

FACULTY OF LAW

Mona

Year ending July 31, 2015



DERRICK MCKOY, JP

LLB UWI, LLM Lond., MBA Barry, DBA NSU, PhD Leic

Dean

– *Dean's Overview* –

ACADEMIC ACHIEVEMENTS

The Faculty of Law at the Mona Campus welcomed approximately 182 new students to the Bachelor of Laws programme for the 2014/2015 academic year. Of these new students, 26 were hosted at the Western Jamaica Campus and incorporated using multimode instructional methods. Another 11 of these new students were offered the opportunity to study in the accelerated 2 year programme as Direct Entrants.

Degrees were declared for 116 students from the fourth cohort of the Mona Law programme, 11 of whom received First Class Honors. The majority of these graduates progressed to the Norman Manley Law School to continue their studies in an effort to receive the Certificate of Legal Education and be enrolled as Attorney-at-Law.

The Mona Law Institutes Unit was established in the Faculty on January 2, 2015 with Dr Christopher Malcolm as the head of the Unit. The Unit was created to serve as an administrative platform on which technical and research teams would be built in areas such as Human Rights Law and Environmental Law. This Unit is expected to facilitate the expansion of the outreach programme of the Faculty, as well as, positively impact the legal profession through the creation of consultancy groups and administration of projects.

The LLM and MPhil/PhD programmes proposed for delivery at Mona Law were approved effective January 2015. The programmes have been marketed at conferences such as the Jamaican Bar Association Annual Weekend Conference held November 14–16, 2014 at which the Faculty had a booth. The Faculty has also used target marketing, recruitment drives at the Norman Manley Law School and various other mediums to promote the programmes.

The second volume of the Faculty's annual publication, the *MonaLaw Report*, was published and distributed as a marketing and reporting tool. The Report showcases the major activities that took place in the Faculty during the 2013/2014 academic year.

On April 24–26, 2015, the Faculty of Law, Mona, hosted its Inaugural Annual Weekend Symposium on Law, Governance and Society at the Hyatt Ziva Rose Hall, Montego Bay. The focus for the conference this year was on “Law and Governance in the 21st Century” and the Keynote Address was delivered by Chief Justice, The Honourable Mrs Zaila McCalla. A wide cross-section of delegates from public and private practice, the judiciary, financial institutions, government ministries, embassies and non-governmental organizations were in attendance. Attendees included the Director of Public Prosecutions of Jamaica, Ms Paula Llewellyn, the Solicitor General, Mrs Nicole Foster-Pusey and the Contractor General, Mr Dirk Harrison. The Symposium also featured regional and international presenters and chairs. The countries represented were the United Kingdom, the United States, The Bahamas, Barbados, the Cayman Islands and Jamaica. Tremendous support was also received from departments within the UWI, in particular the Department of Government. The main sponsor for the Symposium was the National Integrity Action (NIA) with additional sponsorship provided by Kingston Bookshop and Corpus Iuris. A number of Mona Law students, including students from the Western Jamaica Campus, formed part of the team for the Secretariat. Feedback from participants indicated that the event was well administered and featured very distinguished panels whose presentations were enlightening and instructive.

The Faculty hosted the Inaugural Lecture in the Distinguished Lecture

Series, on June 24, 2015, entitled “Company Law and Contractual Freedom”. This Distinguished Lecture was delivered by Professor Eilís Ferran, Chair of the Law Faculty and Pro Vice-Chancellor Designate, Cambridge University.

STAFF ACHIEVEMENTS

Dr. Ramona Biholar, Lecturer in the Faculty of Law, launched her book *Transforming Discriminatory Sex Roles and Gender Stereotyping. The Implementation of Article 5(a) CEDAW for the realization of women’s right to be free from gender-based violence in Jamaica*, on September 25, 2014. Dr Biholar conducted research through the Institute of Gender and Development Studies (IGDS) UWI and did extensive qualitative data collection in Jamaica in producing this book. The book explores the transformation of sex roles and gender stereotyping for the elimination of gender-based violence against women and the realization of women’s rights in Jamaica. Dr. Biholar specialises in Gender and Citizenship, Human Rights Law and European Union Law.

On December 3, 2014, Dr. Shazeeda Ali, Deputy Dean with responsibility for Graduate Studies and External Affairs in the Faculty of Law, launched her book, *Taking the Profit out of Crime: A Proceeds of Crime Act manual*. Dr Ali is a specialist in the area of financial services regulation, financial crime and legal profession ethics.

TEACHING, LEARNING AND STUDENT DEVELOPMENT

The Faculty had two Mooting teams participating in international mooting competitions during 2014/2015. These were the Annual Inter-American Human Rights Moot Court Competition held May 17–22, 2015 in Washington, D.C. and the Price Media Law Moot Court Competition held March 24–27, 2015 by the University of Oxford. The former team comprised of Scott Mullings, Victor Brown and Sean-Christopher Castle and coached by Andre Coore and Gabrielle Elliott-Williams with assistance from Jermaine Case, Stephanie Forte and Andrei Bennett. The Mona Law team received the prize for Best New

Team and Mr. Mullings copped the award for Best English-speaking Oralists for the Victims of Human Rights Abuses.

The team that represented the Faculty at the Price Media Moot Court Competition consisted of Tafina Hines, Jhade Lindsay and Kalisia Miller as advocates and Gabrielle Elliott-Williams as coach. The team qualified for the International Rounds with Ms. Miller being named Best Oralist for the Regional Round held in America. The UWI Mona's team qualified for the Octo-Finals (top sixteen teams) of the International Rounds for the first time. Ms. Hines and Mr. Lindsay were named 9th and 11th Best Oralists at the International Rounds of the Competition which featured over 100 oralists. The team was assisted in its preparation for the oral rounds by Dr. Ramona Biholar, Litrow Hickson, Rowana-Kay Campbell, Lanasia Nicholas, Andre Coore, Jermaine Case and Stephanie Forte.

It has been noted that the exposure which the students have had through these competitions, to the law, to students and practitioners from various parts of the world and to the rigors of researching, writing and presenting a case, is invaluable.

RESEARCH AND INNOVATIONS

On February 10, 2015, the Faculty hosted a Mona Law Public Lecture and Panel Discussion on the Caribbean Court of Justice (CCJ) and Modern Democratic Constitutional Governance in the Commonwealth Caribbean as a Signature Event in the UWI Research Days programme. The main speaker was Dr Leighton Jackson, Deputy Dean with responsibility for Undergraduate Affairs in the Faculty of Law. The presentation examined the constitutionality of the CCJ as the highest court for Commonwealth Caribbean States. The other members of the panel were: the Honourable Patrick Atkinson, Q.C., Attorney General of Jamaica and the Most Honourable Edward Seaga, Distinguished Fellow of the UWI, Mona.

LECTURERS' PUBLICATIONS

- **Ali, S.**, *Proceeds of Crime Act: Taking the Profit Out of Crime*, MIND, Kingston, (December 2014, 171 pages).
- **Ali, S.**, *Student Instruction Manual for Ethics, Rights & Obligations of the Legal Profession*, NMLS (2014, 167 pages).
- **Biholar, R.G.**, Co-author, Technical Adviser and Editor of the Legal Submission for the Review of the Sexual Offences Act 2009 submitted by SISTREN Theatre Collective to the Joint Select Committee of the Jamaica Houses of Parliament (August 2014).
- **Biholar, R.G.**, 'From women's rights in the books to women's rights as lived realities. Can the disconnect be mended?', *the Nederlands Tijdschrift voor de Mensenrechten/NJCM-Bulletin*, 39 (5), 2014, The Hague: Interuniversitair Instituut voor Internationaal Recht, T.M.C. Asser Instituut, 572–587 [Kluwer Navigator NTM-NJCM Bull. 2014/40].
- **Biholar, R.G.**, "Masculinities and the Practice of Dominica's National Gender Policy' in Politics, Power and Gender Justice in the Anglophone Caribbean", Ottawa: International Development Research Centre (IDRC), <http://hdl.handle.net/10625/53628> (2014).
- **Haynes, J.**, 'The Constitutional Systems of the Commonwealth Caribbean: A Contextual Analysis' by Derek O'Brien [Hart Publishing]. *Common Law World Review* 43(3): 264–272 (2014).
- **Haynes, J.**, 'The Transplantation of the European Principle of State Liability in Caribbean Community (CARICOM) Law: A Normative Assessment'. *Oxford University Commonwealth Law Journal* 14(1): 73–104 (2014).
- **Haynes, J.**, 'The Emergence of a Doctrine of de jure horizontal stare decisis at the Caribbean Court of Justice: Fragmentation or Pluralism of International Law?'. *Journal of International Dispute Settlement* 5(3): 498–530 (2014).
- **Haynes, J.**, 'The Treatment of Multinational Enterprise Groups in

Corporate and Insolvency Law: The Case of the European Private Company.’ *Legal Issues Journal* 2(1): 6–19 (2014).

- Haynes, J., ‘Exploring the ‘Disconnect’ between the Law and Practice Regarding the Non-Punishment of Trafficked Victims in Europe’, *The Crime Less Talked About: Exposing the Trends, Myths, Policies and Practices on Human Trafficking*. Durham, England, Ustinov College’s Race, Crime and Justice Network. (2014).
- Haynes, J., ‘Demystifying the Fair and Equitable Treatment Standard in International Investment Law: A Developing Countries’ Perspective.’, *The Purpose of Commercial Law*. Durham, England, Institute of Corporate and Commercial Law (2014).
- Haynes, J., ‘Re-thinking Anti-trafficking Law and Practice in the Commonwealth of Jamaica: Institutional, Normative and Individual Considerations’, *Managing Rights and Freedoms: The UK, Europe and Beyond*. Durham, England, Durham Law School (2014).
- Robinson, T., Bailey, C., Coore-Desai, C., ‘Corporal Punishment in the Caribbean: Attitudes and Practices’ (2014) 63& 64 *Social and Economic Studies* 207–233 (27 pages).
- Biholar, R.G., Poster “Masculinities and the Practice of Dominica’s National Gender Policy in Politics, Power and Gender Justice in the Anglophone Caribbean”, presented at UWI Mona Research Days “Innovating for Development through Science, Creativity, Productivity and Governance” February 9–11, 2015.
- Ffolkes-Goldson, S., “Corporate Governance as a Mechanism for the Deterrence of Economic Crimes” was published in June 2015 in the *Journal of Financial Crimes*, Volume 22 Issue 3, 2015, 347.
- Haynes, J., “Recent Trends in Post-Independence Constitutional Reform in the Commonwealth Caribbean” in Andrew Robertson and Rupert Jones-Parry (eds), *Commonwealth Governance Handbook*: Nexus Publishing. Chapter 4 (2015).
- Haynes, J., “European Anti-Trafficking Law and Practice: A Rights-Based Perspective.”, University of Copenhagen Postgraduate Law

Conference: *Migration Law Plenary*. Copenhagen, Denmark, Faculty of Law, University of Copenhagen (2015).

- Haynes, J., Review of “Caribbean Integration Law by David Berry [Oxford University Press, Oxford, 2014, ISBN 978-0-19-967007-9, 512pp, £85.00 (hbk)].” *International and Comparative Law Quarterly* 64.03 (2015): 738–740.
- Haynes, J., “The Modern Slavery Act (2015): A Legislative Commentary.” *Statute Law Review* 1–24 (advance access) (2015) Available at: <http://slr.oxfordjournals.org/content/early/2015/07/23/slr.hmv024.full.pdf+html>
- Haynes, J., “Revisiting the Locus Standi of Private Applicants in Judicial Review Proceedings under CARICOM and European Union Law: A Comparative Perspective”. *Commonwealth Law Bulletin* 41(1): 59–81 (2015).
- Robinson, T., Bulkan A., Saunders, A., *Fundamentals of Caribbean Constitutional Law* (Sweet and Maxwell 2015) (517 pages).

NATIONAL ENGAGEMENT AND OUTREACH

- Biholar, R.G., June 2015, ‘Why do we still need to talk about women’s rights and violence against women? Discriminatory gender stereotyping endorsed by the law in the Jamaican legislation’, Presentation at Workshop with Jamaican Parliamentarians, Kingston, Jamaica.
- Biholar, R.G., April 15, 2015, participation in the focus group discussion with gender experts in the academia and civil society organised by the United Nations Special Rapporteur on Violence Against Women, its Causes and Consequences, Office of the UN Resident Coordinator and the Institute for Gender and Development Studies, Mona Unit. This meeting focused on discussing the manifestations of gender based violence in Jamaica and debating strategies for its elimination, and had the purpose to share data for and support the UN Special Rapporteur’s country report on Jamaica.

- **Biholar, R.G.**, March 7, 2015, Volunteer Judge in the Jamaica National Rounds of the 2015 Philip C. Jessup International Law Moot Court Competition before ICJ, Court of Appeal, Kingston, Jamaica.
- **Biholar, R.G.**, February 15–19, 2015, ‘The Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women’, Presentation at the Ministry of Environment & Home Affairs & The Department of Social Development & Gender Affairs Workshop on children’s rights and women’s rights for government officials, House of Assembly, Grand Turk, Turks and Caicos.
- **Biholar, R.G.**, November 24–27, 2014, ‘CRC and CEDAW State Reporting in the Caribbean Region’, Presentation at the Ministry of Social Development & Housing, UNICEF and UN WOMEN Workshop on children’s rights and women’s rights for civil servants and civil society representatives, St. George’s, Grenada.
- **Biholar, R.G.**, September 1–2, 2014, ‘Gender Equality and International Human Rights Standards’, Presentation at the UN Women Symposium on Gender Equality and the Law for members of the judiciary, Nassau, The Bahamas.
- **Biholar, R.G.**, August 23, 2014, Involving Faculty of Law students in the Friedrich Ebert Stiftung (FES) Consultation on the review of the Jamaica Sexual Offences Act 2009, ‘She Who Feels it Knows it: Women’s Human Rights & The Sexual Offences Act (2009)’, Alhambra Inn, Kingston, Jamaica.
- **Biholar, R.G.**, August–October 2014, Supervising students’ writing and presentation of the legal submission to the Joint Select Committee of the Houses of Parliament for the review of the Sexual Offences Act 2009 [the submission written and presented by the UWI Faculty of Law students has been endorsed by SISTREN Theatre Collective and supported by Friedrich Ebert Stiftung (FES)].

PUBLIC SERVICE

- **Corthésy, N.**, 2015, Judge (Written Memorials and Oral rounds) of The Inaugural Queen Mary University of London Internal Intellectual Property Law Moot 2015.
- **Lewis, C.**, 2014–2015, President, Rotary Club of Trafalgar New Heights, Kingston, Jamaica.
- **Lewis, C.**, 2014–2015, Director, Community Based Rehabilitation Jamaica Board.

REGIONAL AND INTERNATIONAL COLLABORATION

Public Lectures and other Collaborative Efforts

- The Faculty of Law hosted the first Mona Law Event for the 2014/2015 academic year on Thursday, September 25, 2014. The Public Lecture entitled “Addressing discriminatory gender stereotyping endorsed by the law. The review of the Jamaica Sexual Offences Act 2009” was also used to launch the book entitled *Transforming Discriminatory Sex Roles and Gender Stereotyping: The implementation of Article 5 (a) CEDAW for the realisation of women’s right to be free from gender-based violence in Jamaica* authored by Dr. Ramona Biholar, lecturer in the Faculty of Law. Presentations were also made by Professor Barbara Bailey, Jamaican member of the UN CEDAW Committee, and Ms. Judith Wedderburn Director of the Friedrich Ebert Stiftung (FES) in Jamaica.
- The Faculty of Law, in partnership with the Department of Economics, hosted a joint conference under the theme “Marijuana Legalization and Decriminalization” on October 28, 2014. Dr Mark Gillis, Lecturer in the Faculty of Law served as a panellist alongside Dr. Andre Haughton, Lecturer, Department of Economics; Dr. K’adamawe K’nife, Lecturer, Mona School of Business and Management; Senator the Honorable Mark Golding, Minister of Justice; Ms. Wanda James, Member of the Cannabis Global Initiative, Colorado USA and a representative from the Public Health Department, Jamaica.

- Aimed at exploring a dynamic and multidimensional approach to legal advocacy and the practice of law, the Faculty convened a Public Lecture and Panel Discussion on November 21, 2014 entitled, “Law, Media and Social Justice”. The panel explored issues such as whether it is ethical for an attorney to intentionally use the media to further litigation, the legislative process, or social justice movements. They sought to examine specific cases, the social justice movements that often accompany litigation and the use of media tempered by ethical and professional obligations. Ms. Jasmine Rand, founding attorney of Rand Law, L.L.C. in Miami, Florida was the main speaker. The distinguished panel also included Senator Tom Tavares-Finson and Senator Marlene Malahoo Forte. Mrs Laleta Davis-Mattis, Adjunct Lecturer in the Faculty of Law and University Counsel served as moderator for the event.
- The Faculty, in collaboration with National Integrity Action (NIA), hosted a two day event on December 3 and 4, 2014. Day One was the launch of the Proceeds of Crime Act Manual, entitled “Taking the Profit out of Crime”, authored by Dr Shazeeda Ali, Deputy Dean with responsibility for Graduate Studies and External Affairs in the Faculty of Law. Day Two followed with a round-table discussion including the author and Mr Ivan Krolick, Foremost British Barrister on Financial Crime, as well as, Mr Kent Pantry, former Director of Public Prosecutions.
- The Faculty in collaboration with the Magna Carta 800th Anniversary Committee in the United Kingdom, through Dr. Hamid Ghany, Senior Lecturer in Political Science and Coordinator of the Constitutional Affairs and Parliamentary Studies Unit (CAPSU) in the Faculty of Social Sciences at the St. Augustine Campus, hosted a public lecture by Dr Derrick McKoy, Dean of the Faculty of Law at Mona on February 4, 2015. The lecture entitled “The Influence of the Magna Carta on Human Rights in Jamaica”, formed part of a project aimed at promoting the understanding of the Magna Carta in the Commonwealth Caribbean and in recognition of its 800th Anniversary.

- In collaboration with the Faculty of Law, the Chartered Institute of Arbitrators, Caribbean Branch, hosted its Centenary Conference July 6–10, 2015 in the Faculty. The first two days of the Conference took the form of CI Arb Training while the other three days comprised of conference presentations and mock international arbitration.

PAPERS PRESENTED AT MAJOR CONFERENCES

Biholar, R.G., ‘International Perspectives and the Jamaican Legal Framework’, Presentation at the Friedrich Ebert Stiftung (FES) Consultation on the review of the Jamaica Sexual Offences Act 2009, ‘She Who Feels it Knows it: Women’s Human Rights & The Sexual Offences Act (2009)’, Alhambra Inn, Kingston, Jamaica, August 23, 2014.

Biholar, R.G., ‘Addressing Discriminatory Gender Stereotyping Endorsed by the Law. The Review of the Jamaica Sexual Offences Act 2009’, Public Lecture and Book Launch, UWI Faculty of Law, Mona, Kingston, September 25, 2014.

Biholar, R.G., ‘Women’s Rights are Human Rights’, Presentation and Talk at the Women’s Rights Forum, UWI STAT Vice Chancellors’ Ambassadors Mona Corps, The University of the West Indies, Mona campus, Jamaica, September 25, 2014.

Ffolkes-Goldson, S., Cambridge International Symposium on Economic Crimes from September 1, 2014 to September 7, 2014; presented a paper on September 6, 2014 entitled: “Protecting the Sources of Information”.

Biholar, R.G., ‘Human Rights Considerations Related to the Mandate of the West Kingston Commission of Enquiry’, Presentation at the Media Workshop on Reporting on the West Kingston Commission of Enquiry, UNDP Jamaica, Kingston, Jamaica, October 2, 2014.

Biholar, R.G., ‘Gendered Justice’, Guest Lecture for the Institute for Gender and Development Studies (IGDS), the Regional Coordinating Unit, the Graduate Programme, UWI Mona, November 10, 2014.

- **Robinson, T.**, 'The Washington D.C. Inter-American Human Rights System and the Role of Caribbean Attorneys and Civil Society Organisations', The Third IJCHR (1988) Ltd Charter of Rights Lecture, Jamaica, December 10, 2014.
- **Robinson, T.**, 'An Overview of Child Rights: A Caribbean Perspective' Trinidad and Tobago Family Court, Continuing Education Seminar, Magdalena Grand Beach Resort, Tobago, January 23–25, 2015.
- **Ali, S.**, 'The Power of POCA' Opening Remarks at the National Integrity Action's Anti-Corruption and Financial Crime Investigators' Training Seminar, Kingston, Jamaica, January 26, 2015 (4 pages).
- **Biholar, R.G.**, 'Addressing Discriminatory Gender Stereotyping Endorsed by the Law. The Review of the Jamaica Sexual Offences Act 2009', Mona Law Series Public Lecture and Book Launch, UWI Faculty of Law, Western Jamaica Campus, Montego Bay, February 5, 2015.
- **Robinson, T.**, Keynote Address, 'Sexual Violence in the United States Military' at a forum "Sexual Assault in the United States Military: How Far Have We Come?" organised by Cornell University Law School Avon Global Center for Women and Justice and New York City Bar, February 19, 2015, New York.
- **Robinson, T.**, 'The Irony of Equality and Non-discrimination in Anglophone Caribbean Constitutional Law'. Paper presented at the VIII Encuentro Internacional: "Constitucion, Democracia Y Sistemas Politicos", Taller Regional sobre Derecho Constitucional en el Caribe: Género, Sexualidad y Raza organised by Inter-Mujeres Puerto Rico y el Instituto de Estudios sobre Mujeres, Género y Derecho de la Facultad de Derecho de la Universidad Interamericana de Puerto Rico, 25 February 2015, Cuba.
- **Ffolkes-Goldson, S.**, Caribbean Corporate Governance Insitute's Corporate Governance Workshop: Board Accountability, Disclosure, Audits, Evaluation in February 2015; presented a paper entitled: "Board Accountability, Legal Redress – Challenges and Opportunities Under Jamaican Law."

- **Biholar, R.G.**, ‘Rape, Grievous Sexual Assault & Marital Rape’, Guest Lecture for the Course Criminal Law II, UWI, Faculty of Law, Mona, March 11, 2015.
- **Corthésy, N.**, WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications; Thirty-Third Session and Side Event on the Protection of Country Names; Geneva, Switzerland. March 16–30, 2015.
- **Biholar, R.G.**, ‘Legal Reform in Jamaica’, Guest Lecture for the Institute for Gender and Development Studies (IGDS), the Regional Coordinating Unit, the Graduate Programme, UWI Mona, March 30, 2015.
- **Ali, S.**, ‘Money Laundering and Corruption: an Unholy Alliance’ Faculty of Law Inaugural Symposium on Law, Governance and Society, Rose Hall, Jamaica, April 25, 2015 (21 pages).
- **Ali, S.**, ‘Money Laundering and the Funding of Terrorist Groups’ Model United Nations Club Forum, UWI, Mona, Jamaica, April 2, 2015 (5 pages).
- **Corthésy, N.**, Fordham University Law School; 23rd Annual Conference on Intellectual Property Law and Policy in Cambridge; Cambridge University, Cambridge England. April 7–9, 2015.
- **Robinson, T.**, Keynote Address, ‘Eliminating a Culture of Violence against Women’, First International Seminar on the Culture of Violence against Women, organized by the Instituto Vladimir Herzog and Instituto Patricia Galvao, Sao Paulo, Brazil, May 21, 2015.
- **Robinson, T.**, ‘International Human Rights, Treaty Obligations and the Implications for the Trinidad and Tobago Judiciary’, Annual Judges and Masters Continuing Education Seminar, Judicial Education Institute of Trinidad and Tobago, Tobago, May 23, 2015.
- **McKoy, D. V.**, ‘Corruption in the Western Hemisphere: Impediment to Citizen Security and Democratic Consolidation’ organized by the William J. Perry Center for Hemispheric Defense Studies, July 15, 2015.

- **Robinson, T.**, 'Human Rights, Health and the Medical Profession in the Twenty-First Century: Human Rights as a Bedrock for Patient Care', Fourteenth William Dennis Memorial Lecture, Department of Surgery, Faculty of Medical Sciences, UWI Mona, Jamaica, 16 July, 2015.