



CAWJ: Becoming a voice for the vulnerable in the region



The Honourable Mme. Justice Joan Charles

The Honourable Mme. Justice Joan Charles is a woman on a mission. As the first President of recently established Caribbean Association of Women Judges (CAWJ), she is taking the lead in ensuring that the young organisation becomes a voice for the vulnerable in the region.

She is adamant though, that theirs will not be a political voice, but one that will seek to do what is best to help the most at risk in society particularly young girls and women.

Justice Charles is passionate about both her roles as a judge in the High Court of Trinidad and Tobago and the one she plays at the CAWJ.

She attained her Bachelor of Laws degree in 1983 from the University of the West Indies and her Legal Education Certificate from the Sir Hugh Wooding Law School in 1985. During her years of practice, she specialized in the areas of Criminal Law, Civil Law and Family Law.

“I have had very interesting experiences in my life. I am one of those persons who wanted to do both civil and criminal law because it speaks to different parts of my mind. Especially with civil law because it deals with such a broad range of public matters,” she said.

From 2001 to 2003, Justice Charles served as Special Prosecutor conducting criminal appeals on behalf of the State. In January 2004, she was appointed a Pusine Judge of the High Court of Trinidad and Tobago.

These experiences have shaped her professional development, so much so that she is one of the most well-respected members of the judicial community both in Trinidad and Tobago and the region. She has been invited to many conferences where she speaks with ease on a number of issues relating to family, civil and criminal law.

Justice Charles’ involvement with women’s judges associations started when she was appointed president of the Trinidad and Tobago Association of Women Judges. This was the foundation she needed to use her considerable skills not only in the court room, but to help those experiencing the effects of social ills in the wider community.

“My regional outlook has really broadened with my involvement in these associations. I now have deeper insights, although not as much as I would like, into the workings of the judicial systems of other Caribbean countries,” she said.

Justice Charles and her team at the CAWJ play a pivotal role in identifying and developing proposals for acquiring the much needed resources for a number of projects to assist women and girls in the region. She admits though that because they are judges their hands are tied when it comes to fundraising as they adhere to strict professional codes of conduct. So proposals are submitted to the recognised and respected International Association for Women Judges (IWJA) which may seek funding on their behalf. Justice Charles is also a former IAWJ Board Member and Co-Director for the Latin-American and Caribbean region. The CAWJ falls under the umbrella of the IAWJ.

“Apart from that we may be able to contribute by the nature of our jobs through sensitisation, training and education. So it’s a bit of public service in addition to doing our jobs. As judges we are trying to do a little bit more to better the society in which we live,” she explained.

In this Issue

Dear Reader,

We are pleased to present to you Issue V of *JURIST News* – the official newsletter of the Judicial Reform and Institutional Strengthening (JURIST) Project. In this issue we take a look at some of the activities that we have been engaged in for the period October, 2016 to January, 2017.

The Honourable Mme. Justice Joan Charles, Judge in the High Court of Trinidad and Tobago and first President of the Caribbean Association of Women Judges (CAWJ) graces our cover and shares her vision for the budding organisation.

Ms. Anika Gray, Gender Coordinator, JURIST Project shares some enlightening views on gender roles and the justice system. We also take a look at the consultations that were held across the region with a view towards developing model guidelines for the handling of sexual offence cases and treatment of survivors of

sexual offences, including children and persons with disabilities.

The JURIST Project, in partnership with UN Women, conducted the first in a series of certificate courses on “*Gender Equality and Access to Justice*” for the staff of the Caribbean Court of Justice (CCJ). Additionally, UN Women in collaboration with the Caribbean Association of Judicial Officers (CAJO) held a consultation workshop on the *Gender Equality Protocol* for Magistrates and Judges in Barbados.

Details of these initiatives and more are available in this issue for your reading pleasure. As always, we take this opportunity to remind you that we welcome and appreciate feedback from everyone involved in the Project, as well as any contributions, information or materials which we can use for future editions of our newsletter.

- *The JURIST Project Team*

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Seeing Justice Through a Gender Lens

We like to think that justice is blind. It is not. Ideologies, prejudices and biases have an impact on the decision-making of those responsible for the dispensation of justice in our legal system. Ideas about gender, and the prejudices and biases those beliefs create, are pervasive throughout society, including the justice system. This is not surprising. The beliefs about the ways in which men and women should behave are taught and experienced from a very young age. This type of gender socialisation impacts our lives in more profound ways than we often understand. Its influence on the functioning and behaviour of those who administer justice can therefore be hard to avoid.

In fulfilling its mandate to improve the administration of justice, the JURIST Project has adopted as a key priority the development of initiatives that serve to improve the capacity of judges, court personnel and administrators to deliver gender-responsive court services.

There are a couple of ways decision-makers in the justice system contribute to women's marginalisation, reinforce limiting stereotypes regarding masculinity and ultimately hamper access to justice for women and men.

First, notions about women being temptresses and men being unable to control their sexual desires, can influence how sexual assault cases are investigated and adjudicated. In cases of statutory rape, girls are often said to get what they deserved. Women involved in rape cases have to often prove to juries that they were not loose women and did not dress provocatively so as to tempt the man. In both cases there is an underlying, and rather insulting, assumption that men are unable to control their sexual urges. There is little understanding that rape is not really about sexual desire but about the ability of the perpetrator to have power over the person being assaulted.

Second, in custody and maintenance cases gender stereotypes also influence how men and women are treated by the justice system. In awarding maintenance for children living with the mother, the courts sometimes fail to take into account the inordinate burden that women face in child rearing. In most cases women are both breadwinner and responsible for child rearing duties in the home. The small sums of money awarded for child support reflects this lack of appreciation for the roles women play.

And third, societal expectations about who should have primary responsibility for child rearing, also works against men being granted custody except in exceptional

cases. Often times a man's role in a child's life is seen as confined to providing financial support. This reinforces the notion that men are not equally responsible for the nurturing of their children. It also places a double burden on Caribbean women, who are often saddled with the responsibility of bringing home the bacon and preparing it as well.

The JURIST Project, with the support of UN Women, has developed a three-pronged gender strategy to address the negative impact of gender norms on the outcomes in court cases. The three prongs are: (1) gender sensitisation training for those who deliver court services; (2) gender focused public education for the users of the court system; and (3) development of gender-responsive court policies and procedures to guide the behaviour of those who use and work within the courts.

In keeping with its gender strategy, the JURIST Project team is now working on two ground-breaking initiatives.

The first is the Model Guidelines for Sexual Offence Cases which is intended to encourage better management of sexual offence cases, ensure that survivors of sexual assaults (including children) are treated with respect, formalise sentencing guidelines for sexual offenders and improve treatment of juveniles charged with and convicted of sex crimes. The Guidelines are being developed in consultation with a wide cross section of justice sector judicial officers and personnel from the Caribbean region.

The second initiative is the development of Gender Equality Protocol for Magistrates and Judges in five CARICOM countries. The protocol will assist judicial officers to adjudicate cases through a gender lens. It builds the capacity of judges and magistrates to identify and address the social, economic and cultural circumstances that perpetuate gender inequality in cases dealing with custody, maintenance, sexual violence, domestic violence and human trafficking. The protocol is being developed in partnership with UN Women and the Caribbean Association of Judicial Officers (CAJO).

Negative gender norms have and continue to impede access to justice for men and women in Caribbean societies. It means therefore that any attempts at improving the administration of justice must tackle gender norms that reinforce gender inequality. As such, the JURIST Project is committed to assisting decision-makers to be aware of and sensitive to, the realities of the lives of those who seek the protections and remedies that the law offers.

Contributor: Ms. Anika Gray, Gender Coordinator

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Additionally, she noted that while they are trying to influence change, they must do so within parameters. "These parameters are very important because as arbitrators in society it is important that people at all times understand that we are fair and objective. And in the treatment of these social issues we have to deal with them in a way that does not give the impression that we have taken any clear position. So while the issues we deal with are obvious ills in society if there is something we can do to help the situation we will try," Justice Charles added.

Justice Charles further explained that the IWJA also supports the CWJA by giving them a platform to showcase the strides being made by the regional jurisprudence. "They provide us with a forum at their international conferences to share our experiences as judges and innovations that we have been able to put in place to make things better for citizens. Sometimes the things we have done in the region have not yet been achieved by first world countries. This helps us to take our place in the world notwithstanding our size." She cited the Family Court in Trinidad and Tobago as one such example which is yet to be replicated anywhere in the world.

Her vision is also for the CAWJ to bring a level of unity and integration in the region where judges can help each other to strengthen their judiciaries. She said their male counterparts are quite supportive of their efforts, are not excluded from the Association, and are welcomed to join.

"We are not an organisation that seeks to either elevate the rights of women above men or to unfairly skew the system so that inequality results or persists. The CWJA is a human rights organisation and just like other human rights organisations we are concerned about equality, equality of access, equality of justice and protection of the law for all," she reiterated.

Justice Charles is also the Chair of the charitable organization called the Anointed Professionals Exhibiting Excellence (APEX), which is involved in the mentorship and training of a wide cross section of professionals in Trinidad and Tobago. The organisation provides a forum for scholarly discussion as well as educating members on developments in their respective fields.

– For further information on the CAWJ, please visit their website at www.cawj.org.

Workshop on Gender Equality protocol for Judges and Magistrates held

UN Women in collaboration with the Caribbean Association of Judicial Officers (CAJO) and the judiciary of Barbados held a workshop for the development of a Gender Equality Protocol for judges and magistrates on October 31, 2016, in Barbados.

The draft Gender Equality Protocol is one of the activities UN Women is undertaking as part of its partnership agreement with the JURIST Project.

The objectives of the workshop were to:

- raise awareness among judicial officials about the utility of the gender protocol;
- receive suggestions on its likely content; and
- identify key participants who will work with UN Women/CAJO in developing the Gender Protocol.

The proposed Gender Equality Protocol will assist judges and magistrates to adjudicate cases with a gender lens, and build their capacities to identify and address the social, economic and cultural circumstances that perpetuate gender-related human rights violations.

Model guidelines for sexual offences being developed

The JURIST Project held a series of consultations geared towards developing model guidelines for the handling of sexual offence cases and treatment of sexual offences, including children. The consultations were held in Belize, Antigua and Barbuda, Barbados and Trinidad and Tobago respectively during the period November to December 2016, with regional representatives of the judiciary, non-governmental and civil society organisations, law enforcement agencies as well as health and social sectors among others.

The guidelines form part of a comprehensive approach that seeks to address issues faced at the investigative, pre-trial and adjudicatory phases, as well as offenders' rehabilitation and management. The proposed outcomes are as follows:

- Increased public confidence in the justice system as it relates to the handling of sexual violence cases;
- Improved response to survivors that will enable their full participation in the justice system, increase offender accountability and reduce secondary victimisation;
- Trained and skilled cadre of cross-sectional professionals including judges, court personnel, police and attorneys to efficiently handle sexual violence cases, survivors and witnesses;

- Establishment of a model specialised court with well trained and experienced personnel, and the necessary technology;
- Speedy adjudication of cases and reduced case backlogs over time; and
- Documented best practices and lessons learned to encourage and inform other countries in the region to adopt the guidelines and practices used by the justice system to respond to sexual assault cases.

The consultations were conducted by Ms. Diana Shaw who is an attorney-at-law and legal consultant with over 16 years specialization on issues relating to the protection of the rights of women and children.

BELIZE

The first consultation was held in Belize. Speaking at the opening ceremony, the Honourable Mr. Justice Kenneth Benjamin, Chief Justice of Belize, encouraged participants to bring all of their knowledge and experience to the consultation.

He noted that there still exists a backlog of cases in Belize, especially in the Supreme Court's Southern Division, that has resulted in years of waiting for victims to tell their story. Newly introduced Criminal Procedure Rules (CPR) are aimed to shorten that timeline.

Other reform measures are being considered, including changes in legislation, but all of it is nothing without an "attitudinal change," he said.

He advised that setting guidelines will not solve the problem. "There has to be an attitudinal change, and hopefully, the guidelines will set the stage for such an attitudinal change but they must also be buttressed by other initiatives, and some of those other initiatives are already in place, and we are giving them time to take root" he said.

Justice Benjamin added that there are plans to reform the law to reduce the burden of humiliation on victims, who must recount their stories repeatedly before justice is finally served.

Dr. Penny Reddie, JURIST Project Director, stated that participation from different sectors was critical to ensure the successful development of guidelines for survivors of sexual assault. "Every day, we hear and read stories of persons who have been sexually assaulted. These cases indicate the incidence of sexual violence in our society remains a serious problem, both in terms of their number and the difficulties in bringing the perpetrators to justice," she said.

Consultant Ms. Diana Shaw said the media had a role to play in giving a fair account of the stories of sex survivors and urged them to do their best to present a full picture of the situation, including encouraging victims to make formal reports to the authorities in a timely manner.

ANTIGUA AND BARBUDA

Speaking at the second consultation, Her Ladyship, the Hon. Justice Clare Henry, Resident High Court Judge, Antigua and Barbuda said younger children are most vulnerable when it comes to the number of sexual offences cases being brought before the court.

"The age of children appearing before us in courtrooms as victims has gotten younger," she said. She further stated that professionals in the legal and social fields are being called upon to work with children at a very early age and suggested that this could be linked to several factors.

"Some services suggest that the rise in children at risk of exploitation can be linked to earlier sexual abuse or exposure to overtly sexual content in the media, on the Internet, or via mobile phones."

She said regional efforts in the past to provide both adults and child survivors of rape and other sexual assault with both physical and psychological care, have often fallen short of meeting the "tremendous" need.

CCJ staff receive Gender Equality and Access to Justice training



The first group of staff from the CCJ to benefit from gender training

Twenty staff members of the Caribbean Court of Justice (CCJ) underwent a three day training course on Gender Equality and Access to Justice from October 11-13, 2016, at their offices in Port-of-Spain, Trinidad.

The training was the first in a series of courses being conducted by the JURIST Project in partnership with UN Women. One of the goals of the JURIST Project is to improve the capacity of courts to deliver gender-responsive customer focused services. To this end, the Project is committed to providing training that focuses on both building the capacity of all CCJ staff to integrate gender equality into the tools developed under the Project, and improving the ability of all staff to understand and integrate gender-responsive techniques in their work.

The training course has four objectives:

- Deepen participants' understanding of how power imbalances and gender injustices affect both men and women;
- Engage participants in critical reflections on the ways in which power, privilege, and unconscious biases impact on their family and work relationships;
- Assist participants in exploring key gender and gender equality concepts through a focus on childrearing, violence in the society and sexual harassment; and
- Strengthen participants' understanding of what it means to deliver court services that are gender responsive.

Ms. Tonni-Ann Brodber, Acting In the Interim (AI) at UN Women's Head of Office in Barbados delivered the training.

Model guidelines for sexual offences (continued)

Model Guidelines continued from page 3.

According to the resident judge, such interventions require a coordinated, multi-disciplinary response if victims are to receive optimal care.

BARBADOS

The Honourable Sir Marston Gibson, Chief Justice of Barbados, underscored the need to establish clear guidelines for the prosecution of sexual assault cases, and for proper support mechanisms in place for virtual complainants in sexual assault cases beyond the trial.

Addressing participants at the workshop in Barbados, Sir Marston explained that the prosecution of sexual offences in that country was “marred” by the length of time it took some matters to come to trial.

“What happens is that by the time we manage to get through the investigation, the jargon and the preliminary inquiry and get the matter to a trial judge, years have elapsed. So, a child who is abused at 13 finds themselves at 21 or 22 trying to remember what happened eight or nine years ago,” he pointed out.

However, the Chief Justice noted that under the JURIST Project, it was expected that new guidelines would be established for advancing the prosecution of these kinds of offences.

During his address, Sir Marston also spoke to the need to establish a support mechanism for virtual complainants, following the trial of sexual assault cases.

He explained that as it stands now, after a virtual complainant in a matter gives evidence “that was it.” But, he contended there was a need for a support mechanism to be in place to look after the welfare of the virtual complainant after the trial.

“That person still has to go back into society and to live, sometimes with the family; sometimes it may be someone from the village who was our neighbour,” he noted.

Sir Marston told the regional participants that this was necessary, as in some instances, attackers lived in close proximity to the complainants, and would be released back into the same neighbourhood.

Her Excellency, Marie Legault, High Commissioner of Canada to Barbados and the Eastern Caribbean explained that the guidelines developed through the consultation were part of a larger Project that was being executed by the Caribbean Court of Justice (CCJ).

She noted that the JURIST Project was working with judiciary in the Caribbean to support respective efforts to improve court administration and strengthen the ability to resolve cases effectively and fairly.

“The aim of the Project is to support the modernisation and strengthening of the court systems’ processes and services, and to equip judicial officers and court staff with the skills and competencies necessary to deliver justice in a fair and good manner,” Ms. Legault said.

TRINIDAD AND TOBAGO

Her Excellency Carla Hogan Rufelds, High Commissioner of Canada to Trinidad and Tobago noted that the guidelines are not only about having the laws on the statute book, but also about the full and effective implementation thereof and the provision of quality services and care to survivors of sexual violence.

She urged participants to take a cold, hard look at society and evaluate the strategies that have been adopted to deal with sexual offences. There is a need to prevent stereotyping and stigmatisation, and noted that this is one of the many issues that the guidelines will address.

IMPACT Justice Project hosts mediation training



Participants from the mediation training

The Improved Access to Justice in the Caribbean (IMPACT Justice) Project held a community mediation training programme in Guyana during the week commencing October 10, 2016 to improve the capacity of community mediation services in the region.

Two 40-hour workshops took place simultaneously, one for officers of the Ministry of Social Protection and the other for Police Officers.

The Honourable Volda Lawrence, Minister of Social Protection, delivered remarks on behalf of the Government of Guyana. She told participants that the training is timely since it will help to reduce the number of cases in the court system.

“It is a fact that on a daily basis our probation officers and social workers, including our child care and protection workers, are faced with a multiplicity of issues for which they are not adequately prepared. Even I am stunned with some of the issues which pass across my desk. I believe that what is learned here will definitely help us,” she said. Minister Lawrence said the Government of Guyana applauds the Government of Canada for funding the training which will result in “an improved gender responsive framework and upgraded skills for the legal professions in CARICOM Member States, and build services for settling disputes.”

The JURIST Project also participated in the training as both Projects are committed to working together. IMPACT will focus on increasing the cadre of persons trained in community mediation and JURIST will also provide specialised court connected mediation training.



A glimpse at some of the consultations around the region



Judicial Reform and Institutional Strengthening (JURIST) Project

c/o Caribbean Court of Justice, 134 Henry Street, Port-of-Spain, Trinidad and Tobago

Tel: (868) 623-2225 ext 2225 | Email: jurist@juristproject.org

WEBSITE: www.juristproject.org | FACEBOOK: www.facebook.com/juristproject

