# CJEI REPORT

***Newsletter of the Commonwealth Judicial Education Institute***

**Fall 2021**


## Virtual Session to Mark World Day Against Trafficking in Persons

On July 30, 2021, CHRI) and CJEI presented a one-hour virtual dialogue to inaugurate our new judicial education initiative on human trafficking, forced labour and contemporary forms of slavery. It highlighted the critical role of the judiciary in tackling this global problem. The virtual session was attended by 63 participants from throughout the Commonwealth. The session recording can be accessed by clicking the following link: https://www.youtube.com/watch?v=xH5NqrXGKZc.

## CJEI Patron Chief Justices' Meet in The Bahamas

The CJEI's Patron Chief Justices' Meeting took place at the twenty-second Commonwealth Law Conference in Nassau, the Bahamas on September 5, 2021. The meeting was attended in person by The Honourable Sir Brian M. Moree Kt., Chief Justice of the Bahamas; The Right Honourable Sir Declan Morgan QC, Lord Chief Justice, Northern Ireland; The Honourable Sir Gibbs Salika, Chief Justice, Papua New Guinea and The Right Honourable Sir Dennis Byron, CJEI Chair. The Honourable Mr. Justice Ivor Archie, Chief Justice, Trinidad and Tobago and The Honourable Mrs. Justice Mabel M. Agyemang, Chief Justice, Turks and Caicos Islands attended virtually.

The Honourable Sir Brian M. Moree Kt., Chief Justice of the Bahamas, welcomed those attending and introduced The Right Honourable Sir Dennis Byron, CJEI Chair. After greeting the attendees, Sir Dennis Byron reported on CJEI's past two years' work and future work plans. This was followed by a virtual presentation on "A Call to Action: The Critical Role of Judicial Officers in the Eradication of Contemporary Forms of Slavery" by The Honourable Mr. Justice Peter Jamadar, Judge of the Caribbean Court of Justice and CJEI Vice President of Programming. This meeting also involved a private discussion by the Chief Justices on issues of interest to Commonwealth judiciaries.

The meeting ended with a luncheon hosted by The Honourable Sir Brian M. Moree.

***Inside this issue***

*CJEI Virtual Session, Patron Chief Justices' Meeting, Bahamas*
*5th September 2021*

# A Call to Action: The Critical Role of Judicial Officers in the Eradication of Contemporary Forms of Slavery

*Background Paper Presented by Justice Peter Jamadar**

*Why is this issue important for judges?*

*Reviewing key jurisprudence and principles for adjudicative processes.*

*Caribbean-international perspectives.*

## Preamble[1]

***Did you know …***
*That the Commonwealth is made up of 54 member countries.*

***Did you know…***
*1 in 150 persons in the Commonwealth is living in contemporary forms of slavery, such as forced labour, trafficking, or other exploitative conditions.*

***Did you know…***
*Only 24 Commonwealth countries have laws which recognise that victims of human trafficking or exploitation should not be prosecuted or punished for crimes they may have committed under coercion.*

***Did you know …***
*Only 31 Commonwealth countries have criminalised commercial child sexual exploitation.*

***Did you know …***
*An estimated 40% of the 40.3 million people living in modern slavery reside in Commonwealth countries. This represents about 15.7 million men, women, and children in forced labour, forced marriage, and human trafficking.*

***Did you know …***
*1 in every 130 women and girls globally is currently trapped in modern slavery. An estimated 29 million women and girls are victims of modern slavery.*[2]

## Key Points

*Judicial officers play a critical role in upholding and securing the rights of human trafficking victims, as well as in determining the guilt and punishment of perpetrators.*

*Trafficking in human beings, and issues of forced labour, sexual exploitation, and child exploitation, are multi-faceted inter-territorial crimes and events.*

*Adjudication of such cases requires an understanding of the complexities and unique dynamics between perpetrators and victims/survivors, the various forms, and nuances of exploitation to be taken into account, and the ever evolving domestic and international legal frameworks, evidentiary issues, and jurisprudential principles.*

*Judicial officers have a particular responsibility around this issue because they are often one of the primary*

* Acknowledgements to Sneh Aurora and Laurissa Pena for research and editorial assistance, and to Elron Elahie and Shail Pooransingh for reviewing the drafts and offering their comments. Justice Peter Jamadar is a judge of the Caribbean Court of Justice.

[1] Data taken from, Eradicating Modern Slavery: An Assessment of Commonwealth governments' progress on achieving SDG Target 8.7. Copyright © 2020. Commonwealth Human Rights Initiative. If SDG Target 8.7 is to be achieved by 2030, the Commonwealth must take action to eradicate this most grievous of human rights abuses.

[2] See, https://www.walkfree.org/news/2020/global-campaign-turns-spotlight-on-women-and-girls-in-modern-slavery/

*powers when it comes to trial procedures, determinations of guilt, and sentencing; all of which are deeply intertwined in good practices for protecting victims/survivors of contemporary forms of slavery.*

*Judicial officers have a key role in upholding human rights, ensuring fair and inclusive procedures, imposing proportionate penalties for perpetrators, recognising the non-punishment principle for victims/survivors, and shielding individuals from revictimization during the trial process and in relation to outcomes.*

## Introduction

I was born in Trinidad, an early Spanish and then British Caribbean colony. I have lived and worked in the Caribbean for most of my life. These lands are the ancestral lands of mainly two Amerindian First Peoples, the Arawakans and Caribans, and archaeological research has yielded human artefacts and presence dating to 5000 BCE.[3] I acknowledge these First Peoples and their lands. And affirm, with remorse, that they were also among some of the first victims of post-Columbian slavery and exploitation.

The Atlantic slave trade began in the mid-1660s. It involved the forced taking, transportation, and exploitation of human labour. In 1807 the British Government declared the African Trans-Atlantic slave trade illegal. Legal Emancipation of enslaved Africans in the British West Indian colonies occurred in 1834.[4] Due to consequential acute labour shortages on the plantations, legally emancipated Africans became sources of indentured labour (contract-bound labour, usually enforceable by criminal sanction), and from 1837 mainly Indian and Chinese indentured persons also became the main source of cheap and forced human labour in Caribbean colonial territories. Indeed, British Indian Indentureship continued until the 1920s.[5]

These Caribbean events were neither limited to British colonies, nor to the Caribbean. The perverse ideologies that supported these inhumane practices, included a) legal systems operating under capitalist driven rule by law, b) immoral and systemic (institutionalised) patriarchal, racist, and classist cultures, and c) systemic othering, objectification, and commodification of human beings. Unsurprisingly, exploitation, misuse, abuse, and disregard were considered both rationally justifiable and 'morally' acceptable – permissible and permitted under the law.

In Caribbean spaces, these historical practices of overt 'chattel' slavery, human trafficking, and forced labour are woven into the fabric, cultures, and psyches of regional peoples. The trauma, injustice, and inhumanity of these experiences – and their consequences, persist.[6]

Indeed, today, as we meet in recognition of **World Day Against Trafficking in Persons,** these very practices, morphed to suit modern perversions, are globally rampant, and increasingly so.[7]

## Contemporary Example of a Modern Form of Slavery

In October 2006, a young woman (MM) was brought into the UK from an African country and entered a contract of employment. Between 2006 and 2010 she was made to

[3] The discovery of 'Banwari Man', at Banwari Trace, in South Trinidad.

[4] Officially on the 1st August 1834.

[5] It was abolished on the 1st January 1920.

[6] Forced sexual exploitation, commercial sexual exploitation of children, and the exploitation of migrant and undocumented workers remain major concerns in the Americas region, including for Commonwealth countries. The Caribbean, with open unsecured borders and economies heavily reliant on tourism, represents opportunities for undocumented migrants seeking employment as well as a destination for sex tourism, including the commercial sexual exploitation of children. Child sex tourism in the Caribbean results in the exploitation of numerous children each year. Data taken from, Eradicating Modern Slavery: An Assessment of Commonwealth governments' progress on achieving SDG Target 8.7. Copyright © 2020.

[7] Did you know… 1 in 150 persons in the Commonwealth is living in contemporary forms of slavery, such as forced labour, trafficking, or other exploitative conditions. Did you know… Only 24 Commonwealth countries have laws which recognise that victims of human trafficking or exploitation should not be prosecuted or punished for crimes they may have committed under coercion. Did you know … An estimated 40% of the 40.3 million people living in modern slavery reside in Commonwealth countries. This represents about 15.7 million men, women, and children in forced labour, forced marriage, and human trafficking. Did you know … Only 31 Commonwealth countries have criminalised commercial child sexual exploitation. Did you know … 1 in every 130 women and girls globally is currently trapped in modern slavery. An estimated 29 million women and girls are victims of modern slavery. Data taken from, Eradicating Modern Slavery: An Assessment of Commonwealth governments' progress on achieving SDG Target 8.7. Copyright © 2020. Commonwealth Human Rights Initiative; and from, https://www.walkfree.org/news/2020/global-campaign-turns-spotlight-on-women-and-girls-in-modern-slavery/

work long hours (almost 24 hours a day), under-fed, hardly paid, not allowed to leave her hosts premises on her own, had little contact with her family in Africa, and any conversations she had were listened to and even recorded. Sounds fanciful?
The matter reached the courts. The Court of Appeal[8] had to interpret section 4 (1) of the UK Asylum and Immigration Act 2004, which made it an offence, among other things, to arrange or facilitate the entry into the United Kingdom of an individual with the intention to exploit that individual in the United Kingdom.

The Court of Appeal had this to say (at paragraphs 39, 41 and 42):

> The essence of the concept of 'slavery' is treating someone as belonging to oneself, by exercising some power over that person as one might over an animal or an object…
>
> Nor should the concepts be seen as archaic. To dismiss 'slavery' as being merely reminiscent of an era remote from contemporary life in the United Kingdom is wrong. In the modern world exploitation can and does take place, in many different forms. Perhaps the most obvious is that in which one human being is treated by another as an object under his or her control for a sexual purpose…
>
> Where 'forced or compulsory labour' is concerned … It can be direct; it can also be indirect. Constraint can be mental or physical. It can be imposed by force of circumstances.

## Academic Insight

Professor Christopher McCrudden (*Professor of Human Rights and Equality Law, Queen's University Belfast*), makes this important observation:[9]

> The modern (legal) view of slavery takes the idea of legal ownership and views it as wrong because of the deeper meaning that it has: that it reduces humans to mere objects and is thus fundamentally inconsistent with their humanity. History plays an important role in persuading the courts to come to that conclusion. But recent human rights courts (and the Court of Appeal) get it right, I think, in focusing on the essential wrong, rather than on the legal form in which that wrongness was encapsulated, however much that may have been the focus of attention of the abolitionists.

## It's 2021, what can we do?

In 2021, 214 years from the cessation of the Trans-Atlantic slave trade, contemporary forms of modern-day slavery are prevalent and thriving, both in former colonies and globally.

We all need to be concerned!

Judicial officers are not excepted. Indeed, they have pivotal roles to play in the mitigation, amelioration, and eradication of these modern forms of slavery, forced labour, and human trafficking. They are after all, one of the primary powers when it comes to trial procedures, determinations of guilt, and sentencing; all of which are deeply intertwined in good practices for protecting victims of contemporary forms of slavery.

Article 1 of the 1926 Slavery Convention, defined slavery as 'the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.' Its terms were shaped by context, and thus by prevailing historical circumstances.[10] The language is contractual - 'right of ownership', informed by the dominant form of chattel slavery, and shaped by existing ideologies.

Viewed through modern constitutional lenses and in post-colonial contexts, a critical interrogation of this almost 100-year-old colonial era treaty may reveal the true potential of the roles and capacities of judicial officers in relation to contemporary forms of slavery. A

[8] R. v SK [2011] 2 Cr. App. R. 34. The conviction was quashed as the trial judge focused too much n the economics of the relationship and failed to apply the proper test that set out the core elements of section 4.1 (slavery, servitude of forced or compulsory labour).

[9] In, Slavery and the Constitutional Role of Judges, UK Constitutional Law Association, Nov. 2, 2011.

[10] Its long title describes it as the: Convention to Suppress the Slave Trade and Slavery. It was an international treaty created under the auspices of the League of Nations. It was first signed on the 25th of September 1926 and came into effect on the 9th March, 1927.

potential un-shackled by both history and 'tabulated legalisms.'[11]

What in truth is 'slavery' in our times? What are the values and principles that should inform a contemporary reimagining of these heinous practices, and the normative legal standards that should adjudicate its occurrences?

## A Rights Centric, Rule of Law Approach

In Caribbean jurisdictions, written constitutions are normative in the post-colonial era. This is true for most, if not all, independent Commonwealth States. Typically, these Caribbean constitutions contain three seminal provisions: sovereignty, supremacy, and human rights clauses. Significantly, these constitutions create a regime of constitutional supremacy (compared to parliamentary sovereignty, which prevails in the UK). As well, and often in preambular constitutive intent-creating clauses, these constitutions declare that certain core values and principles govern the interpretation and application of all laws and executive actions; that is to say, they are supreme (the supremacy principle).[12]

These values-principles include the inherent dignity and freedom of all persons, fundamental equality, and the rule of law. The first two have their roots in Article 1 of the 1948 Universal Declaration of Human Rights. They are of indisputable centrality to democratic life and governance, and as well to international cooperation and comity. The third, as a feature of liberal democratic ideology, recognises the distinction between 'rule by law' and rule of law; and the inclusion of human rights as integral to the rule of law.[13] In a democracy where the constitution is supreme, the Judiciary, as an arm of the State, is also obliged to align its functions and evaluative decision making with these principles.[14]

The combined effect of the supremacy principle, taken in a rule of law context, is that all laws and governmental actions must be rule of law compliant. As well, that the approaches of courts to adjudication should prioritize this approach (the paramountcy principle). For our purposes, this means that the inherent dignity and worth, the freedom, and the unequivocal equality of all persons are constitutionally presumed inviolable (subject of course to lawful exceptions). These values must be protected as well as secured. They are therefore always, constitutionally, relevant considerations in adjudication.

The jurisprudential implications for contemporary forms of slavery may already be evident. Courts and judicial officers are obliged to orient themselves around these values – both procedurally and substantively. This is what a rights-centric, rule of law approach to our work requires of us.

Judges and judicial officers are the guardians of constitutional values. This is a fourth seminal principle of Caribbean and Commonwealth constitutionalism. It arises in part out of the universal principle of the independence of the Judiciary, but more fundamentally from the basic deep structure and principles of constitutive constitutional underpinnings.[15] The effect is that, in broad and general terms, judges and judicial officers have a duty and responsibility to ensure that constitutional values are upheld, and that judicial,

[11] Marin v The Queen [2021] CCJ 6 (AJ) [31- 33]; McEwan and others v The Attorney General of Guyana [2018] CCJ 30 (AJ).

[12] Section 1 Constitution of Barbados; Section 2 Constitution of Trinidad and Tobago; Section 8 Constitution of the Co-operative Republic of Guyana; Section 2 Constitution of Belize.

[13] Lord Bingham, 'The Rule of Law' [ (2007)] 66(1) Cambridge LJ 67-85 [77] "The rule of law must, surely, require legal protection of such human rights as, within that society, are seen as fundamental"; Marin v The Queen [2021] CCJ 6 (AJ) Constitutions are rights centric and therefore to uphold the rule of law human rights must be accounted for. At paragraph [98] the Court stated "*Further, such an analysis reveals constitutionally how section 6 (2) (protection of law provisions) is nestled in section 3 (a) (bill of rights provisions), and both within the rule of law, and within the basic deep structure values of the Constitution, like interlocking holons.*"

[14] Belize International Services Ltd v The Attorney General of Belize [2020] CCJ 9 (AJ) [301]. The Court stated: *"To this extent they, (features, principles and values that underpin the Constitution) together, form the essential foundation, framework, and superstructure of Belizean constitutionalism. They are discoverable. And, until changed legitimately, they are non-negotiable. Moreover, they form and inform the standards and lenses through which, generally, all governmental, legislative, executive, and public administrative actions are to be judged and held accountable."* See also, Jamadar JCCJ, *Explorations into the Rule of Law, Crossing the Rubicon: The Development of the Rule of Law as a Ground of Review of Legislative and Executive Action,* CAJO News, Issue 12, p 69, at www.thecajo.org.

[15] Nervais and Severin v The Queen [2018] CCJ 19 (AJ) at [59] - *"With these general savings clauses, colonial laws and punishments are caught in a time warp continuing to exist in their primeval form, immune to the evolving understandings and effects of applicable fundamental rights. This cannot be the meaning to be ascribed to that provision as it would forever frustrate the basic underlying principles that the Constitution is the supreme law, and that the judiciary is independent.". See also,* Collymore v Attorney-General of Trinidad and Tobago (1967) 12 WIR 5, at p. 9. Wooding C.J. reiterated that Caribbean courts were the guardians of the constitution and of constitutional supremacy.

legislative, and executive actions are aligned with these values.

Judges are therefore under a constitutional imperative to act. Sitting on our hands, or turning a blind eye, or even getting too bogged down in 'legalisms', may simply not be options in the context of contemporary forms of slavery when viewed through the principles of constitutional supremacy and human rights paramountcy.

Indeed, a salient and unavoidable question that arises for judicial officers, is how does one achieve the constitutional imperative of substantive equality – equity (as compared to formal equality) throughout court proceedings and in outcomes, for victims/survivors of human trafficking, forced slavery, and contemporary forms of slavery?[16]

## Practical Implications

Considering this and drawing on the writings and analysis of others,[17] there are nine judicial approaches that can be of assistance:

1. Situational Awareness;
2. Intersectionality;
3. Use of the Non-Punishment Principle;
4. Procedural Fairness;
5. Avoiding Secondary Victimization;
6. Alignment with International Law and Practice;
7. Post-colonial approaches to the interpretation and development of law;
8. Mindful Judging; and
9. Judicial humility, compassion, and concern.

In pragmatic terms, to adopt the expression of Michelle Brewer in her November 2019 keynote address on The Critical Role of the Judiciary in Combating Trafficking in Human Beings, judicial officers may reimagine their roles under these heads.

## Situational Awareness and Intersectionality

This speaks to the recognition, understanding, and awareness that a matter may present itself as a straightforward case, when in reality it involves intersecting and other influencing considerations. The nature of human trafficking, how and why humans are trafficked and who is trafficked (currently there is an overwhelming and disproportionate number of women and children),[18] is constantly changing; contemporary forms of slavery are shifting, changing forms, yet fundamentally the same. Judicial officers who operate in a closed-minded way, within the four-corners of a case, can miss the existence and impact of contemporary forms of slavery in those cases.

The case of R v L,[19] a 2013 decision of the UK Court of Appeal, exemplifies the value of this approach. The Defendant was prosecuted and convicted for the cultivation of cannabis on a cannabis farm. The Court of Appeal recognizing that the Defendant was a child victim/survivor of human trafficking, quashed the conviction.

Indeed, the Anti-Trafficking Training Material for Judges and Prosecutors Handbook[20], recommends that Judges must be sensitive enough to be able to identify a potential victim/survivor of human trafficking. Those victims/survivors are sometimes unaware of their possible victim status as exploitation and abuse may be normative. Those victims/survivors may also be fearful of state authorities. Perpetrators often use a victim's/ survivor's immigration status; their economic and other discriminating and debilitating conditions, a) to create fear in the victims/survivors; and b) to manipulate and control them.

## Non-Punishment Principle[21]

[16] The 2020 Code of Judicial Conduct of the Caribbean Court of Justice defines equality as, 'the right of every individual to an equal opportunity to make the most of their lives, talents, and ambitions, and not to be unfairly disadvantaged or discriminated against in relation thereto. It recognises that rights, entitlements, opportunities, and access are not equally enjoyed across society and is aimed towards equitably redressing these inequalities so as to affirm the equal and inherent dignity and value of all persons.'

[17] Brewer, M, OSCE International Conference, The Critical Role of the Judiciary in Combating Trafficking in Human Beings. (2019) <https://www.gardencourtchambers.co.uk/news/what-role-do-judges-have-in-the-fight-against-human-trafficking-michelle-brewer-delivers-key-note-at-osce-international-conference> accessed July 27, 2021.

[18] Walk Free Report, *Stacked Odds, 2020*, at https://www.walkfree.org.

[19] [2014] 1 All ER 113.

[20] International Centre for Migration Policy Development, Anti-Trafficking Training Material for Judges and Prosecutors Handbook (International Centre for Migration Policy Development 2006).

[21] See, Implementation of the non-punishment principle, UN General Assembly, Human Rights Council, 47th Session, 21st June -9th July 2021. From

R v L[22] is also instructive in its articulation of the non-punishment principle. In the words of the Chief Justice:

> What, however, is clearly established, …, is that when there is evidence that victims of trafficking have been involved in criminal activities, the investigation, and the decision whether there should be a prosecution, and, if so, any subsequent proceedings require to be approached with the greatest sensitivity. The reasoning is not always spelled out, and perhaps we should do so now. The criminality, or putting it another way, the culpability, of any victim of trafficking may be significantly diminished, and in some cases effectively extinguished, not merely because of age (always a relevant factor in the case of a child defendant) but because no realistic alternative was available to the exploited victim but to comply with the dominant force of another individual, or group of individuals.

What emerges is a holistic approach, that considers the wider context and life situations of an accused. And as well, one that includes the investigative and prosecutorial arms of the State. All done with a curious adjudicative sensitivity to and an awareness of whether an accused is a victim of human trafficking, forced labour, and/or any contemporary forms of slavery.

Care needs to be taken to ensure that a right balance is struck between convicting criminals and shielding individuals from revictimization during both the trial process and outcomes. The public interest is served by both of these policy approaches. The non-punishment principle is in service of a 'both-and' approach (rather than an 'either-or' approach). It is aligned with a rule of law ideology that gives paramountcy to human rights.

## Procedural Fairness

It is well established that ensuring procedural fairness throughout court proceedings enhances just outcomes and increases public trust and confidence in the administration of justice. Indigenous research in the Caribbean has confirmed this and has articulated nine essential elements of procedural fairness.[23] Two central elements of procedural fairness in Caribbean spaces are: voice and inclusivity. That is, ensuring that court users have a voice, can actively participate in, and are meaningly included throughout proceedings. These approaches lend themselves to facilitating the effective participation of accused persons, who may also be victims of human trafficking, forced labour, and forms of contemporary slavery. Vital, and otherwise unknown or unknowable, information can be discovered. Situational awareness in turn allows a judicial officer to be sensitive to the intersectionality and effects of contemporary forms of slavery in any case.

Michelle Brewer makes the point that having in mind certain factors – called 'clusters', are a useful tool in understanding the intersecting vulnerability of a victim who is before the court. Procedural fairness approaches are facilitative of these. These factors are:

1. Individual vulnerability
2. Familial vulnerability
3. Socio-economic vulnerability
4. Structural vulnerability
5. Situational vulnerability

For example, imagine a child victim/survivor who is living with a mental illness, with little formal education, from a fragmented family, and impoverished circumstances, who is transported and coerced to live as a sex-worker, under the charge of persons who exercise power and control over them, in a foreign country, and who is not a native language speaker. Charged with say, prostitution.

the Summary - 'The principle of non-punishment constitutes the cornerstone of an effective protection of the rights of victims of trafficking.' At [18] – 'The principle of non-punishment of victims of trafficking is critical to the recognition of trafficking in persons as a serious human rights violation. Punishment of a victim marks a rupture with the commitments made by States to recognize the priority of victims' rights to assistance, protection and effective remedies. At its core, the non-punishment principle is aimed at ensuring that a victim of trafficking is not punished for unlawful acts committed as a consequence of trafficking.'

[22] Ibid (n 16) [13].

[23] Peter Jamadar and Elron Elahie, *Proceeding Fairly Report on The Extent To Which Elements Of Procedural Fairness Exist In The Court Systems Of The Judiciary Of The Republic Of Trinidad and Tobago* (Judicial Education Institute of Trinidad and Tobago 2018). Nine elements of procedural fairness were articulated. These are: voice, understanding, respectful treatment, neutrality, trustworthy authorities, accountability, availability of amenities, access to information, and inclusivity. See also the decision of the Court of Appeal of Trinidad and Tobago, *Ayers-Caesar v BS*, Civ App No 252 of 2015 (TT), [37].

By facilitating voice and inclusivity, including receiving victim impact statements,[24] judicial officers can better discover and adjudicate appropriately cases of human trafficking. Through such fact and context sensitive approaches, cluster information can be obtained, and then considered at all stages of proceedings – from charge to sentence, in criminal proceedings.

These approaches are appropriate in all court proceedings, including civil and employment cases. Indeed, they are relevant because contemporary forms of slavery manifest in all domains.

## Avoiding Secondary Victimization

Building upon the above, particularly on procedural fairness requirements that include understanding, respectful treatment, availability of amenities, and access to information, judicial officers must be careful to avoid secondary victimization caused by court proceedings in relation to victims/survivors of modern-day slavery.

According to the Anti-Trafficking Training Material for Judges and Prosecutors Handbook,[25] Judges should put all measures in place to eliminate security risks to the victim and manage the victim's psychological trauma and stress. Judges should treat the victim with compassion, fairness, respect, and dignity and encourage and arrange special support for the victim.

Examples given of such measures include:

1. Explaining the nature of the proceedings to victims in understandable terms;
2. Arranging for victims to be under the care of an established NGO;
3. Allowing victims to be accompanied to Court by a person they trust;
4. Ensuring access to translation services;
5. Ensuring access to competent experts to deal with trauma; and
6. Putting mechanisms in place to prevent intimidation and confrontation with a perpetrator, such as allowing victim testimony via video link.

Judges should also closely monitor the types of interrogation and cross examination questions allowed to be put to the victim/survivor and the length of cross examination. Great care must be taken, so that questions concerning "private and sexual life, the victim's consent to prosecution or trafficking, and questions merely aimed at discrediting the witness"[26] are not casually allowed.

## Alignments with International Law and Practice

Judicial officers also need to situate themselves (whether in dualist or monist traditions) in the context of their roles in a global community. Having a sense of local, regional, and international realities is vitally important. This is necessary because modern slavery is a multi-faceted cross-border global phenomenon.

In the Caribbean, courts are approaching the interpretation and application of law to ensure, as far as is reasonable, that their approaches are aligned with State international treaty obligations.[27] Judicial officers are therefore required to be aware of these treaties and how the content of their State's obligations may impact proceedings before them.[28] It is an area often neglected,

[24] Linton Pompey v The Director of Public Prosecutors [2020] CCJ 7 [112, 117-125]. At [120[ the Court stated: *"It gives a victim a voice, and in so doing gives recognition to the inherent dignity and value of a victim's personhood, and as well, to a victim's role (albeit limited) in determining what may be an appropriate sentence. Thus, a victim participates throughout a criminal matter, at the trial with respect to the determination of innocence or guilt, and then if required, at the sentencing stage in relation to what a judge may, in the independent exercise of their judicial discretion, determine to be a proper sentence."*

[25] Ibid (n 17).

[26] Ibid (n17) [5.1].

[27] The Maya Leaders Alliance and others v The Attorney General of Belize [2015] CCJ 15 (AJ); The Attorney General of Barbados v Joseph and Boyce [2006] CCJ 3 (AJ); McEwan and others v The Attorney General of Guyana [2018] CCJ 30 (AJ).

[28] Article 5 of the Palermo Protocol, a supplement to the UN Convention against Transnational Organized Crime (2000) requires States to criminalize human trafficking, attempted trafficking, and any other international participation or organization in a trafficking scheme. The International Labour Organization (ILO) Forced Labour Convention (Convention No. 29 of 1930) defines forced or compulsory labour. The ILO Abolition of Forced Labour Convention (Convention No.105 of 1957) requires States to take effective measures to abolish forced or compulsory labour. The Slavery Convention (1926) defines slavery. The UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949) requires States to punish any person who "procures, entices, or leads away, for purposes of prostitution, another person, even with the consent of that person", "exploits the prostitution of another person, even with the consent of that person" (Article 1), or runs a brothel or rents accommodations for prostitution purposes (Article 2). It also prescribes procedures for combating international traffic for the purpose of prostitution, including extradition of

especially in jurisdictions where dualist positions to international law prevail (if treaties are not incorporated into domestic law, they are ineffective and non-justiciable). Modern jurisprudential trends are towards alignment. This approach is even more pressing in cases of contemporary forms of slavery, because of the multi-faceted and inter-territorial, even inter-continental, nature of the phenomenon.

## Post-colonial Approaches to the Interpretation and Development of Law

One important consideration for judicial officers is what research and interpretative methodologies are apt in this context.[29] Article 1 of the 1926 Slavery Convention, defines slavery as 'the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.' How should Article 1 be interrogated in 2021.

In a foundational judgment delivered in June 2021, the Caribbean Court of Justice[30] in Marin v The Queen,[31] outlined its approaches to constitutional interpretation. One of a cluster of 'ideological approaches' is the use of interpretations that 'are consciously independently developmental'.[32] In this regard, the court explained this approach as follows:[33]

> Applying a consciously anti-colonial interrogative approach to analysis is part of this developmental approach. It is an approach that considers a law's colonial antecedents and purposes and asks whether in light of these it is still constitutionally vires and legitimate.
>
> Framed in a positive way, it is an approach that encompasses an independent
> (and postcolonial) developmental ideology and hermeneutic to Caribbean constitutionalism. One that recognizes that law and legal structures are historically contingent.

What is apparent is that colonial understandings of slavery and legal principles developed in relation to it in those times need to be carefully and rigorously scrutinized. The reason being its obvious historical settings and underpinnings.

Contemporary judicial officers need to be acutely aware of these precedential limitations. And to be independent and creative enough to ensure the development and use of appropriate procedural and substantive approaches to cases in which elements of modern slavery are present. The non-punishment principle is one such development. No doubt others will be developed on a case-by-case basis and in response to rights centric approaches in this area of the law.

## Mindful Judging

Mindful judging requires judicial officers to adopt a 360-degree internal and external view of court proceedings and court relationships. This approach places an enhanced and specific focus on not only the substance of a case, but also on behaviours, the environment, and communications in the court room (and courthouse). Mindful judging offers judicial officers an opportunity to understand how victims/survivors may be impacted by judicial proceedings.

In Caribbean spaces, for example, judicial officers are required to become aware of whether there are factors which may influence 'rites of domination'[34], and more generally whether there are incidences of power and control and of manipulation at play, that operate to intimidate, silence, and re-victimise. For victims/survivors who have notably endured trauma (which can be both immediate and long-term), the judicial environment can

offenders. The International Covenant on Civil and Political Rights (1966) prohibits practices directly related to trafficking. The Convention of the Elimination of All Forms of Discrimination against Women (1979) requires States to suppress all forms of trafficking in women. The Convention on the Rights of the Child (1989) prohibits the trafficking of children. The Optional Protocol to the Convention on the Sale of Children, Child Prostitution, and Child Pornography (2002) provides States with detailed requirements to end sexual exploitation and abuse of children. ILO, Worst Forms of Child Labour Convention (Convention No. 182 of 1999) which commits States to taking immediate measure to prohibit and eliminate the worst forms of Child Labour.

[29] Marin v The Queen [2021] CCJ 6 (AJ).

[30] The indigenous Apex Court for the Caribbean region that functions as both a municipal court of last resort and an international court vested with original, compulsory and exclusive jurisdiction in respect of the interpretation and application of the Revised Treaty of Chaguaramas.

[31] Ibid (n25).

[32] Ibid (n25) [32].

[33] Ibid (n25) [32, fn. 39].

[34] Mindie Lazarus-Black, *The Rites of Domination: Practice, Process, and Structure in Lower Courts,* American Ethnologist, Vol. 24, No. 3 (Aug., 1997), pp. 628-651.

reinforce unequal power relations that negatively impact on the victim/survivor's safety and comfort, impact their levels of trust, and their capacity to meaningfully participate in proceedings. Mindful judging thus gives rise to enhanced degrees of courtroom consciousness that may otherwise be overlooked on account of familiarity.

In more concrete terms, this kind of judicial mindfulness may be described as:

> '… the ability to be fully present to what is happening at every moment in relation to all relevant considerations in the context of court proceedings …, with an attitude of openness and receptivity (non-judgmentally), and with the intention to deal with each case fairly, effectively, and according to the evidence, the law, and the Constitution (purposively).[35]

## Judicial Humility, Compassion, and Concern[36]

Victims/survivors of human trafficking have already suffered trauma, exploitation, dehumanization. They enter court systems disadvantaged. Their core human rights to dignity, respect, and equality have already been compromised. Achieving substantive equality for them may necessitate appropriate differential treatment.

In this context, judicial humility is a necessity. It is an antidote to the hubris that judicial officers can be prone to develop following appointment; otherwise known as judicial arrogance, it creates a limiting and closed-minded approach to matters and court-users. Judicial humility begins when judicial officers give up their need to be right, be in control, have power over, and the predisposition to be judgmental (including their identification with these mindsets as part of their judicial personas).

Judicial humility leads to genuine attitudes of openness and receptivity. And consequently, to judicial compassion and concern. Indeed, these three judicial attitudes may be exactly what victims/survivors of contemporary forms of slavery are both entitled to and need.

## Some Preliminary Conclusions

In 2008, in Koraou v Niger[37] the ECOWAS Community Court of Justice (of the Economic Community of West African States), held that Hadijatou Koraou was a victim of slavery for the nine years she was held by her master, and that the state of Niger was liable for its failure to deal adequately with this form of slavery, awarding her about US$ 20,000. Niger had denied that Ms. Koraou was a slave, asserting that she had 'lived in a more or less happy marital relationship' with her 'master'.

What were the core facts? In 1996, aged 12, Ms. Koraou was sold for a sum of money in the context of wahiya,[38] a practice obtaining in the Republic of Niger, which consists of acquiring a young girl, generally under the conditions of servitude, for her to serve both as domestic servant and concubine. The person to whom she was sold, an older male, was known as her 'master'.[39]

For about nine years, Ms. Koraou served in the house of her 'master', carrying out all sorts of domestic duties and serving as a concubine for him. She had to endure forced sex and was a victim of repeated acts of violence.[40] In 2005 Ms. Koraou was issued a certificate of emancipation, but her 'master' refused to allow her to leave. In 2006 Ms. Koraou commenced court proceedings seeking her freedom.

In rejecting the State's argument, the ECOWAS Community Court explained:

> Even with the provision of square meals, adequate clothing and comfortable shelter, a slave still remains a slave if he is illegally deprived of his

[35] Peter Jamadar and Kamla Braithwaite, *Exploring the Role of the CPR Judge*, pp 62-63 (Judicial Education Institute of Trinidad and Tobago 2017).

[36] Peter Jamadar and Kamla Braithwaite, *Exploring the Role of the CPR Judge*, pp 63-64 (Judicial Education Institute of Trinidad and Tobago 2017). '**Judicial Humility** is premised on the insight that, whereas we often assume that we see things as they are, we actually 'see' things as they appear to us. This insight, about the inherent subjective element in all perception, is equally true in relation to interpretation.' '**Judicial Compassion** is a rational, jurisprudential, cultural, and societal sensitivity for the well-being of both people and the law as they intersect in the context of (court proceedings).'

[37] (2008) AHRLR 182 (ECOWAS, 2008); ECW/CCJ/APP/0808.

[38] See, *Wahaya: Domestic and Sexual Slavery in Niger*, A Report by Galy Kadir Abdelkader and Moussa Zangaou; https://www.antislavery.org/wp-content/uploads/2018/10/Wahaya-report.pdf

[39] Ibid (n30) [8] and [9].

[40] Ibid (n30) [11] and [12].

> freedom through force or constraint. All evidence of ill treatment may be erased, hunger may be forgotten, as well as beatings and other acts of cruelty, but the acknowledged fact about slavery remains, that is to say, forced labour without compensation. There is nothing like goodwill slavery. Even when tempered with humane treatment, involuntary servitude is still slavery.[41]

And further:

> … the moral element in reducing a person to slavery resides … in the intention … to exercise the attributes of the right of ownership over the applicant, even so, after the document of emancipation had been made. Consequently, there is no doubt that (Ms. Koraou) was held in slavery …[42]

Notice the tensions between the 1926 colonial concept of 'rights of ownership' and the more open and modern ideas of a) 'forced labour' and b) 'involuntary servitude' as definitive of contemporary forms of slavery. As well, notice the greater focus on intent, and less on form – 'the moral element in reducing a person to slavery resides … in the intention …' of the person exercising the power and control over another. And finally, notice the unequivocal disownment of 'humane treatment' as mitigatory or exculpatory in this area.

A full-blown rights centric approach that seeks to recognise and empower human dignity, freedom, equality, and respect may invite the jurisprudential consideration of consent as fundamental. Democracy is built upon consensus; it is birthed in the consent of the governed. The fundamental nature of slavery is the antithesis of consent; it lies in coercion. Indeed, within ideas of 'ownership', 'forced', 'involuntary' in relation to notions of slavery, is an absence of full and true consent, and a presence of coercion. However, dignity, freedom, equality, and respect are enabled in a context of consent.

Such a rights centric approach may also invite a more robust interpretation and application of the constitutional principle and value of equality, understood as substantive equality. The effect of which would be to ensure that the standards of treatment, deference, and facility afforded to victims/survivors of modern slavery meet both the procedural and substantive thresholds set by this principle. A generous and purposive application of the principle of equality can bear much fruit in this area.

## Final Thoughts: A Call to Action

There is much to think about. And there is much to be done. And we, as judicial officers, are the ones called upon to think and to do.

We have the tools. Are we up to the task?

For thousands of innocent and vulnerable lives, for hundreds of communities and families, we are their only hope.

Now is the time to act!



[41] Ibid (n30) [79].

[42] Ibid (n30) [80].

# SAVE the DATE

Justice Peter Jamadar
Course Director

CJEI Commonwealth Judicial EDUCATION INSTITUTE

Judge (R) Sandra E. Oxner
Course Founder &
Programme Consultant

## 27th Annual Intensive Study Programme for Judicial Educators
## Halifax, Ottawa and Toronto, Canada
## June 5 – 24, 2022

A programme to teach skills and techniques to produce and present effective judicial education programming that measurably and positively impacts judicial performance.

### Topics studied include:

*Adult education methodology for judicial education*

*Importance and Methodology of Programme Evaluation*

*Review of Functions, Objectives, Definition, Levels and Targets of Judicial Education*

*National Standards and Objectives*

*Legal & Organizational Structures of Judicial Education Bodies*

*Curricula Development*

*Processes of Programme Development*

*Long Range Judicial Education Planning*

*Judgment Writing*

*Judicial Arrogance*

*Judicial Ethics*

*Judicial Performance Feedback*

*Use of Film Clips in identifying Positive and Negative Judicial Behaviour that affects Public Trust and Confidence*

*E-programming*

*Substantive Courses on Behaviour Change Programming, i.e., Impact of Developing Technologies on the Law and Court Processes – Cyberbullying; Human Right to Clean Air and Water*

*Special topics such as Dealing with Unrepresented Litigants, Court Management, ADR and Process Efficiency*

### Comments from Previous Graduates

"…the adult learning techniques and the breadth of knowledge gained here will…have a tremendously positive effect in improving judicial education in my jurisdiction." – Justice Adrian Saunders, St. Lucia, West Indies

"I had high expectations when I arrived which were exceeded in all aspects of the course." – Justice Neil Buckley, Australia

"… I am now armed with enough material and knowledge to start our very own judicial education programme – even if it is on a small scale." – Justice Umu Hawa Tejan-Jalloh, Sierra Leone

"The course exceeded my expectations as to the provision of tools, techniques and an enthusiasm for judicial education." – Justice Kenneth A. Benjamin, Grenada

*"… as the current chairperson of judicial training in my jurisdiction, I was lacking the necessary knowledge to offer appropriate leadership but that deficiency has been largely addressed in these two weeks."* – Justice Dr. Chifundo Kachale, Malawi

"…the teaching tools that we were introduced to are invaluable." -Justice Judith Jones, Trinidad and Tobago

*"… effectively and successfully trained us in using different teaching tools resulting in effective learning"* – Justice Samia Asad, Pakistan

Without any doubt – the methodology will be the basis for SA's future judicial education institute." – Deputy Chief Justice Dikgang Moseneke, South Africa

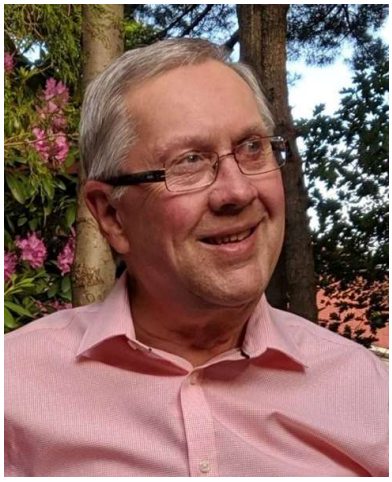
"The course was indeed beneficial . . . has highlighted the need for judicial education and it has equipped participants with the skills needed to be teachers of adults." – Magistrate Leron Daly, Guyana

**More details to be available in early 2022.**

# Obituaries

## John Albert Yogis, QC, CJEI Director
## 2 JULY 1940 – 23 NOVEMBER 2021

John was a founding Director of the Commonwealth Judicial Education Institute and Honourary Treasurer. He also designed and taught "Teaching by Film". A session on how film could be used effectively in judicial education. Without his energetic support CJEI could never have become the success it is.



John was born in Halifax to the late John Anthony and Lillian Blanche (nee Bushell) Yogis. He received his BA degree from Saint Mary's University, and an LL.B. and LL.M. from Dalhousie University. Following his call to the Nova Scotia Bar, he received a second LL.M. from the University of Michigan. He was invited to join the Faculty of Law at Dalhousie as the school's first postgraduate teaching fellow. During his law school tenure John taught a wide range of subjects, was editor of the Dalhousie Law Journal, and editor of the law school's alumni magazine, Hearsay. He was the author, co-author and editor of several legal works, including the first Canadian law dictionary. He served as Associate Dean of Law from 1993 to 2000. In 2011 he was appointed Professor Emeritus at the Dalhousie Schulich School of Law, and in 2012 he was inducted into the Bertha Wilson Honour Society.

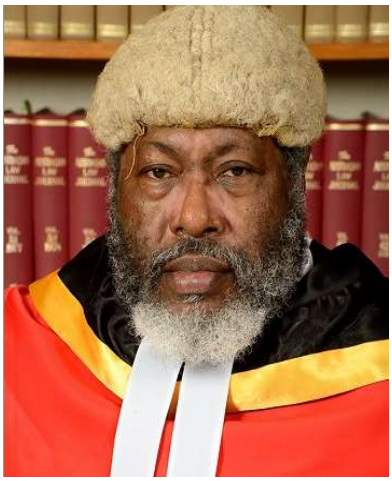
In addition to his career as an academic John was a public servant in the broadest sense. He was a founding member of the Commonwealth Judicial Education Institute, which delivers training and education to judges throughout the Commonwealth. He chaired boards of inquiry for the Nova Scotia Human Rights Commission and served on committees of the Nova Scotia Barristers' Society.

John's passions included music, theatre, and cinema. (His collection of Broadway and Metropolitan Opera programs filled several cabinets.) He actively supported several local arts and volunteer organizations, including service on the Boards of the Nova Scotia Film Development Corporation, Opera East, L'Arche Halifax, the Monarchist League, and the Friends of the Public Gardens. He was awarded both the Queen Elizabeth II Golden and Diamond Jubilee Medals, and in 2015 was presented to her Majesty the Queen at a reception at St. James Palace that recognized the work of Commonwealth organizations for his work with the Commonwealth Judicial Education Institute.

John enjoyed current affairs, reading, travelling, collecting art, and the company of his beloved canine companions. He is survived by his long-time partner and husband, Darrell Roy; his brother Wayne Yogis and sister-in-law Rose Marie (nee Amirault); nieces Michelle, Cheryl (m. Fotis Paraskevopoulos) and Charlene; grand-nephews Jonathon and Alex; grand-niece Angela; and many very close friends.

## The Hon. Justice Nicholas Kirriwom, Papua New Guinea, CJEI Fellow 2011
## 28 FEBRUARY 1955 – 12 APRIL 2021

The late Justice Kirriwom was born on 28 February 1955, at Meiwok village in Bogia, Madang. He began his education from 1963 to 1968 at the St Theresa Primary School in Madang. He then attended the Divine Word Secondary School from 1969 to 1972. In 1973, he went to Port Moresby and pursued matriculation studies at the University of Papua New Guinea. He then enrolled to study law at UPNG in 1974 and graduated with a Bachelor of Laws 1977.



The late Judge went on to complete his legal training at the Legal Training Institute (LTI) in 1978 and served as Defending Officer with the Office of the Public Solicitor. Hard work and commitment saw him promoted to Senior Legal Officer in 1979, Principal Defending Officer in 1981, Deputy Public Solicitor in 1982 and the Public Solicitor in June 1983. He retired on pension in June 1986. He then joined Bernard Narokobi Lawyers until 1988 when he set up his own firm called Kirriwom and Company Law Firm.

The late Justice Kirriwom spent six years being self-employed running his small law firm consisting of himself, one senior associate and one or two junior lawyers until the end of 1993 when he was appointed Chairman of the Parole Board of PNG. He was the founding Chairman of the Parole Board and served until May 1997 when he was appointed to serve on the Bench as a Judge.

He was resident judge in Goroka from 1999 to 2001 before moving to Lae where he served until 2009. He was also the judge administrator for East Sepik, West Sepik and Manus and was serving his third term as a judge of the National Court and Supreme Court. The late Justice Kirriwom was the most senior judge of the PNG National and Supreme Courts, after the Chief Justice and the Deputy Chief Justice, serving a total of 24 years as a judge of the PNG National and Supreme Courts.

Apart from his contribution to the nation, the late judge was also a member of the Nauru Court of Appeal and played a huge role in contributing to promoting the rule of law in the Pacific Region.

The late Justice Kirriwom was an advocate for tourism and promoted tourism by founding the Tupira Surf Club in Ulingan Bay, Bogia, Madang Province. He was the Founder and Patron of the club from 2008 to 2015. The Tupira Surf Club participates in surf-tourism and generates income from in-bound surf tourists. The income is used to support community projects in the surf areas such as funding school projects, water supply projects, aid posts and school fees for children besides promoting the sport of surfing under Tupira Surf Management Plan and Integrated Management Plan Program (IMPP) in partnership with the Surfing Association of Papua New Guinea.

The PNG Judiciary and the legal fraternity have lost a very important member. Our prayers are with the immediate family, relatives, friends, and colleagues. He will be greatly missed by the Judiciary and the legal fraternity.

## The Hon. Justice Regina Sagu, Papua New Guinea, CJEI Fellow 2011
## 05 APRIL 1956 – 12 MARCH 2021

Late Justice Regina B. Sagu was born on the 5th of April 1956 in Sangurap Village, Wabag District in the Enga Province of Papua New Guinea. She completed her primary education at Wabag Community School in 1968. Later she attended Mt. Hagen High School and Sogeri National High School respectively between 1969 and 1974. Regina enrolled for law studies in 1981 at the University of PNG and graduated with a law degree in 1984. She was admitted to the Bar in 1985 after completing LTI in the same year.

Regina served in various government departments after passing out from LTI and in 1990 she joined the Enga Provincial Government as the Provincial Legal Officer and also went private by establishing her own law firm. She did not last long in her private practise as she was appointed a Magistrate with the Magisterial Services in 1994. In 1999, she became the first woman in the country to be appointed Principal Magistrate. Further to this in 2000 she was appointed as the Acting Deputy Chief Magistrate of Papua New Guinea.

Working very hard to excel in her professional career, Regina was the first Highlands Women to be appointed an Acting Judge in 2009, based in Mt. Hagen until 2011.

Now from 2001 until 2017 she was unfortunately not confirmed as judge but instead appointed as the Acting Director of the Papua New Guinea Centre for Judicial Excellence (PNGCJE). This institution was the first of its kind in the country and in the Pacific. Regina was the first to hold this position which tasked her to single handedly establish this new institution from scratches which catered for the trainings and professional upskilling of judges, magistrates, and court officials in the National Judicial Staff Services (PNG Judiciary), Magisterial Services of PNG and the legal fraternity in the country and also in the Pacific. Justice Sagu was herself a highly qualified trainer and a fellow of the Commonwealth Judicial Education Institute. The Papua New Guinea Centre for Judicial Excellence has now over 21 active staff spearheading the institution.

Whilst executing her duties as Director for the Centre for Judicial Excellence, late Justice Sagu was one of the few who were trained and fully accredited mediators with the ADR faculty headed by the current Deputy Chief Justice Ambeng Kandakasi.

In 2017 Justice Sagu was appointed the President of Papua New Guinea Judicial Women's Association and held that position until her passing on 12th March 2021.

From 2018 to 2019, Regina was appointed as Senior Provincial Magistrate (SPM) in Enga to clear the increasing number of cases at the district court in Wabag. Indeed, she successfully reduced many District Court cases in Wabag. She was also in a mission to establish District Courts in all the districts of Enga and managed to renovate the old Laiagam Court House and got it opened in 2020 by the Deputy Chief Justice and Chief Magistrate. She also worked tirelessly to renovate Wabag and Wapenamanda District Court Houses and Wabag with permanent fencing that gives better and shinning outlook of the court premises. Plans and preparations were in place to commence the Kandep and Kompiam districts when she got appointed as Judge on the 12th of March 2020.

Her ten-year appointment as Judge to the Supreme and National Courts last year was another first again for the highlands region. Justice Sagu passed away on the 12th of March 2021 only a year after serving in office, leaving a huge vacuum in her Province, Region, the Country as well as her family. Justice Sagu had lived a colourful life. She has impacted and touched the lives of the many people she has come across, from her work colleagues to church members to family members and people within her community. She also looked after many widows, orphans and unfortunate children giving them all a second chance in life. We will all miss her greatly as she had a special way of building an individual relationship with every single person she met.

No mountain was too high for late Justice Sagu to climb. She was found to be one of a rare, a smart and determined woman. She was a woman of faith and principle and lived up to achieve her dreams. She has served the PNG Judiciary including Magisterial Services for 27 Years with pride and dignity and made Papua New Guinea proud. She will be greatly missed by the Judiciary, Magisterial Services, colleagues, friends and most importantly by her 3 biological daughters and 3 adopted children.

# News and Notes

## PAPUA NEW GUINEA CENTRE FOR JUDICIAL EXCELLENCE (PNGCJE)

### Conducting Training of Trainers Program through E-learning Approach

Information technology has become a significant vehicle for the delivery of judicial training activities and in enabling access to justice by court users. Since the beginning of the twenty-first century, the advancement of information technology and the internet has led to several new approaches to teaching and learning. E-learning is one of these new approaches that has enabled organizations to adapt to global changes.

Unlike the conventional face-to-face mode of training delivery, e-learning can offer tremendous benefits to an organization such as contributing to greater economic savings as a result of converting traditional face-to-face method of training to electronic learning, and specifically, reducing costs related to bringing participants from different offices or town locations into a centralized training venue.

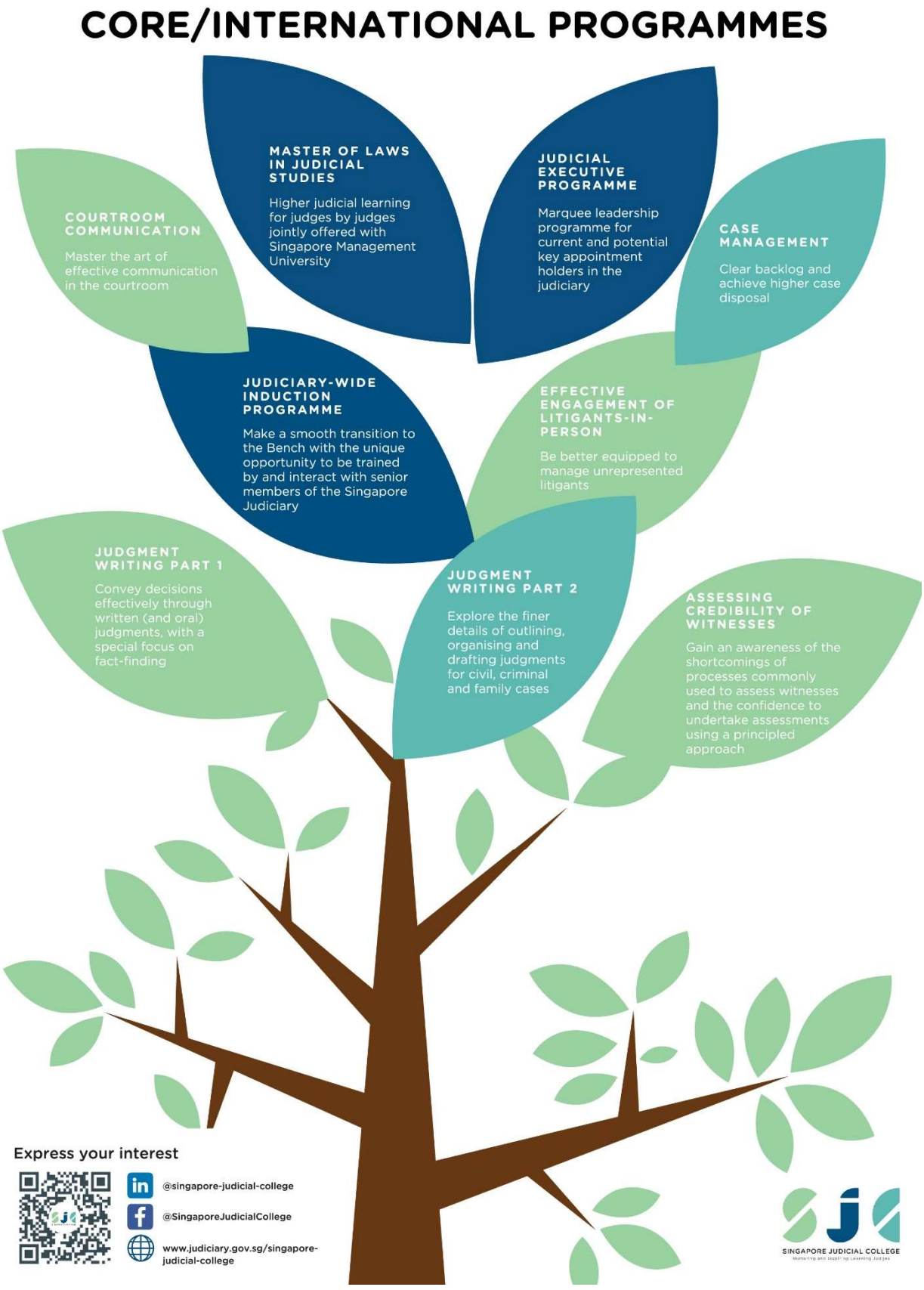
The PNGCJE has managed to embrace this advancement in digital technology by converting a number of its judicial training programs into online courses, one of which has been the Training of Trainers program for the PNG Supreme and National Court officers. The first online Training of Trainers program was conducted in August 2020 and since then, forty (40) senior Court officers, including three (3) Judicial officers have become certified trainers. PNGCJE now has a strong faculty of trainers, comprising Judges, Magistrates, Court officers and its own staff.

The main goal of the Training of Trainers program was to address the current need for highly competent and resourceful trainers within the judiciary who can expertly deliver training and promote effective learning. Essential topics covered in the program included the *Role of Judicial Education, Judicial Training Cycle, Learning Styles, Adult Learning Characteristics, Curriculum Design,* and *Methods of Delivering Training*. Other areas that were covered included *Presentation Techniques, Time Management* and *Communication Skills*.

E-learning approach as opposed to the conventional mode of training delivery has done more for the PNG Supreme and National Courts by allowing global collaboration and guaranteeing a risk-free environment for employees, especially during the time of Covid-19.


**PNG Supreme and National Courts staff participating in the recent ToT training that was conducted online from the 6 to 9 September, 2021. The workshop was facilitated by the PNGCJE Program Officers.**

## SINGAPORE JUDICIAL COLLEGE



# Upcoming Events

| | |
|---|---|
| CJEI Intensive Study Programme for Judicial Educators | Halifax, Ottawa and Toronto, Canada<br>5 – 24 June 2022 |
| CJEI Biennial Meeting of Commonwealth Judicial Educators | Gaborone, Botswana<br>22 – 25 October 2022 |
| IOJT 10th International Conference on Training of the Judiciary | Ottawa, Ontario, Canada<br>30 October – 3 November 2022 |

*We are eager to share in the CJEI Report news on judicial education developments, judicial reforms, elevations, honours, or obituaries and other news related to the judiciary such as new innovations to tackle arrears and delays, strategies to improve access to justice, landmark judgments, or recent judicial education initiatives in your country.*

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