT ENSURE PROPER CASE MANAGEMENT FOR EFFECTIVE ADJUDICATION
5. PROVIDE SENTENCING GUIDELINES, PRACTICE DIRECTIONS OTHER MECHANISMS FOR ENSURING THE PROPER ADMINISTRATION OF JUSTICE
6. PROVIDE FOR LEGAL AID FOR BOTH CRIMINAL AND CIVIL AND CASES.

### **OBJECTIVE 4. ACHIEVING DIGITAL TRANSFORMATION OF THE COURT'S SERVICES**

Digitization is the way forward. A court with a properly managed Registry as well as electronic methods of conducting court, making and transcribing proceedings, keeping records and providing electronic access to the filing of documents, the payment of fees and fines, and generally making the transacting of business less onerous and less expensive is the future in effective justice delivery.

#### **OUTPUTS**

DIGITIZATION OF THE COURT'S OPERATIONS HOLISTICALLY TO PROVIDE FOR:

1. ELECTRONIC CASE MANAGEMENT
2. ELECTRONIC ACCESS TO COURT USERS (E-FILING)

## **OBJECTIVE 5. STRENGTHENING COURT ADMINISTRATION, AND EFFICIENCY**

Efficient court administration makes for effective justice delivery. A poorly motivated support staff contributes to the inefficiencies that are manifest in poor record management, ineffectual case management, and substandard maintenance of case statistics. These impact on justice delivery, rendering it ineffective. Inefficiencies also produce delays and undermine public confidence.

### **OUTPUTS**

PROVIDE:

1. CONTINUING EDUCATION AND TRAINING FOR SUPPORT STAFF
2. PRACTICE DIRECTIONS AND RULES FOR EFFECTIVE ADMINISTRATION
3. PROPER DELINEATION AND ASSIGNMENT OF DUTIES.

Made on 17<sup>th</sup> February 2022

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