



The Importance of Judicial Education Training in Building Trust and Confidence in the Judiciary

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Judge of the Caribbean Court of Justice

**A Public Education and Engagement Campaign (PEEC) Training
Initiative by the JURIST Project**

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The Judicial Reform and Institutional Strengthening (JURIST) Project is a multi-year (2014-2023) regional Caribbean judicial reform initiative funded under an arrangement with the Government of Canada. The Project is being implemented on behalf of Global Affairs Canada (GAC) and the Conference of Heads of Judiciary of CARICOM (the Conference), by the Caribbean Court of Justice (CCJ), which was appointed by the Conference as its Regional Executing Agency (REA). The JURIST Project commenced activities on April 1, 2014 after the signing of a Contribution Arrangement between the CCJ and GAC.

REMARKS

By

The Honourable Mr Justice Peter Jamadar, Judge of the Caribbean Court of Justice,

on the occasion of

The Public Education and Engagement Campaign (PEEC) Training Initiative

21 December 2021

The importance of judicial education training in building trust and confidence in the Judiciary, with reference to JURIST's Designing and Implementing Public Education and Engagement Campaign (PEEC) Training initiative.

Introduction

Traditionally Judiciaries think, speak about, and emphasise judicial independence. Judicial independence is a core constitutional value and is fundamental to the rule of law in democratic societies. The idea that courts are 'the guardians of the constitution' permeates the discourse in this area, and points to the constitutional status, powers, and roles of courts in Caribbean constitutional States.

What is less well known, discussed, and explored, is that the other side of the judicial independence coin, is judicial responsibility. Independence demands responsibility and its correlations, accountability, and transparency. These are therefore, also, ethical imperatives that govern judicial behaviour, individual and institutional.

Also less well appreciated in the makeup of the constitutional State, is that Judiciaries have no or very little power or control over historically authoritative resources and sources of power, such as power and control over the State's treasury or armed and police forces. The Judiciary's powers of coercion, soft and hard, are similarly limited and constrained.

What then are its sources of power and authority? The Judiciaries real power and authority actually lie in public trust and confidence.

This is worth reflecting on, as it feeds directly into what I have been invited to address today: **The importance of judicial education training in building trust and confidence in the Judiciary.**

The imperative for judicial education arises out of the constitutional requirement and the ethical demands for judicial responsibility, and because it is directly related to the cultivation and sustainability of public trust and confidence in the administration of justice. Judicial education is therefore not a luxury. It is a necessity for a rule of law compliant Judiciary.

Public trust in turn supports and sustains societies based in law and strengthens law abiding cultures; all enabling a greater likelihood of more peaceful and orderly communities. Judicial education thus has far-reaching and radiating impacts directly linked to societal trust.

Judicial Education

With these overarching perspectives in mind, let us now turn to judicial education itself and consider its importance as an instrument for building public trust and confidence in the Judiciary. This, when realised and sustained over time, creates societal cultures of peace.

There are two faces of judicial education. An inward-looking face and an outward-looking face.

The inward-looking face

The inward-looking face is concerned with building judicial skills and competencies within the Judiciary and among judicial officers and institutional staff and support. Traditionally judicial education focuses on six core areas: substantive law, legal skills, judicial ethics, judicial skills, social context and awareness, and personal welfare.

Another framework divides the content areas of judicial education into the following four categories: (i) independence, impartiality, and integrity; (ii) competency; (iii) efficiency; and (iv) effectiveness. In this latter model institutional training and educational initiatives are

accommodated. As well, the category of effectiveness includes attracting the trust and confidence of communities. Which segues neatly into the outward-looking face of judicial education.

The outward-looking face

The outward-looking face arises out of judicial responsibility as an arm of government, in the context of the constitutional framework of the separation of powers. This involves the exercise of a certain degree of governance about matters that impact the sectors over which Judiciaries have jurisdiction. It is concerned with engaging external stakeholders and publics, which engagement includes judicial outreach.

It is into this category that public outreach judicial education programmes and initiatives fall. Programmes which the JURIST project, **Designing and Implementing Public Education and Engagement Campaign (PEEC) Training**, are aimed to enable, encourage, and support. This PEEC training initiative is particularly commendable and important because its specific objective is to build and strengthen public support for and confidence in the Judiciary.

An Experiment in Community Outreach

Why do I say it is commendable and important? Let me share an experience with you.

When I was at the Judiciary of TT (JRJT) and the chairperson of the Judicial Education Institute of TT (JEITT), we launched a public outreach programme in 2018-19. It involved taking judicial officers into communities to chat about areas of law and procedure that the communities were interested in. It had never been done before and there was a fair amount of institutional hesitancy because we were targeting so called community 'hot spots' for our interventions. But I was determined, and we executed the initiative based on a Town Hall model.

Organization was done in collaboration with local community groups. Judicial officers, dressed informally, and seated at the same level as participants, and in close contact with them, spoke about areas that they wanted to address. There was ample provision made for questions and dialogue. We also provided some water and modest snacks.

The responses were amazing. The locations were filled. Participants engaged in respectful and forthright conversations. Judicial officers responded honestly and frankly. There was an atmosphere, a felt-sense, of professional intimacy and integrity. And I would say that in the end, just through the dialogical process used, increased levels of trust and confidence were generated.

Why do I say this?

Because, in part, of the immediate feedback we received while there. Many participants expressed disbelief and delight, that judicial officers would ‘condescend’ to speak to them, and their deep appreciation that judicial officers choose to do so.

Indeed, when the formal proceedings were over, what was so refreshing and confirmatory, was to see and experience judicial officers and participants, hitherto complete strangers, in these ‘hot spot’ areas, chatting and engaged in animated discussions about the matters raised during the sessions.

Taking Responsibility

It seems to me that it is for Judiciaries themselves to take on the responsibilities of building public trust and confidence in the administration of justice. The other arms of the State simply do not undertake this. Indeed, often, instead, there are tensions among the arms of State!

Yes, public trust is achieved by targeting, aspiring towards, and meeting all of the institutional, professional, and performance standards of excellence set for courts and judicial officers. But public trust is also achieved when Judiciaries pro-actively engage the public in educational and outreach initiatives. This much I am convinced of, grounded in my own tried and tested experiences.

And so, I commend the JURIST Project for the vision to provide specific training for regional Judiciaries in: **Designing and Implementing Public Education and Engagement Campaign (PEEC) Training.**

May this project bear its intended fruit, now and in the long term. Caribbean societies can surely benefit from increased levels of public trust and confidence in our Judiciaries.

The Hon. Mr. Justice Peter Jamadar



**This Paper/Speech was presented by the Hon. Mr. Justice Peter Jamadar, Judge of the Caribbean Court of Justice (CCJ) and Chairman of the Caribbean Association of Judicial Officers (CAJO), on Tuesday 21st December 2021 via Zoom, and in support of the JURIST Public Education and Engagement Campaign (PEEC) Training initiative.*