



**FEATURE ADDRESS BY THE HONOURABLE
THE CHIEF JUSTICE MR. JUSTICE IVOR ARCHIE**

TUESDAY 6TH MARCH 2018

**OPENING OF THE CHILDREN COURT OF THE
FAMILY AND CHILDREN DIVISION OF
THE HIGH COURT**

- Thank You to my Peer Resolution Youth Volunteers who are performing the role of Master of Ceremonies today
- The Honourable Chief Justice of Barbados, Sir Marsten Gibson
- The Honourable Brigid Annisette-George, Speaker of the House of Representatives.
- The Honourable Faris Al-Rawi, Attorney General, other Cabinet Ministers and Ministers of State
- Members of the Diplomatic Corps
- Honourable Justices of Appeals and Honourable Judges and Masters of Supreme Court of Trinidad and Tobago
- Mr John Mc Intyre, Charge d' Affaires of the U.S embassy Trinidad and Tobago
- Parliamentary Secretaries Council Dr Agatha Carrington, Secretary of Health
- Wellness and Family Development THA
- Mr Richard Blewitt UNDP and USAID
- Her Honour Debra Thomas-Felix, President of the Industrial Court
- Permanent Secretaries
- Representatives of the Office Director of Public Prosecutions
- Judges of the Industrial Court Members of the Protective Services

- His Worship Mayor of Port of Spain
- Chairmen of Statutory Bodies and Authorities
- Members of the Legal Fraternity
- Members of the media
- Distinguished ladies and gentlemen all
- Special shout out to the young ladies from St. Jude's!

Good Morning,

It's nine months' shy of four years, since we've embarked on this journey. Today we have reached an important milestone and I am honoured that you have chosen to share this accomplishment with us! Every journey is motivated by a desire to be somewhere other than where we are and is guided by a vision of where we want to be.

Where were we?

Historically, we:

- Punished rather than reformed
- Criminalised those in need of care and social assistance
- Kept our children far longer than could reasonably be justified, waiting for justice
- But we had a vision of a very different place, a place where:
- We dealt with children matters in a manner more consistent with international rules and guidelines for the administration of juvenile justice.
- Where we applied a fair and rights-based approach to
- the treatment of children in conflict with the law.
- Where, in short, we assembled a village to heal and raise our children.

Today's ceremony is the bend in the road, the turning point the history of youth justice in this country. We are calling it a Children Court, but I prefer to think of it as a restoration Centre where we address the criminogenic factors that bring our children into conflict with the law and set them on the path to healthy and productive membership of our national community.

In November 2014, in collaboration with USAID and UNDP, and the NCSC the Judiciary began the process of defining, and designing the necessary systems and Rules to bring about this new reality in line with international conventions and best practices.

We've had our bumps in the road, hurdles to jump and our times of disappointment, but today we celebrate Because we have a new Division of the High Court, -: dedicated to addressing the needs of youth offenders and formalising the implementation of a problem solving court for families in crisis.

In just under four short years, we have accomplished the establishment of the Children Court in two court locations; These courts meet international standards for adjudication in child cases. We have developed a comprehensive package of legislation for child justice under the Family and Children Division Act 2016 and amended sixteen (16) other pieces of legislation;

created the first national Tables of Equivalences for the United Nations Office of Drugs and Crime (UNODC)

International Classification for Crime for Statistical Purposes and developed Multi-Agency and Inter-Agency Protocols for addressing children in conflict with the law. The project has also provided capacity building support for organisations that provide evidenced-based court-annexed rehabilitative programmes to clients of the Court and we have also produced the first ever Judges Rules for Children in the region. Incredible!!

I want to pay tribute to our international and local partners, including our very supportive Executive especially the Honourable Attorney General who has been one of our cheerleaders, but more particularly to the project team led by Master Christie-Anne Morris-Alleyne and comprising, among others: Wendy Lewis-Callender; Carlene Cross; Stephanie Burke Candice Davis Blackman, Oprah Francis, Natalia Nurse, Andrea Johnson, Shari Niles Hypolite and our beloved, though now deceased Donna Boucaud and others. You have given yeoman service not only to the Judiciary of Trinidad and Tobago but to the people of this great nation. There are not enough words to express my gratitude. Your tenacity has brought us to this point today. I salute you all.

Today, the Judiciary and other juvenile justice actors across the system, stand as the village prepared to rescue the child when primary caregivers and other agents of socialisation either lose their way or have not the tools for the task. Our reforms address all points of the system, where children intersect with the criminal justice system, from the point of arrest, to determination if a matter in Court, alternatives to custody, detention (if there must be), programmes, monitoring and assistance, and discharge. Children in need of the care and protection of the State or in need of intervention now have a system that is purpose built for their unique circumstances. Our goal is that children will no longer be lost in a criminal justice system unsuited to their holistic development. The embracing of international standards and principles guaranteeing a more consistent application of a fair and rights-based approach to children who come in conflict with the law now informs not only how judicial officers will treat with our minors, but all other justice sector actors as well.

This wonderful multi-door facility provides court-annexed rehabilitative programmes and a referral mechanism for the delivery of much needed social services to children who come before the Court. Dedicated children court spaces, that meet

international standards for the hearing and disposition of cases and a customised case management system for increased efficiency in the processing of children matters before the court are now the new normal.

A short word about the Case Management Information Systems (CMIS).

You may remember ladies and gentlemen, that in February 2016, the Judiciary of Trinidad and Tobago signed a Memorandum of Understanding with the U.S. National Center for State Courts and the Nigerian Judicial Council in Nigeria, for the design, development and implementation of a new case management system for Trinidad and Tobago and the region. The Children Court is the first beneficiary of this agreement. The National Centre for State Courts, members of the Juvenile Court Project team and Judiciary IT and other court staff collaborated to create a new level 1 Court Case Management System to support the case scheduling, task assignment and data gathering functions of the Court. This not only saves us money, a huge expenditure in US dollars in licence fees and costs for development, but the staff of the Judiciary benefitted from the knowledge transfer and sharing made possible by the collaboration. I look forward to rolling out this solution to the rest of the Judiciary in the near future.

We have already begun hearing matters, as of last week. Along the way, The Children Court of the Family and Children Division has established its own court rules, policies, and performance standards for children matters in accordance with domestic children legislation and international standards and principles governing the administration of justice. What's more, the juvenile justice sector now has rules and protocols to guide the sharing of information and working relations between the judiciary and other agencies with responsibility for children in the criminal justice system.

In effect ladies and gentlemen, there was problem and together we crafted the solution. We have demonstrated the indigenous capacity to deliver on a vision and gone some way, i hope, to dispe our lack of self-belief. Of course, none of this would have beer possible without our strategic partners the UNDP and USAID. Our justice sector stakeholders saw the vision and came on board to join us in formulating a reformed system. To all our partners, I extend my profound gratitude!

Thanks are also extended to the external partners and judicial officers who served as members of the Committee that crafted the Judges Rules for Children which came into effect in November

2016. These rules provide the police, duty counsel and others, administrative directions on how investigations are to be carried out when instituting criminal prosecutions against children. The Rules detail protocols for stop and search, non-intimate search, questioning before a search, intimate and strip search, arrest, interviewing and interrogation, comfort and refreshment, custody records and records in general to list but a few. In many instances, law enforcement is a child's first contact with the justice system. Therefore, we have through the Judges' Rules reflected international principles for child justice and their enforcement will assist in fostering consistency in the just and humane treatment of children interfacing the system.

Another important first is the development of Multiagency and Inter-Agency Protocols. These provide procedural guidance and the protocols to be adopted by each agency in the criminal justice system, including the The Police Service, Prison Service, Probation Division, Office of the Director of Public Prosecutions. Legal Aid and Advisory Authority, the Children's Authority, Ministries of Health and Education and the Tobago House of Assembly.

Thanks go out to the Executive who not only approved the adoption of these Protocols, but have appreciated the overall system benefits to be had from such an initiative, in so much that they have approved the establishment of a Standing Review Committee that will provide a built-in mechanism for the continuous refinement and improvement of the existing protocols.

As you tour the facility this morning you will get an idea of some of the court-annexed rehabilitative auxiliary programmes to which children, who engage in criminal, delinquent or violent behaviour may be referred. Parents of such children will also be exposed to programmes to provide them with the support and tools necessary to adequately fulfil their roles. Where appropriate, the rehabilitative programmes may be used together with custodial sentences or as alternatives to custodial sentencing.

Here are some terms you will probably become familiar with: Children will be exposed to programmes that deal with ***Life Lessons***. They will be exposed to opportunities that allow them to explore the circumstances and decision-making process that led to criminal activity and other behaviours that prevent them from adjusting to situations. Children will also learn how to overcome

adversity, develop coping and resiliency skills, and how to develop positive communication skills. ***Imani healing circles*** will use cognitive behavioural treatments, motivational interviewing techniques and solution focused therapies combined with the “***Circle of Courage Framework***” to provide intensive support and mentorship for children who are at a high risk for reoffending and who are involved in gang activities and/or are experiencing drug or mental health issues.

There is a ***Girls Programme***, designed to build self-esteem, foster pro-social behaviour and develop personal and collective skills, establish meaningful relationships and cultivate a healthy female identity. And the ***Parenting Support Programme*** is designed to increase the capacity of parents to support children who are assessed as high-risk for re-offending. The programme has eight parts which include modules that assist parents in understanding the adolescent mind, how it works, and the importance of being an active participant in their child’s development.

I am taking the time to give you this information because, having described this wonderful facility earlier as a restoration center, I don’t want you to walk away thinking that the Judiciary is simply applying a soft approach to dealing children who offend. Far from

it! What we are doing is bringing to bear research and scientific approaches to dealing with child offenders, to arrest negative behaviour and bring about a life altering change.

I am also especially happy about the youth engagement that the system offers in the Peer Resolution Programme. In this program, children accused of minor offences such as the breach of school rules are allowed to be come before their peers. It is a restorative programme in which children hold their peers accountable for minor offences using court-like procedures. Both the children acting on behalf of the court and the offenders alike take away valuable lessons from the exercise.

The Children Court here and in Fyzabad will hear legal proceedings involving children under the age of eighteen (18), charged with an offence and/or requiring supervision. Children charged, care, drug, mental health matters are the main categories of issues that this Court will hear. The Children Court also has jurisdiction in matters where the main issue is the care and protection of a child and for matters where a child has either been the victim of or a bystander in matters requiring a Protection Order under the Domestic Violence Act.

I have spoken about major milestones in the reformation of the juvenile justice system, but there is also a destination in mind in terms of measurable successes. We expect to realise a decrease in the incidence of child offending, a reduction in the numbers of children in detention for serious and violent offences and a reduction in the time children spend on remand awaiting trial.

Ladies and gentlemen, I submit to you that the Children Court and its attending systems, procedures and processes will now and in years to come prove to be one of the most critical solutions to the growing crime rate in Trinidad and Tobago. This is but one of the several initiatives currently engaging the Judiciary to bring about meaningful reform and modernisation of the administration of justice in Trinidad and Tobago. There are others. The recent introduction of the Criminal Procedure Rules, is already showing promise in reducing delay in the criminal justice system.

We have recently completed phase one of an exercise to rationalise the criminal backlog and have discovered that that backlog is not as large as we first anticipated. We are exploring opportunities for using modern Information and Communication

Technologies to improve the collection of court payments, particularly, maintenance payments in the first instance, and we are reviewing our existing processes probate services, to name but a few. As we make we make headway, we will report. Ladies and gentlemen, the Judiciary of Trinidad and Tobago is committed to a justice system that promotes public safety, security and well-being. We are committed to system that is fair, equitable, and expeditious. There is much to be done, but we are committed and equal to the task, and with God, we'll get there.

Ladies and gentlemen, I thank you.