



Impact on the Collaboration with UN Women on the Policies of the Caribbean Court of Justice

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Visit to the CCJ by a Delegation of the Executive Board of UN Women

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The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Adrian Saunders. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. The RTC established the Caribbean Community (CARICOM) and the CARICOM Single Market and Economy (CSME). In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, four states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica and Guyana.

Address

By

The Honourable Mme Justice Maureen Rajnauth-Lee, Judge of the Caribbean Court of Justice,

on the occasion of

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THE IMPACT OF MEANINGFUL COLLABORATION

In years gone by, when I was first a Judge, or perhaps still a young attorney, the Judiciary was a far different place. One got the impression that the Judiciary knew exactly what had to be done and you know that classic Frank Sinatra song – “*I did it my way*”. Well, we did it our way. And we did it alone. But things began to change slowly. Judicial education which led to judicial networking opened Judiciaries to the wonderful world of collaboration.

Fast forward to March 2019. We are sitting at the United Nations Headquarters in New York. We are attending the Sixty Third Session of the Commission on the Status of Women, participating in a Side Event - sponsored by the Government of Antigua and Barbuda, UN Women Multi-Country Office, Caribbean, the CARICOM Secretariat and the Judicial Reform and Institutional Strengthening Project (JURIST). I am a Judge of the Caribbean Court of Justice, representing the Caribbean Association of Judicial Officers (CAJO). We all consider ourselves privileged to participate in a Panel Discussion on ‘Social Protection and Access to Justice’. On the Panel are Her Excellency Penelope Beckles, Permanent Representative of the Republic of Trinidad and Tobago to the United Nations and President of the Executive Board of UN Women; the Honourable Samantha Marshall, Minister of Social Transformation, Human Resource Development, Youth & Gender Affairs of the Government of Antigua and Barbuda and me, a Judge of the Caribbean Court of Justice (CCJ). Ms Tonni Ann Brodber Deputy Representative of UN Women Multi-Country Office, Caribbean, chairs the Panel Discussion.

Time does not permit me to describe the second Side Event which featured participants from the CARICOM Secretariat, the Government of Antigua and Barbuda, and Justice Sonya Young (High Court Judge from Belize) who represented CAJO. Needless to say, both Side Events were great successes: interesting examples of the advantages of collaboration. We all agreed that we did the Caribbean proud, but most importantly that we could not have done it alone. As I sat at the UN Headquarters and considered the united voice with which we spoke, and the CCJ/JURIST'S Sexual Offences Project (which we featured) with its objective of improving the treatment of survivors of sexual violence in the Caribbean, I scribbled these words: **“ADVANCING HUMAN RIGHTS THROUGH MEANINGFUL COLLABORATION”**. To my mind, this captured accurately what we were doing and will continue to do with our valued external partners.

You will no doubt hear from the Presenter from JURIST about the successful partnerships between the Court, JURIST, and UN Women which saw the development of Model Guidelines for Sexual Offence Cases in the Caribbean Region which contain best, good and promising practices for the handling of sexual offences, while ensuring the care and support of the survivor. You will also no doubt hear about the establishment of the Sexual Offences Model Court in Antigua and Barbuda of which we are deservedly proud.

As to the impact of the Court's collaboration with UN Women, I wish to highlight two important policies. Firstly, the Court's Strategic Plan and secondly, the Harassment Policy which has been developed.

THE IMPACT ON THE COURT'S STRATEGIC PLAN

In January 2019, the Court proudly launched its Strategic Plan 2019-2024 with the theme “UNLOCKING POTENTIAL Strengthening Caribbean Jurisprudence”. In his message to stakeholders, President Saunders remarked that the Court intended to “work more meaningfully with partners and justice sector bodies in the region”.

In keeping with the mandate to use a “gender lens” and gender mainstreaming strategies in the development and roll out of the Court’s Strategic Plan,” the Strategic Planning Project received the guidance of:

- Ms. Gabrielle Henderson, Senior Project Specialist, of UN Women Multi-Country Office of the Caribbean;
- Ms. Tonni-Ann Brodber, Deputy Representative of UN Women Multi-Country Office, Caribbean; and
- Ms. Anika Gray, Regional Project Coordinator and Gender Specialist of the JURIST Project.

For the Data Collection and Analysis Phase of the Project, Ms. Henderson, Ms. Gray and a select number of CCJ staff contributed to a “gender lens” review of the questions identified for the data collection exercise. Ms. Gray also provided various regional statistical reports on violence against women and national draft policies on gender issues, and guidelines produced by judicial institutions, such as the Gender Equality Protocol of Magistrates and Judges and the Model Guidelines for Sexual Offenses Cases in the Caribbean Region.

The results of the Data Collection and Analysis Phase contributed to the development of the Draft Plan and the identification of five overarching areas that bear validity across the Plan’s Strategic Issues. Gender Equality was identified as one of the cross-cutting themes of the Strategic Plan. Upon completion, the draft Plan received a final review by Ms. Brodber to ensure that the “gender lens” requirement was satisfied. In Strategic Issue 6 of the Strategic Plan, the Court continues to emphasise the importance of developing partnerships and collaborating with external agencies.

THE IMPACT ON THE HARASSMENT POLICY

UN Women in collaboration with the JURIST Project conducted a three-part gender sensitisation training course on “Gender Equality and Access to Justice”. The training was aimed at achieving two main goals: (1) building the capacity of all CCJ staff to integrate gender equality into the tools

developed under the JURIST Project and 2) improving the ability of all staff to understand and integrate gender-responsive techniques in their work.

Forty court staff participated in all three training sessions. All the participants gave the course high marks and expressed a strong desire for further training. For the most part the training led to positive changes in the perceptions the participants had of gender and its role in the workplace.

A significant outcome from the training was the CCJ's decision to enlist the assistance of JURIST and UN Women to develop a harassment policy for the Court. The recommendations from the training facilitator, and the court staff who participated in the training, influenced the Court's decision to develop a harassment policy.

Subsequently, a CCJ Harassment Policy Working Group was appointed. The Working Group, of which CCJ/JURIST and UN Women are members, developed and distributed to staff, managers and judges, a survey to elicit feedback on the areas that the policy should cover. The results of the survey provided the basis on which a draft Harassment Policy for the Court and the Regional Judicial and Legal Services Commission (RJLSC) was developed in December 2017. Further feedback and comments were sought on the draft and in April 2018, consultations on the policy were held with staff, managers and judges. Ms Michelle Brathwaite, National Human Rights Advisor, United Nations, facilitated these consultations. The feedback and consultations revealed that court staff regarded both areas of harassment and sexual harassment as important.

Further comments were received, and a Final Draft Harassment Policy has been submitted for the approval of the RJLSC. The Harassment Policy recognizes the value of every member of staff, every manager and judge, and seeks to ensure that all employees and users of the Court and the RJLSC are treated with dignity, courtesy and respect.

Throughout this exercise, one could sense that the staff of the Court and of the RJLSC considered a Harassment Policy to be an important policy document which would enhance their work experience. In its Report to the RJLSC, the Committee noted: "We trust that once approved, the Policy will become a part of the daily lives of the CCJ and RJLSC, and that through training and reinforcement, any complaints of harassment will be dealt with fairly and expeditiously."

CONCLUSION

As I close, I wish to recognize the dedication and good work being done in the Region by UN Women. In keeping with the intention of our Strategic Plan, we look forward to working even more meaningfully with UN Women. Thank you very much.