



The Belize Family Court: Serving families in a holistic manner

The Belize Family Court plays a vital role in maintaining healthy families and preserving Belizean society.

Managed by Director, Mr. Dale F. Cayetano, and under the guidance of the Chief Justice, the Honourable Mr. Justice Kenneth Benjamin, the Court is true to its mission of serving the public with dignity and respect while offering a complete, professional, family-centered service.

Established on April 1, 1989 the primary focus of the Court is to build strong families by providing a forum where they can amicably resolve their disputes. Its objective is to provide an environment where family and juvenile matters are handled in a holistic manner in order to provide alternative methods for reconciliation, protection, rehabilitation, growth and development in conjunction with other organisations dealing with family issues.

Mr. Cayetano explained that initially the Court was mandated to hear family matters, but now also serves as a Juvenile Court. The Family Court is governed by several Acts which include the Children Act, Domestic Violence Act and Juvenile Offenders Act. It has the jurisdiction of a Magistrate's Court and the authority to hear several types of matters relating to family and juveniles, for example, abuse, neglect, maintenance, custody and juvenile, and domestic violence.

"The Belize Family Court continues to oversee the administration of justice for family and juvenile justice matters. It has also seen a rise in domestic violence and maintenance cases. The Family Court has a very demanding task. Throughout the years, the Court has seen a significant increase in the number of cases it administers on an annual basis," Mr. Cayetano said.

He noted that in 2016, the Court heard more than 2,346 cases which included 541 for domestic violence, 397 for protection orders and 154 for occupation orders. A total of 453 applications were made by females while 88 were by males. Mr. Cayetano added that enforcement of maintenance orders continues to be an important part of the services offered by the Belize Family Court. In 2016, there were 453 orders for maintenance of which 410 were made by females and 28 by males. There were also 193 juvenile cases, mainly for drug offences.

He lamented that enforcing maintenance orders continues to be a challenge for the Court. "This is because delinquent fathers regularly change their addresses and jobs making it difficult for the Court to locate them. Additionally, because the Family Court is not in every district in Belize, they do not have the required staff to enforce court orders."

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The Honourable Mr. Justice Kenneth Benjamin
Chief Justice of Belize



Mr. Dale F. Cayetano
Director, Belize Family Court

In this Issue

Dear Reader,

We are pleased to present Issue 6 of JURIST News – the official newsletter of the Judicial Reform and Institutional Strengthening (JURIST) Project. This issue contains some very interesting articles on JURIST initiatives as well as what has been happening around the region.

Mr. Dale Cayetano, Director of the Belize Family Court talks about its importance to family life in that country. He also discusses how the Court is dealing with both challenges and innovations to enhance its service delivery.

Ms. Charon Gardner, Registrar of the St. Lucia Supreme Court, provides some insight into the recent Mediation public awareness campaign to encourage more people to choose Mediation over litigation.

The Barbados judiciary was the recipient of the draft Gender Equality Protocol for Magistrates and Judges. The Protocol was developed by the

JURIST Project in partnership with UN Women, the Caribbean Association of Judicial Officers (CAJO) and the Barbados judiciary. This ground-breaking tool will assist magistrates and judges in adjudicating matters with a better understanding of gender perspectives to ensure equal access to justice.

To ensure efficiency in the delivery of fair and accessible justice, the Caribbean Court of Justice (CCJ) undertook a review of its Rules of Court. Additionally, the third and final training on gender sensitisation for CCJ staff was conducted by UN Women.

As always, we take this opportunity to remind you that we welcome and look forward to feedback from our readers. We encourage contributions, information or materials that we can include in future issues of our Newsletter.

- The JURIST Project Team

Draft Gender Protocol for Magistrates and Judges handed over to Barbados judiciary

The Judicial Reform and Institutional Strengthening (JURIST) Project in collaboration with UN Women and the Caribbean Association of Judicial Officers (CAJO) formally presented the draft Gender Equality Protocol for Magistrates and Judges to the Barbadian judiciary on April 12, 2017.

The Protocol for Magistrates and Judges is the first of its kind in the CARICOM region and Barbados is the first country to have gender protocols developed for its judiciary. The Protocol is modelled on the Mexican Supreme Court's Protocol for Judging with a Gender Perspective which was developed in 2014 to assist Mexican judges to promote and respect the right to equality and non-discrimination.

The Protocol is intended to assist judges and magistrates to adjudicate cases with a better understanding of gender perspectives. It will strengthen the capacity of the judiciary to use gender analysis to safeguard the ability of both women and men to have equal access to justice as well as ensure that judicial decisions result in equitable outcomes for both men and women.

Ms. Tonni Brodber Hemans, Deputy Representative, UN Women, explained that the Protocol seeks to raise awareness of judicial officers to Barbados' international responsibilities towards the rights of women; assist the local judiciary in "understanding and exercising the full panoply of judicial powers found in Barbadian law to promote gender equality"; and assist the judiciary in identifying and effectively addressing unequal gender relations by providing concrete case examples and interpretive guides to international instruments on gender equality.

She noted that the Protocol will be finalised by the judicial officers themselves who, led by the Honourable Sir Marston Gibson, Chief Justice of Barbados, are raising the bar through re-stating their commitment to equality and fairness.

Sir Marston said: "Gender equality should not lead us in the direction of favouring any one particular gender. Gender equality means that we must be impartial and we must look at the evidence, but we must be sensitive to the idea that what we do as judges will influence either gender equality or gender inequality if we are not sensitive."

The Honourable Mr. Justice Adrian Saunders, Judge at the Caribbean Court of Justice and Chairman of CAJO, stated that the Protocol provides an easy reference point for judges and magistrates to be guided on the standards and approaches that are expected when dealing with issues that are gender sensitive. "If gender stereotypes are unconsciously held, if they are not the product of a deliberate intention to discriminate, how can we as judges avoid falling prey to them? This is where the establishment of this Protocol is so important," Justice Saunders said.

Her Excellency Marie Legault, High Commissioner of Canada to Barbados and the Eastern Caribbean, in hailing the Protocol's development noted that the Government



◀ **The Honourable Mr. Justice Adrian Saunders, Judge at the CCJ and CAJO Chairman chats with Her Excellency Marie Legault, High Commissioner of Canada to Barbados and the Eastern Caribbean.**



The Honourable Sir Marston Gibson (centre) together with members of the Local Implementation Committee (LIC) at the handing over ceremony.

of Canada "recognizes that every policy, program and project affects women and men differently and therefore, policies, programs and projects must address the differences in experiences and situations between and among women and men."

Mr. John Furlonge, Regional Project Coordinator for the JURIST Project said it is expected that the Protocol will be reviewed, circulated and ultimately finalised by or before the end of September, 2017.

Draft Gender Protocols will also be developed for Trinidad and Tobago, Guyana, Belize and Jamaica.

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There is a Magistrate's Court in every district, however the Family Court is only available in Belize City and Punta Gorda Town. Mr. Cayetano explained that in other districts, family matters are heard at the Magistrate's Court, but clients are not able to access the type of services that are offered by the Family Court. "For example, clients are not greeted by a Social Welfare Intake Officer, but by a clerk of the Court who may not have the necessary skill set required for treating with family matters." He noted that while legislation has been passed to rectify this situation, authorities have not been able to implement the necessary structures because of high costs.

He added that while the Court strives to provide high quality services in an effective manner, there are other challenges which sometimes impede the delivery of services. He explained that the Family Court processes thousands of maintenance payments every month, but while the government has computerised some aspects of the purchasing and revenue collection of the public

service, a system has not been developed for the Family Court. "This leaves us with an archaic manual system. When money is paid to the Family Court, a receipt is written and manually posted to an individual ledger sheet. The funds are then approved and sent to individual bank accounts. This is a timely, arduous process that may take between one and two weeks," he said. However, he assured that they are currently in the process of securing the necessary funding to computerise the entire system to make it more efficient.

The Family Court is also looking at new ways to ensure that all parties reach amicable solutions in their matters. This is particularly important in cases where children are involved. With this in mind, the Family Court hopes to introduce Mediation as a way to reach agreements between parties. "Most times when parties come to Court they are at odds with each other because the hearings are litigation based. The Court believes that if parties can arrive at an amicable solution using Mediation, then the best interests of the child could be achieved," Mr. Cayetano noted.



Some of the staff at the Family Court in Belize City.

He said the Belize Family Court has already trained more than 20 family mediators and are in the process of finalising the Mediation Rules. He hopes that the Court can formally introduce and offer Mediation in the coming months.

Mr. Cayetano believes that when the Court functions well, society as a whole benefits. "It is therefore in the best interests of all concerned that the Belize Family Court functions as effectively and efficiently as possible," he stated.

St. Lucia Supreme Court launches Mediation campaign

As part of the Eastern Caribbean Supreme Court's (ECSC) 50th Anniversary, the Registry of the Supreme Court in St. Lucia embarked on an island-wide sensitization and awareness campaign on Mediation, as a means of Alternative Dispute Resolution (ADR), under the theme "Let us mediate to resolve our disputes." The campaign ran for the month of May, 2017.

Mediation is a structured dispute resolution process where an impartial third party, the mediator, meets with disputants in an effort to identify the issues, explore options, clarify goals and resolve issues, outside of a court environment.

The campaign, a brainchild of the Honourable Mr. Justice Francis Belle, Chairman of the Court Connected Mediation Committee, was aimed at providing as many persons as possible in St. Lucia with information on Mediation to encourage them to pursue that route rather than litigation.

According to Justice Belle, Mediation in the Caribbean has a long history and has seen governments of the Organisation of Eastern Caribbean States (OECS) embrace this method of ADR. He said that islands such as Grenada and St. Kitts have gone a step further by making available the necessary space and facilities to accommodate the Mediation process, the lawyers and trained mediators.

Justice Belle added that since being assigned to St. Lucia's judiciary in 2010, he has had the opportunity to witness Mediation in full force. "A much pleasant surprise. Lawyers and litigants have broadly embraced the process in all aspects of civil court proceedings, including family law matters, while Mediation in criminal matters is still at the experimental stage," he said.

He noted that despite the general sense of satisfaction, challenges continue to exist as not all mediators have been fully involved in putting their skills to use, especially in the community.

Ms. Charon Gardner, Registrar, St. Lucia Supreme Court, explained that prior to embarking on the campaign, the Committee held consultations throughout the country to gauge the interest in learning about Mediation and its benefits. "The response was overwhelming as many people welcomed such an initiative," she said.

After that, the Court started organising community outreach programmes throughout the villages and towns in St. Lucia in partnership with mediators and the inspectors in charge of police stations. They also started targeting youths by holding information sessions at secondary schools.

"We also looked for champions within our communities and asked them to support the campaign by appearing in our advertisements and other promotions," Ms. Gardner stated. Representatives of the Court also appeared on radio and television to promote Mediation.

"Our objective is basically to bring awareness to persons: to let them know what Mediation is all about, its benefits and the fact that it is a lot more cost effective than



One of the community outreach sessions on Mediation.

if they were to go to Court. The reality is that we have a huge criminal and civil backlog. We want persons to use Mediation to resolve their issues so that we can reduce these backlogs. The Court believes that this campaign is prudent considering the number of civil and criminal cases filed in its system every year," she said.

She continued: "We also want persons to reach amicable agreements in their matters. We realise that when people go to Court they are angry and even after a decision is made, many people are not satisfied and the root of the issue may not have been dealt with. Simple issues sometimes escalate and we want persons to know that there are alternative ways to resolving their conflicts and issues without going to Court or resorting to violence."

Ms. Gardner estimates that they were able to reach approximately 200 children between the ages of 13 and 16 and 4,000 adults through the Government Information Services Limited (GISL) and social media. Additionally, there were advertisements on popular radio and television stations.

"The response has been great from the public. I believe that we have been able to get persons to start talking and thinking about Mediation. It is extremely rewarding to see persons sitting and reading our brochures and asking questions," she added.

Ms. Gardner indicated that it is the Court's intention to host an activity every month this year in commemoration of the ECSC's 50th Anniversary to bring public awareness about the Court, its services, achievements and the innovations that it is implementing.

Additionally, the website features a user survey, and feedback about the use of the website is welcomed.

JURIST Project redesigns website

The Judicial Reform and Institutional Strengthening (JURIST) Project has redesigned its website – www.juristproject.org. The website is one of the main communications tools used to inform a wide and varied audience about the initiatives undertaken as part of the JURIST Project and other justice reform activities in the region.

The newly designed website is more user friendly, attractive and easier to navigate. It includes dropdown menus for both mobile and desktop versions. The website has a host of new graphics, a gallery of images, and a few other updates that have made it easier to use. There is also an improved structure of the content, so visitors will get more from a quick read.

The website is being updated regularly to not only keep visitors informed, interested and engaged, but to

ensure efficiency and security for the Knowledge Management System (KMS).

The website will serve as the platform for the KMS, which will house all the information assets (eg: policies, guidelines, reports, training tools etc) of the Project, and justice reform initiatives in the region undertaken by other organisations.

Dr. Penny Reddie, Project Director said: "Our goal with the website is to provide visitors with an easier way to get information about the JURIST Project and other justice reform activities in the region. We hope that you will find the redesigned website fresh and modern as we continue to ensure that it has valuable and timely information."

Additionally, the website features a user survey, and feedback about use of the website is welcomed.



The redesigned JURIST Project website.

CCJ modernises Rules for its original and appellate jurisdictions

After a comprehensive review of its Rules of Court, the Caribbean Court of Justice (CCJ) announced the publication of its Original Jurisdiction and the Appellate Jurisdiction Rules 2017. In 2014, the CCJ adopted the standard for the revision of its Rules of Court every two years. The revised Rules, which are now on the Court's website, were amendments to its previous publishing in 2015.

The President of CCJ, the Right Honourable Sir Dennis Byron, highlighted the need for periodic reviews of Court practices: "The CCJ recognises that it is important to evaluate our procedures for efficiency and make sure that they are documented on a regular basis in order to continue to deliver fair and accessible justice. This Rules revision exercise was particularly important as the Rules now accommodate recent changes to our internal processes, principally the adoption of electronic filing (e-Filing)."

The Court's latest introduction of e-Filing allows persons to file a matter with the Court at their convenience and offers a structured way to make submissions by guiding the user through various required fields of information. In January 2017, the CCJ began using the Curia Court Management System which, in addition to e-Filing, has a performance management module and one for case management.

Other substantive amendments in the 2017 Rules include:

- ending the requirement to file multiple print copies of documents;
- introduction of electronic signatures (in a specified format) to remove the requirement for printing and signing specified documents before uploading and filing;
- adoption of a gender-neutral approach in the wording of the Rules;
- shifting away from the use of Latin terms in favour of simpler language in the appellate jurisdiction Rules; and
- introduction of express Rules to provide for an application for special leave to appeal to be treated as the hearing of the substantive appeal and the basis on which costs should be determined in such cases.



President of the CCJ, the Right Honourable Sir Dennis Byron (seated), signs the revised Rules governing the original jurisdiction. The signing took place on April 21, 2017 at an event held by the Court in celebration of its 12th anniversary. The CCJ's Registrar and Marshal, Mrs. Jacqueline Graham, who was a part of the Rules Committee, looks on as the document is authorized.

In its original jurisdiction, the CCJ interprets the Revised Treaty of Chaguaramas for countries, businesses and citizens of the Caribbean Community (CARICOM). In its appellate jurisdiction, the CCJ hears appeals from lower courts in both civil and criminal matters from countries that have decided that the CCJ is their final court of appeal.

The CCJ's Rules Committee is led by the Honourable Mr. Justice Rolston Nelson. The new Rules of Court became effective on April 21, 2017 and are currently available for review and download at www.ccj.org.

Third gender training session for CCJ staff

Following on the success of the first and second gender sensitization training sessions, the Judicial Reform and Institutional Strengthening (JURIST) Project in collaboration with UN Women conducted the final session in the three-part Gender Equality and Access to Justice Certificate Training Course for staff members of the Caribbean Court of Justice (CCJ).

The three-day training was held at the CCJ from May 24 to 26, 2017.

The final training session was titled "Gender Equality in Action." The aim of the training was to improve participants' capacity to develop gender mainstreaming tools for the workplace.

Ms. Tonni Brodber Hemans, Deputy Representative, UN Women delivered the training. She said: "I thoroughly enjoyed the training because it has brought a greater understanding of gender equality and how to create a space for inclusion for all."

Ms. Brodber Hemans added that the training will aid in the development of workplace policies and ensure that the work environment is comfortable for all employees.



CCJ staff engage in discussions during the training.



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