



## **MINISTRY OF LEGAL & CONSTITUTIONAL AFFAIRS**

*c/o 1 DEVON ROAD, KINGSTON 10 & 61 CONSTANT SPRING ROAD, KINGSTON 10  
JAMAICA*

Telephone Nos.: (876) 927-9941-3, 929-8880-5 & 927-4101-3 (Minister & Permanent Secretary)  
(876) 906-4923-31 (Legal Reform Department & Law Revision Secretariat)  
(876) 906-1717 (Office of the Parliamentary Counsel)

---

ANY REPLY OR SUBSEQUENT REFERENCE TO THIS COMMUNICATION SHOULD BE ADDRESSED TO THE PERMANENT SECRETARY

### **MINUTES**

#### **17<sup>th</sup> Meeting of the Constitutional Reform Committee (CRC)**

**Venue: Jamaica Banquet Hall**

**Date: July 19, 2023**

**Time: 9:30 am**

---

### **AGENDA**

1. Call to Order
2. Prayer
3. National Pledge
4. Apologies for Absence
5. Confirmation of Agenda
6. Confirmation of Agenda
7. Confirmation of Minutes of 11<sup>th</sup> and 13<sup>th</sup> Meetings
8. Presentation of Interim Report to Cabinet
  - *The Way Forward\**
9. Finalization of Arrangements for Upcoming Public Engagement and Consultation sessions:
  - St. Elizabeth – July 26, 2023
  - Westmoreland – July 27, 2023
  - Hanover – July 28, 2023
10. Any Other Business

- Upcoming Presentations from Citizens Action for Free and Fair Elections and the Jamaica Bar Association
- Deferral of Discussion of Proposed Drafting Strategy

11. Date and Time of Next Meeting

12. Adjournment

\*Amendments to the Agenda

## **ATTENDEES:**

### **Constitutional Reform Committee**

- Honourable Marlene Malahoo Forte, KC, JP, MP (Chairman)
- Ambassador Rocky Meade, CD, JP, PhD (Co-Chairman - Office of the Prime Minister)
- Dr Derrick McKoy, CD, KC (Attorney General of Jamaica)
- Senator Donna Scott-Mottley (Parliamentary Opposition - Senate) *via video link*
- Mr Anthony Hylton, CD, MP (Parliamentary Opposition - House of Representatives)
- Dr the Honourable Lloyd Barnett, OJ (National Constitutional Law Expert)
- Mr Hugh Small, KC (Consultant Counsel and Nominee of the Leader of the Parliamentary Opposition)
- Dr Elaine McCarthy (Chairman of the Jamaica Umbrella Groups of Churches)
- Dr Nadeen Spence (Civil Society – Social and Political Commentator)
- Mrs Laleta Davis Mattis, CD, JP (National Council on Reparation)
- Mr Sujae Boswell (Youth Advisor) *via video link*
- Professor Richard Albert (International Constitutional Law Expert – University of Texas at Austin) *via video link*

### **Secretariat**

#### ***Ministry of Legal and Constitutional Affairs***

- Mr Wayne O. Robertson, JP, Permanent Secretary
- Miss Judith Grant, Chief Parliamentary Counsel
- Ms Nadine Wilkin, Director of Legal Reform
- Ms Roxene Nickle, Advisor/Consultant
- Mrs Janelle Miller-Williams, Senior Director, Legal Education Division (Actg.)
- Mr Christopher Harper, Senior Constitutional Reform Officer (Actg.)
- Ms Julia Wedderburn, Senior Legal Education Officer (Actg.)
- Ms Christal Parris-Campbell, Assistant Parliamentary Counsel
- Mrs Chrystine Bernard-Wedderburn, Legislative Editor
- Mr Makene Brown, Legal Officer
- Mr Jordan Jarrett, Constitutional Reform Officer (Actg.)

- Georgette Campbell, Administrative Support

### ***Ministry of Foreign Affairs and Foreign Trade***

- Ambassador Sheila Sealy Monteith, CD, JP, Permanent Secretary

### ***Ministry of Justice***

- Ms Samantha Blair, Deputy Director, Legal Services

### **ABSENCES**

- Senator the Honourable Tom Tavares-Finson, OJ, CD, KC, JP (President of the Senate and Commissioner of the Electoral Commission of Jamaica)
- Senator Ransford Braham, CD, KC (Government Senator)
- Dr David Henry (Wider Society – Faith-based)

## **1. CALL TO ORDER**

- 1.1.** The meeting was called to order by the Chairman, the Honourable Minister Marlene Malahoo Forte, at 10:10 am.

## **2. PRAYER**

- 2.1.** Prayer was led by Dr Lloyd Barnett.

## **3. NATIONAL PLEDGE**

- 3.1.** The National Pledge was recited.

## **4. WELCOME AND OPENING REMARKS**

- 4.1.** In her opening remarks, the Chairman welcomed everyone. She gave a special welcome to all the Members who had been absent from meetings, especially to Ambassador Sealy Monteith, Permanent Secretary in the Ministry of Foreign Affairs and Foreign Trade. She said there would be a sitting of the Parliament in the afternoon which required her and member Hylton's presence.
- 4.2.** The Chairman informed the meeting that it was near the end of housekeeping matters and this was her last plea to the Secretariat to ensure that all outstanding meeting Minutes were completed so that they could be reviewed and confirmed by the Committee. She also said that some time would have to be set aside in the meetings to assess the submissions that were made and to deliberate on those submissions and recommendations. She also stated that consideration would be given to the drafting of the strategic proposal.
- 4.3.** The Chairman noted that, arising from the last meeting, was a point made by the Advocacy Network in its presentation about the programme of activities for the Committee. She further stated that she wanted Members to spend a little time in subsequent meetings looking at that issue. She further explained that she wanted the Committee to be mindful of the timeframe – between where the committee was now to

the tabling of the Constitutional Amendment Bill – when dealing with some of the urgent matters arising, while still prioritising focused engagement with the public, particularly the electorate, who would have to vote in a referendum to approve the changes after Parliament had made its vote.

## **5. APOLOGIES FOR ABSENCE**

- 5.1.** Apologies for absence were tendered on behalf of Dr David Henry and Senator Ransford Braham. Mrs Davis Mattis indicated that she would have been late.

## **6. CONFIRMATION OF AGENDA**

- 6.1.** Dr Barnett asked that the progress of the work of the Committee be examined. This matter was placed under “Any Other Business”

**6.1.1.** The Chairman reminded Members that the Proposed Drafting Strategy was to be discussed at this meeting but she did not know that a special sitting of Parliament was to happen. She indicated that Committee Members who had been absent had asked for the presentation of the Drafting Strategy to be done when they were in attendance.

**6.1.2.** Ambassador Meade stated that, as a part of the way forward, there was a need to develop a specific mechanism for managing the presentations and recommendations that were made to the Committee. He indicated that there were some specific proposals about how the recommendations could be treated to ensure that all recommendations were considered as best as possible before the Committee submitted its recommendations. He added that the discussion would be about how the recommendations from the presentations were treated going forward.

**6.2.** The Chairman suggested that Item #8, should include “The Way Forward” as a sub item instead of under “Any Other Business” and that, such matter should be discussed ahead of the Confirmation of the Minutes.

**6.3.** Confirmation of the Agenda was moved by Dr McCarthy and seconded by Dr Spence.

## **7. PREPARATION OF INTERIM REPORT TO CABINET**

### **7.1. The Way Forward**

**7.1.1.** The Chairman stated that preparation of the Interim Report was required to inform the Cabinet of the progress of the Committee’s work to date. Discussions had taken place, however, she indicated that she would like to hear from the members the specific matters that they believe should be included in the Interim Report.

**7.1.2.** The Chairman stated that she had also indicated to the Prime Minister the importance of using the Jamaica Information Service (JIS) and the Public Broadcasting Commission of Jamaica (PBCJ) to support public education efforts on the Constitution and the laws of Jamaica. She noted that, during that preliminary discussion, the Prime Minister agreed and indicated that he would give the necessary directions to the entities as they fell under his portfolio.

**7.1.3.** The Chairman asked the Permanent Secretary to give an update on the status of the programme with JIS. She further stated that there was a decision to separate public education from public engagement which was critical to the work that was indicated in the proposal by JIS. She reminded the Committee that there had been numerous sessions discussing the challenges surrounding public engagement and education. She mentioned that, having looked back at the Minutes, she noted commitments which had not been fulfilled in relation to the public education

mandate. She added that important strides had been made on the public engagement front, however, there had been some set back.

**7.1.4.** The Permanent Secretary informed members that the Public Education Programme would be implemented by the 1<sup>st</sup> of August, 2023. He stated that the Ministry had received the agreement from JIS which awaited final signatures following minor adjustments.

**7.1.5.** In responding to the query on the content and sign off on the JIS programmes, the Permanent Secretary reported that JIS was preparing the content ahead of the August 1<sup>st</sup> commencement date and that the Secretariat was relying on its Members to review the content at the time. The Chairman then asked who would be signing off on and checking the content for accuracy. The Permanent Secretary indicated that the Secretariat was relying on its Members to review the content that was agreed upon as a team. He underscored that before any content was published, it would be reviewed and agreed upon. The Chairman indicated that Dr Barnett had volunteered to make himself available to help with the review.

**7.1.6.** Dr Barnett suggested a strategy for drafting the Interim Report which would include what the Committee had done and what it proposed to be done. These would be the basic factors that would influence the Committee's work over the next month or two.

**7.1.7.** Mr Harper reported that the Secretariat was equipped with a team of legal practitioners from the Ministry of Legal and Constitutional Affairs Legal Reform Department, the Ministry of Justice and internally within the Constitutional Reform Committee. He said that the approach that would be beneficial would be to highlight some of the general core aspects of the Constitution and principles of Constitutional law that the public would be aware and abreast of, in order to ensure that they had a comprehensive and sufficient understanding of basic Constitutional principles and basic governance structures among other things. He



also stated that with the number of consultations that had been held thus far, the Secretariat realised that there was also a substantive knowledge deficit surrounding critical areas based on the types of questions asked by the public. He also said that persons were trying to get a better sense of what the Republic was or why Jamaica would become a republic and the associated benefits among other things. He reported that a Legal Memorandum was prepared to assess some of those core components, particularly on the benefits of Jamaica becoming a Republic. He said that the team was currently reviewing the Memorandum with a view to prepare it for wider dissemination among members of the Committee. He informed the Committee that once the internal team generated the relevant content, they would depend on the members who were legally trained or are legal experts in their own rights, to vet and validate the final content ahead of it being formatted into public education material. He also said that they would therefore rely on Members to step in as part of the validation exercise in the preparation of the actual material, and this would be the way forward which would ensure the most accurate information framed in a manner that Members would be receptive of, and consider readily and easily understandable by members of the general population.

**7.1.8.** The Chairman asked for an update on the preparation of the report on the issues raised in the public domain. She added that a lot of the issues were related to the accountability of the Government. She said that the issues which Dr Barnett indicated were not strictly matters that would be dealt with in the Constitution Reform process, however, they were matters, that ere important to the people, in terms of the legitimacy of the Government. More so, she stated that she was particularly interested in the Interim Report that highlighted those issues, so that the Government could be aware of perspectives of the people as it moved towards seeking Parliament's approval.

**7.1.9.** Mr. Harper responded that that the issues raised in the media articles/publications were identified and appraised. He further stated that those issues found were those

same issues found throughout different public fora. He also shared that the Members of the Secretariat were in the process of documenting the issues raised across the town hall discussions and consulting exercises. The Chairman asked Mr Harper how much more time team required. Mr Harper indicated one (1) week.

**7.1.10.** Dr Barnett suggested that public education programme could be included in the Emancipation and Independence celebrations.

**7.1.11.** The Chairman advised that some small-bite videos were done with JIS. She asked Dr Barnett if he would make himself available to do one or two 45 seconds videos to be aired before Prime-Time News.

**7.1.12.** Dr Spence asked about the role of the Public Engagement Committee at this time, whether the Sub-Committee was still in existence, and how would the work of the JIS unfold, within the context of that Sub-Committee. She also stated that she had been paying attention to the Committee's social media presence and noted that there was not much traffic taking place on social media. She asked if JIS was going to take charge of the social media accounts and draw traffic to them.

**7.1.13.** The Chairman reminded that there was a request for a dedicated media network to deal with the issues and the social media engagements. She indicated that it could be done internally but that it required focused attention.

**7.1.14.** Dr Spence added that since they had decided to focus on the task of public education, there had only been one public education session in Portland. She said there had been a significant challenge where that was concerned since they made the commitment. She further stated that the public education aspect of the work needed to be improved before they could proceed with the other elements as outlined.

**7.1.15.** The Permanent Secretary explained that in respect of the social media component, the public education programme was started by JIS which included social media and the “Road to Republic” campaign. He stated that in terms of the engagement, reference was made to the Town Hall in Portland but the Ministry had been planning three additional public consultation sessions. He said in terms of the legal engagements, the Legal Education Unit from the Ministry had been engaging Ministries, Departments and Agencies. He noted that although this was not reported on each week, the Legal Education Unit had been meeting with several Ministries, Agencies and Departments of Government, because it was important that the populace was communicated with and educated. He further stated that the focus must also be on the public service which justified the level of engagement with several public entities. He further informed the meeting that there was a schedule of activities and meetings had been happening with several entities including the Ministry of Foreign Affairs and Foreign Trade over the course of the past few weeks. He shared that they had been taking the “Road to Republic” campaign to different cohorts of the populace. He then advised that he could not approve anything that did not go through the process of procurement.

**7.1.16.** Dr Barnett asked whether the meetings at the various Ministries would include all members of staff, for example, whether the meeting at the Ministry of Health and Wellness would include the Public Health Inspectors.

**7.1.17.** The Permanent Secretary said that there were no restrictions.

**7.1.18.** Dr Barnett said he was referring to the target. He further stated that meetings could be held with the general populace through the people who are a part of the community, which were the strategies, he said, that he was referring to.

**7.1.19.** The Chairman, in highlighting a gap, shared that while she knew that the Ministry had to build out its own work, she did not contemplate that the public education around the constitutional reform agenda would not include consultation with the Committee. She suggested that the opinion leaders in the community,

who could pass on the message and asked that that be explored. She said the work should be assessed and one way in doing so was for the Secretariat to go through the Minutes so they can be reminded of the discussions. She referred to Dr Barnett's question about targets and asked whether it was sufficient to meet with the Ministries only for the technocrats. She stated that a question that should be asked was how a meeting with technocrats would impact the people who were expected to vote to approve the changes when it was time to host the referendum. She said that the Committee had to be in the engagement. She noted that it was not just about public education at large but that it was parallel to the broader campaign and part of the work being done by the Ministry. She further said that public education around this constitutional reform process would end with a referendum.

**7.1.20.** Dr Spence said that she understood the JIS proposal but she thought they were more focused on the general public education campaign, which would see advertisements being aired on news stations. She added that the matter of public engagement could not be confined to one or two Town Halls. She stated that the plan was to supplement the JIS proposals with other activities and programmes that would come from the Public Engagement Committee. That, she said, still had not taken place. She proposed planning activities at least three months ahead to get quotations so that payments could be sorted in advance. She said, for example, at the end of a town hall meeting, the preparation for the next could commence by soliciting the kinds of engagement and supplies that would take time to acquire. She suggested that if, for example, there are ten (10) Town Hall meetings left, then preparation would have been made in advance.

**7.1.21.** Mr. Hylton asked about the constraints that the Permanent Secretary was experiencing.

**7.1.22.** The Permanent Secretary informed the meeting that the Ministry shared services with the Ministry of Justice which included procurement. He shared that they

were struggling with the Ministry's procurement because the process was longer than normal. He added that the Ministry of Legal and Constitutional Affairs had started the recruitment for its own procurement staff. He said there were other shared services which would be filled on a phased basis. He further informed the Committee that four Legal Officers were employed but there were still some services that remain shared. He said with the shared services, there was a delay with certain processes. He said that since the Committee was constituted in March, despite the challenges, there was a lot that had been accomplished. He added that two websites had been created and the public education programme would be implemented in August. He also stated that engagement with the public on Constitutional Reform had been taking place and noted the Ministry's work such as "All Things Legal" which aired on RJR 94 FM, which, he said, was not reported at this forum. He shared that he was confident that together it could be done despite existing challenges.

**7.1.23.** Dr Barnett said the Committee would not want to be monitoring the Administration/Secretariat but that they wanted to be aware of some of the achievements or challenges.

**7.1.24.** The Chairman said an assessment of the public meetings would be done both quantitatively and qualitatively likewise with the individuals or groups that made presentations. She reported that many who had spoken publicly, the Committee had reached out to them but were now the ones delaying.

**7.1.25.** Mr. Hylton suggested that at the next meeting a revision of some of the presentations, particularly the substantive ones, could be done.

**7.1.26.** Dr McCarthy suggested that there needed to be a plan of the way forward so that the items that were being worked on, with corresponding timelines could serve as a running order on how to proceed up to the point of presenting the draft Bill.

**7.1.27.** The Chairman stated that the Committee was not doing a bad job but her major concern was that while the steps to be taken were identified, some were not being actioned.

**7.1.28.** Dr McCarthy said there could be some brief meetings to show what the Committee was doing.

**7.1.29.** The Chairman said the Minutes would be uploaded.

**7.1.30.** Dr Barnett added that the test was when people felt that they were a part of a fair opportunity to participate.

**7.1.31.** Ambassador Meade suggested that the Committee had a specific discussion about the recommendations which it had received and inform the proponents by putting something out in the media, indicating the issues that were brought to the Committee's attention in order to inform the public that if the issues they were concerned about were not listed, they could contact the Committee. He noted that this would be a very specific way for the record to show that the matters brought to the attention [of the Committee] were being considered and that if there were any other matters, members of the public would so indicate. He noted that such would be one way to demonstrate that the Committee has received, actioned and was responding.

**7.1.32.** Dr McCarthy said that in engaging the groups, there was a positive side to it, in which there were a small core of persons voicing their concerns in terms of what was happening with the process and by virtue of reaching out to them, it allowed the Committee to be in a position of facilitating the voice and contributions of the public. She noted that at the Town Hall, there were persons who did not have much knowledge about the process and the Constitution, which presented an opportunity for the Committee to educate. She further stated that the strategy being employed would continue to help. She noted the decrease in negative voices throughout the public domain and justified this on the basis that persons

had been given the opportunity to participate and persons had received clarification.

**7.1.33.** Mr. Small asked that consultations arranged before the Town Hall meetings not be confined to the Justices of the Peace, as they would not normally impart the information to the general public. He therefore suggested that the man on the street would be the target as he was the person who would be called upon to leave his home to vote.

**7.1.34.** The Chairman said the engagement done pre-Bill would be different from that which would be done post-Bill. She explained that the Referendum would be held in a similar manner to a general election, and that the vote would be taken at polling stations. She highlighted the difference in how the message would be delivered since there would be no competition similar to that in a general election.

**7.1.35.** Senator Scott-Mottley reported that the People's National Party (PNP) was putting in place a programme of activities to discuss the Constitutional Reform programme with their members which would commence with the two-day National Executive Council (NEC). She added that they were going to do their part in reaching the people.

**7.1.36.** Mr. Boswell noted that there were different segments of the society. He explained that there were different layers which required different levels of integration and engagement.

**7.1.37.** Senator Scott-Mottley said that they were engaged in a non-partisan approach through the political parties.

**7.1.38.** Dr Barnett emphasized that there needed to be a measurement of the engagement of the public in order to achieve the objective of attaining a high level of engagement with members of the public.

**7.1.39.** The Permanent Secretary said that the Secretariat had always envisioned the need for a Poll which was to be done in August to inform the contents of the Bill.

**7.1.40.** Mr. Hylton asked not to forget the diaspora.

**7.1.41.** The Chairman said that there was a special request from the UK diaspora for a specific set of engagements because of their presence in the United Kingdom and the fact that many of them voted there. She informed members of a discussion with PS Sealy Monteith which required some follow up.

## **8. ANY OTHER BUSINESS**

**8.1.** The Chairman informed the meeting that this agenda item would be considered out of its usual sequence because she had to leave the meeting before it ended.

### **8.2. Presentations to the Committee**

**8.2.1.** The Chairman questioned whether a date had been given to the Citizen's Action for Free and Fair Elections (CAFFE) and the Jamaican Bar Association (JAMBAR) who had confirmed their willingness to present to the Committee. Dr Barnett reported that there was some confusion on the dates on which CAFFE and JAMBAR were to present.

**8.2.2.** Dr Barnett stated that the presentations by CAFFE and JAMBAR should be facilitated on August 11, 2023. The Chairman agreed and asked that the groups be informed of the date.

**8.2.3.** The Chairman also said that there would be a schedule of meetings to include engagements with the diaspora.



**8.2.4.** Mr Boswell added that the diaspora in Atlanta also had an interest and needed a discussion. The Chairman further noted expressions of interest from diasporic groups in Miami and New York, and other groups.

## **9. FINALISATION OF ARRANGEMENTS FOR UPCOMING PUBLIC ENGAGEMENT**

**9.1.** The Chairman said the upcoming meetings would be in Saint Elizabeth, Hanover and Westmoreland from July 26 – 28, 2023.

**9.2.** The Permanent Secretary informed the meeting that the venue for Saint Elizabeth had been confirmed. He said there would be a walkabout in Black River and then a Town Hall meeting at the Saint Elizabeth Technical High School. He reported that the Mayor agreed to assist with the walkabout in Black River. Final details for the other engagements were still being discussed.

**9.3.** The Chairman confirmed that discussions were had with all the Members of Parliament for the three parishes and that the details would have been communicated.

**9.4.** The Chairman expressed concern about the sequence of events, and possible logistical difficulties it would present. She further said that discussions were being had on whether to do two parishes instead of three.

**9.5.** The Chairman indicated that the final preparations for the upcoming public engagements would be made and communicated to the Committee.

*(The meeting took a coffee break at 12:15pm)*

**[COFFEE BREAK]**

*(The meeting resumed at 12:33 pm)*

## **10. CONFIRMATION OF MINUTES OF THE 11<sup>TH</sup> AND 13<sup>TH</sup> MEETING**

- 10.1.** The minutes of the 11<sup>th</sup> and 13<sup>th</sup> meetings of the Committee, held on May 19, 2023 and June 21, 2023 were confirmed following changes made by Committee Members.
- 10.2.** Mrs Davis Mattis raised the question concerning the action points reflected at the end of the published minutes. Ambassador Meade requested that the Secretariat, through the Permanent Secretary, had someone review the previous Minutes to check whether previously stated action points were carried through.

## **11. PUBLIC CONSULTATIONS/ENGAGEMENTS**

- 11.1.** The Permanent Secretary informed the Committee that in the pipeline for presentation to the Constitution Reform Committee, were the National Integrity Action (NIA) and Jamaicans for Justice (JFJ). Arrangements, he said, were being made to have those groups make presentations to the Committee.
- 11.2.** The Permanent Secretary also informed the Committee that in terms of other public engagements, the Kingston & St. Andrew leg was coming up. He said there was a plan for it to be aired live on Television Jamaica (TVJ). He said the suggestion was to host the session at Emancipation Park or at the TVJ studio on a date in September. He noted that discussions with the diaspora should be held between August 17-25, 2023. He also added that the schedule was being adjusted for the remaining parishes.

Ambassador Meade noted that there was a Public Engagement Sub-Committee which treated with the matters and thereafter brought recommendations to the Committee.

## **12. DATE AND TIME OF THE NEXT MEETING**

**12.1.** The date for the next meeting was confirmed for August 11, 2023 at 9:30 a.m.

**13. ADJOURNMENT**

**13.1.** There being no further business the meeting was adjourned at 2:14 pm.