



Interrogate Personal Biases

Judicial officers must interrogate their personal biases as well as those embedded in law and culture.

This was the advice of the Honourable Mme. Justice Jacqueline Cornelius, Judge, Barbados Supreme Court, who was at the time speaking at the opening ceremony of a two-day Gender Sensitive Adjudication Training for Judicial Officers in Barbados. The training was held from July 26-27, 2019 by the Canadian-funded Judicial Reform and Institutional Strengthening (JURIST) Project in collaboration with the judiciary of Barbados.

She said that there was a deep-seated distrust of the ability of the courts and judicial officers to solve disputes or resolve conflicts without bias. "It is clear from comments in the public domain that the public considers the system rife with bias," she lamented.

Justice Cornelius added that the Barbados judiciary was quite small and that judicial officers bear a lot of responsibility "on their shoulders." She said that the training will assist judicial officers in providing a judicial system that is inclusive, respectful, trustworthy, transparent and accountable.

She continued: "The training over the next two days will be revolutionary for judicial officers in Barbados in terms of their approach to their daily work."

The Honourable Sir Marston Gibson, Chief Justice, Barbados, said there was a need for judicial officers to go through a process of constant introspection. He explained: "We are sworn to deliver justice without fear or favour and so we are not allowed to make a decision on how a person looks or how they identify themselves. My hope is that this training will teach us that this is just a start, that we need to keep looking at our biases, because whether we believe we have them or not, we have them."



(L-R) The Honourable Sir Marston Gibson, Chief Justice, Barbados together with Mrs. Gloria Richards-Johnson, Director, JURIST Project; Her Excellency Marie Legault, High Commissioner of Canada to Barbados and the Eastern Caribbean; the Honourable Mme. Justice Jacqueline Cornelius, Judge, Barbados Supreme Court and the Honourable Mr. Justice Peter Jamadar, Judge, CCJ and Chairman, CAJO at the opening ceremony

Sir Marston thanked the Government of Canada for funding projects like JURIST and IMPACT Justice, which he said have been implementing great justice reform programmes across the region.

The Honourable Mr. Justice Peter Jamadar, Judge, Caribbean Court of Justice (CCJ) and Chairman, Caribbean Association of Judicial Officers (CAJO), who was one of the trainers, noted that there was a certain burden these days in being 'man' or 'woman' as there was now talk of 'non-binary, intersex or transgender.'

The gender training, he said, arose out of that "burden" and out of each human's desire and need for recognition, respect and regard. "Acceptance of new ideas, of new realities, comes hard for most of us. As we begin this exploration of gender, know that some of its newness will be challenging. And that's okay," he assured. He reiterated though, that the conversation about gender was really about equality for all.

Her Excellency Marie Legault, High Commissioner of

Canada to Barbados and the Eastern Caribbean spoke about Canada's Feminist International Assistance Policy (FIAP) and their commitment to support the attainment of gender equality in all countries. She announced that Canada has committed CAN \$1.4 billion a year for gender programming around the world with half of that going towards sexual and reproductive rights.

Mrs. Gloria Richards-Johnson, Director, JURIST Project pointed out that one of the Project's immediate outcomes was intended to improve the capacity of courts to deliver gender responsive services to court users. The Project has sought to do this in three ways: development of Gender Equality Protocols, Gender Sensitisation Training and development and implementation of a Gender Equality Accountability Tool. All three components are being done in partnership with the CAJO, UNWomen and the Judicial Education Institutes of the different jurisdictions.

In this Issue

Dear Reader,

Welcome to Issue 13 of *JURIST News*.

We have been quite busy over the June – September period and we are excited to share some highlights of what we have been doing to promote judicial reform in the region.

In this issue, there are some insights from speakers at the opening ceremony of the Gender Sensitive Adjudication Training for Judicial Officers in Barbados where a call was made for everyone to do some introspection on their own biases.

The Project takes this opportunity to congratulate the Supreme Court of Judicature of Guyana on the opening of its third sexual offences court in Essequibo. These courts have been quite successful and has seen a significant increase in the number of sexual offences cases being tried in that country.

We are collaborating with another Canadian-funded project – the Improved Access to Justice in the Caribbean (IMPACT Justice) Project to review a draft Sexual Offences (Amendment) Bill and the Sexual Offences

(National Sex Offender Register) Regulations in Antigua and Barbuda.

The Project is also supporting a number of upcoming events and these and other interesting stories are included in this issue. We hope you enjoy reading the articles in this issue. As always, we take this opportunity to remind you that we welcome and appreciate feedback from our readers. We encourage contributions, information or material that we can include in future issues of the Newsletter.

- *The JURIST Project Team*

Third sexual offences court launched in Guyana

The Supreme Court of Judicature of Guyana launched its third sexual offences court on September 16, 2019 at Suddie, on the Essequibo Coast.

The first and second courts were opened in Demerara in 2017 and Berbice earlier this year. It is expected that with the third court, residents of the county will no longer have to expend time and money to travel to Georgetown to have such matters heard. In addition to providing a safe environment for victims of sexual offences, it is also expected to afford persons accused of such offences a speedier trial.

Support for establishment of the court was provided by the judiciary's partners including the British High Commission, the Canadian-funded Judicial Reform and Institutional Strengthening (JURIST) Project and the United Nations Children's Fund (UNICEF).

The new facility includes a main courtroom with an adjoining room, both of which are retrofitted with closed-circuit television systems (CCTV) linking the two rooms. This way victims can testify from the separate room, and their testimony would be clearly broadcasted in the main courtroom via the cameras. The room is also designed to be comforting for victims during their testimony and can also accommodate support personnel to make the process easier if needed.

The Honourable Mme. Justice Yonette Cummings-Edwards, Chancellor (ag) of the Guyana judiciary explained that these improvements ensure that victims can give evidence in a comfortable environment, removed from the accused. She added that the court is set up to reduce trauma, which victims are likely to be exposed to, while securing human rights for both victim and accused.

The Honourable Mme. Justice Roxanne George, Chief Justice (ag) said however, that the witness dock will remain an option as some victims, though few, opt to testify in the presence of the accused.

Giving an overview of the impact made by the Demerara and Berbice sexual offences courts since they were established, the Chancellor indicated that for 2017 and 2018, there were 44 sexual offences cases, 31 of which ended in convictions, and 13 in acquittals.

Regarding convictions, sentences ranged from nine years to life imprisonment. The nature of these offences included seven cases of rape; 21 cases of rape of a child under 16 years; 15 cases of sexual activity with a child family member and one case of carnal knowledge.

For 2019, 42 sexual offences cases have been completed, which reflects a significant increase in the number of cases tried in an individual year. This increase is credited to the establishment of the sexual offences courts, and the judiciary's move to paper committals over preliminary inquiries for matters of this nature. Of these cases, there have been 22 convictions, 18 acquittals and six hung juries - which were the result of the accused being indicted on more than one charge. The sentences in the case of convictions ranged from nine years to life imprisonment. The nature of the sexual offences included nine cases of rape, 15 cases of rape of a child



A few of the moments from the opening of the third sexual offences court in Guyana

under 16 years, 14 cases of sexual activity with a child family member, one case of sexual activity with a child under 16 years, and two cases of carnal knowledge of a child under 15 years.

The Chancellor added that in Demerara for the 2019 April and July sessions, there were a total of 155 and 140 sexual offences cases respectively, for a total of 295 cases brought before the court. In Berbice, for the February and June sessions of this year, a total of 38 and 36 sexual offences cases, respectively, were recorded, for a total of 74 cases brought before the courts. While in Essequibo, for the February and May sessions, there were 44 and 38 sexual offences cases, respectively, for a total of 82 cases. The average duration of a sexual offences trial currently stands at five days.

Statistics provided by the Chancellor also revealed that women and girls were the majority victims of sexual offences in Guyana. For the period 2017 and 2018, 41 of the 44 victims were female, with the remaining three being men/boys. The ages of these victims for this period ranged from three to 25 years for females and 3 to 14 years for males.

In 2019, the trend continued, with women and girls being the majority of sexual offences victims. Of the 42 sexual offences cases completed, 39 involved female victims and the remaining three being boys. The ages of the victims ranged from three to 77 years. The age range for females was three to 77 years, while male victims were between the ages of three to six years.

Ms. Sylvia Fouet, Resident Representative of UNICEF in Guyana, noted that the statistics show

that since Guyana implemented its sexual offences courts, conviction and reporting rates have increased. She was, therefore, optimistic that the court in Essequibo will create several advantages, including bringing the court closer to the people, promoting child friendly procedures, and avoidance of double stigmatisation. She also called for the pushing back against the culture of silence, and acceptance which tend to surround sexual offences.

Delivering remarks on behalf of the Essequibo Bar, Mr. Lachmi Dindayal, attorney-at-law, said with the establishment of the specialised courtroom, he welcomes victims of sexual offences to come forward with complaints as the judiciary is now in a better position to handle their matters. He added that it is important for children to know that there is an institution in Essequibo to offer protection as "where you have protection, you have dignity."

Ms. Janine Cocker, Head of Aid/Counsellor (Development) for Guyana, Suriname and Trinidad and Tobago, Canadian High Commission, congratulated Guyana for being a leader in the region on the subject of sexual offences. She noted that a 2016 Baseline Study, commissioned by the Canadian-funded, Judicial Reform and Institutional Strengthening (JURIST) Project and undertaken by UN Women, examined the legislation, protocols and court processes for sexual offence cases in 5 CARICOM countries and identified major gaps in the justice system's handling of sexual offences which included: poor investigative and evidence gathering

JURIST Project supports development of manual on referrals to the CCJ

The Judicial Reform and Institutional Strengthening (JURIST) Project is supporting the Caribbean Court of Justice (CCJ) and the CCJ Academy for Law in reviewing and finalising a draft manual on the CCJ's Original Jurisdiction Referral Process. To this end, a working meeting was held on September 2, 2019 at the CCJ's headquarters in Port-of-Spain, Trinidad and Tobago.

Article 214 of the Revised Treaty of Chaguaramas (RTC) and Article XIV of The Agreement Establishing the CCJ provide for Treaty-related issues to be referred to the Court under its Original Jurisdiction. However, since the Court's establishment in 2005, this avenue for legal redress has never been utilised. As a result, the CCJ has resolved to develop a manual which will provide guidance on referrals to the CCJ from national courts and tribunals of domestic disputes that concern the interpretation or application of the RTC.

Once finalised, the manual will be made available to judges, legal practitioners and other stakeholders in the region in the hope that the guidance offered will assist in ensuring that the full benefits of the

CARICOM Single Market and Economy (CSME) are derived by the people of the Caribbean Community.

The manual is being drafted by Professor Alina Kaczorowska-Ireland of the University of the West Indies (Cave Hill), who also facilitated the meeting. Professors Karen Alter (Northwestern University) and Laurence Helfer (Duke University) provided perspectives from their experiences as legal practitioners before other courts of similar jurisdictions.

Apart from the Honourable Mr. Justice Saunders, President, CCJ and other CCJ judges and court staff, the meeting was also attended by Mrs. Gloria Richards-Johnson, Director, JURIST Project and the Honourable Mr. Justice Eddy Ventose of the Eastern Caribbean Supreme Court (ECSJ).

Following the finalisation of the manual, there will be a series of sensitisation lectures across the region facilitated by CCJ Judges. The CCJ Academy will also collaborate with the Council of Legal Education to conduct sensitisation sessions with legal practitioners.



(L-R) Professor Alina Kaczorowska-Ireland of the University of the West Indies (Cave Hill) makes a presentation to the Honourable Mr. Justice Adrian Saunders, President, CCJ

Antigua and Barbuda to review draft sexual offences bill



Professor Velma Newton (left), Regional Project Director, IMPACT Justice together with the Honourable Steadroy Benjamin, Minister of Justice and Attorney General of Antigua and Barbuda

The Canadian-funded Improved Access to Justice in the Caribbean (IMPACT Justice) Project met with the Honourable Steadroy Benjamin, Minister of Justice and Attorney General of Antigua and Barbuda and others within the Ministry of Legal Affairs to review a draft Sexual Offences (Amendment) Bill and Sexual Offences (National Sex Offender Register) Regulations.

The meeting was held on September 19, 2019, at the Ministry of Legal Affairs; the second held by the parties to discuss the amendments to the bill. Recommendations for amending the Antigua and Barbuda Sexual Offences Act were made by the Judicial Reform and Institutional Strengthening (JURIST) Project (also funded by the Government of Canada and being implemented by the Caribbean Court of Justice (CCJ)), came on the heels of the launch in January, 2019 of the Antigua and Barbuda Sexual Offences Model Court (SOMC) which was established with financial assistance from the JURIST Project.

The work of establishing the court by the JURIST Project and on the amendments to the Sexual Offences Act by IMPACT Justice are evidence of the collaboration between these two Canadian-funded projects.

Sexual Offences Court from page 2.

procedures by the police; delays that result in the survivor of sexual violence having to relive this trauma over a number years – a girl or boy who was sexually assaulted, at say age 12, might not have his/her case be ready for trial until he or she is an adult; undervaluing of sexual offences cases in relation to the public interest, which results in scarce resources being instead reserved for other “serious crimes” such as murder; lack of data collection to form the basis of monitoring and accountability of the courts’ performance and quality in responding to sexual offence cases; insufficient interconnectedness between the courts and the other key agencies required to facilitate proper investigation of sexual crimes and provide care for the complainants throughout the process; and the complainants’ refusal to pursue cases for fear of re-victimisation by the very process of seeking justice.

Ms. Cocker added that the sexual offences court was a perfect example of the Government of Canada’s Feminist International Assistance Policy (FIAP) in action. One of FIAP’s key objective, is to strengthen legal systems and promote reforms that eliminate all forms of discrimination against women, girls and vulnerable men.

Mrs. Gloria Richards-Johnson, Director, JURIST Project, said that such courts promote a departure from reliance on anecdotal evidence, toward an evidence-based approach to addressing sexual offences, since there is an emphasis on data collection.

UPCOMING EVENTS

The Judicial Reform and Institutional Strengthening (JURIST) Project will be a part-sponsor of the following upcoming events:

Eminent Caribbean Jurists to Be Honoured at Inaugural Awards Ceremony

The CCJ Academy for Law will host the inaugural Eminent Caribbean Jurists Gala and Awards Ceremony on October 7, 2019 at the Hyatt Regency Trinidad. This event, which will honour the contributions of the region's distinguished judicial officers and legal professionals to the development of international law, will be the first of its kind in the Caribbean region.

The CCJ Academy for Law is the educational arm of the Caribbean Court of Justice (CCJ) and was established to, among other things: *"promote the recognition of judges and other legal practitioners who have made a consequential and lasting contribution to Caribbean jurisprudence, and to memorialize that contribution."*

The October 7 special occasion is meant to be the first of a series of annual events to serve this purpose and will see 18 jurists inducted into the Eminent Caribbean Jurists Hall of Fame. Five of these inductees, who represent the most outstanding and long-serving honourees, will be publicly recognized and celebrated with the conferral of life-time awards. These are Sir Shridath Ramphal, (Commonwealth of Nations); Judge Patrick Robinson, (International Court of Justice); Judge Anthony Lucky, (International Tribunal on the Law of the Sea); Ambassador Dr Bertrand Ramcharan, (United Nations Refugee Office); and Professor Duke Pollard, (Caribbean Court of Justice).

Judge Robinson, judge of the International Court of Justice, will deliver the feature lecture, "Independence is a Right, not a Gift: Lessons from Resolution 1514 and the Chagos Advisory Opinion" to an audience of regional government officials and policy-makers, judicial officers, legal professionals, law students and many others.

The event will also feature the formal launch of a book containing samples of the work of these jurists under the title: Eminent Caribbean International Law Jurists: The Rule of International Law in the Caribbean. This publication is intended to provide a lasting resource which will add value to the work of legal practitioners and others. The book will also serve to deepen the understanding of the culture of international justice. The Academy will also host a fundraising dinner at the Hyatt on October 8, the day following the Awards ceremony.

Please visit <http://www.juristproject.org/news-media/media-releases/440-eminent-caribbean-jurists-series-supported-by-jurist-project> to see the list of Eminent Caribbean Jurists Hall of Fame Inductees.

The Caribbean Association of Judicial Officers' (CAJO) 6th Biennial Conference

CAJO's 6th Biennial Conference will be held in Belize City, Belize from October 31 – November 2, 2019.

Every two years, CAJO brings together judicial officers (including appellate, superior court and district judges) from all CARICOM Member States as well as representatives of the judiciaries of the wider Caribbean for a major judicial education conference.

The biennial conferences provide a forum for the sharing and exchanging of ideas, best practices and experiences in relation to a rich variety of topics that are of interest to judicial officers. Each conference is held in a different Caribbean state. CAJO's conferences provide the only opportunity for judges from around the region to meet, discuss and exchange ideas that are uniquely concerned solely with the region's justice issues. The conferences have been held since 2009. In 2017, the Honourable Mme. Justice Eunice Saleh, Chief Justice, Joint Court of the Netherlands Antilles hosted the conference in Curaçao under the theme "Innovation, independent, responsive – Delivering Justice in a Modern Court." The biennial conferences have all been a resounding success and have also attracted jurists from outside the Anglophone Caribbean.

The 2019 conference is themed "Judicial Integrity – The Pathway to Public Trust and

Confidence," and will feature a series of panel discussions that will address a range of issues that will include the following topics:

- The development of the Rule of Law in the Caribbean – Recent CCJ Jurisprudence
- Complex Criminal Trials
- Vulnerable Witnesses
- The Rights of Indigenous Persons
- Challenges faced by Environmental Pollution
- The use of social media to promote judicial integrity
- Eliminating gender bias in adjudicating
- Procedural Fairness
- The role of the judicial officer as a leader
- Eliminating delay through the use of Alternative Dispute Resolution

Additionally, there will be keynote presentations from Dr. Terrence Farrell, Former Chairman, Economic Advisory Board, Trinidad and Tobago and Ms. Roberta Clarke, President, Coalition of Domestic Violence.

For further information on this year's conference please visit www.thecajo.org

Gender Sensitive Adjudication Training for Judicial Officers in Trinidad and Tobago

The Judicial Education Institute of Trinidad and Tobago (JEITT) will conduct a two-part training workshop for judicial officers from the Trinidad and Tobago judiciary on gender sensitive adjudication. The first part of the workshop will be held from November 13-14, 2019 and the second session from November 28-29, 2019.

The workshop is designed to utilize, the Trinidad and Tobago Gender Protocol – Justice through a Gender Lens: Gender Equality Protocol for Judicial Officers, to ensure that judicial officers duly equip themselves with a gender lens and engage the instruction, values and principles of the Protocol in their adjudication.

The training will be made available to all judicial officers of the judiciary, which amounts to 122 participants, and at the end of the workshop they should:

- have a basic understanding of gender and gender-related issues;
- have a greater understanding of international treaties with gender equality and constitutional requirements with respect to same;
- be sensitive to the need to examine and resolve cases in a manner that facilitates justice for all;
- treat with biases and stereotyping based on gender;
- have a greater capacity to engage in gender-sensitive adjudication and be able to apply such adjudication to all areas where unequal power structures exist; and
- be equipped to recognise gender-based violence in its many forms and adjudicate on those matters within a human rights framework.



7th JURIST PSC Meeting held in TT

The Judicial Reform and Institutional Strengthening (JURIST) Project held its 7th Project Steering Committee (PSC) Meeting on Thursday June 27, 2019 from 9 am to 12 noon at the Hyatt Regency Hotel in Port-of-Spain, Trinidad and Tobago.

At the Meeting, PSC members approved the Year 6 Work Plan. The Project team, over the past few months have been finalizing the Year 6 Work Plan based on the feedback received from Heads of Judiciary and other stakeholders.