

Good morning everyone, I had a little head start using the protocols and I will tell you some of my experiences.

The journey of these protocols is somewhat bound up with my own personal growth and development as a judicial officer.

For four years after taking the oath of office I proceeded mechanically for the most part doing what I was paid to do – resolve disputes, hearing facts, judging demeanor and giving decisions.

During the course of gender training a discussion arose on the notion of our oath and the constitution and our responsibility to uphold the rights of **ALL** people.

The debate became heated when it was suggested that in serving persons, we had to go beyond equality as it was not enough just to treat everyone the same.

How could it not be enough? It was all I had, what I had been trained to do.

How could I learn to do something new?

Justice Jones and Jamadar had the immediate answer “you will learn by doing and teaching others”. This began my journey to learn What I did not know and teach what I started to understand.

Out from the heat of that debate a flame ignited somewhere deep in me. I looked around and longed to set ablaze those around me, some who had burnt out long ago and others who were green all coated with the fire-resistant substances of judicial conformity that makes us elite.

I examined my tools, as limited as they were, they had to do. The task was that I had to do start a fire.

Somebody please say F.I.R.E. !!!

F. I. R. E.

The **F** in **FIRE** is for **Firestarter**. I have read that reading glasses lens could be used to start a fire. I searched the protocol and found a gender sensitive lens, this would have to do. The use of this gender lens provided a fresh approach to the analysis of facts.

I could use the lens to identify stereotypes that lead to the retention of notions and ideas that were historically and culturally archaic and simply wrong.

These stereotypes were often the starting point of bias that went undetected in my analysis of facts. Previously, I began to examine critically submissions and cross examination that sounded logical but are based on untrue and unfair statements.

For example

- If you left him due to abuse, why would you go back, is it because you made this abuse thing up? Or
- You didn't scream, you didn't fight back, did not scrape, no skin under your nails. It was consensual, wasn't it? Or
- If you did not report it to the police or seek medical attention, it's because it did not happen. Or
- So you just stand there and take it. You did nothing to stop it. You were enjoying it nah?

I- IDENTITY

The protocol stresses that each litigant is a person, they have a right to their own identity to decide how they want to be addressed and how to portray themselves. I now understand that my role is to afford them

dignity and respect. It is not painful to ask, "How do you prefer that I address you".

The protocols are useful in unlocking and understanding the gender-box and explains in simple terms the concepts of gender, sex and gender identities and exposing stereotypes and myths. With this knowledge I find myself focusing less on demeanor and more on substance.

What is demeanor anyway, but a more sophisticated way of echoing the observations of the Mighty Shadow, that guilt or innocence was based on whether the defendant had a "bandit face".

I now question the notion of placing emphasis on how people look and react, whether or not they make eye contact, and the fluency of their speech. Learning about gender is an ongoing process, I am by far no expert, but I am open to learning and changing.

R- relief-oriented and issue-driven

The protocol promotes issue-driven and relief-oriented adjudication prior to my training, I would ensure that I recorded every bit of fact most of which had little to do with the real issues or relief claimed. Now, as the

person directing the proceedings, I use simple language to bring out the central issues in the matter. In maintenance matters, my asking "how much do you want" would usually set the tone and lead to a discussion on monetary support, limiting the support for a child to a figure, dollars and cents. Now I speak to "how can we together support this child", fostering a team approach and moving the discussion beyond money to non-financial support and nurturing. I ask parties directly what their expectation of the court are and what they hope to gain from this matter.

I have come to realize that the limitations imposed by the clerk of the peace in reducing a claim to writing pursuant to a particular law limits what a party can claim and sometimes the claim before me bears no resemblance to what the party really wants.

A number of applications, which on the face of it, speak to willful neglect to maintain are really a parent asking for the other parent to nurture, love and support the child, or a call for the court to support, counsel, evaluate and assist.

On these applications, I now make a non-financial support order which encourage parties to do drop off and collect from school; afterschool care and supervision; weekend care; provide nutrition and support; be informed of and attend extra curricula activities, PTA meetings, doctor's visits and a range of nurturing activities which require no direct financial input but ensure that the child remains the focus of attention and action.

The protocol promotes: respect for the time of the parties and recommends the use of electronic off-site payments and receipts for financial payments, the system commonly called **court pay** (which I call maintenance on steroids).

In dealing with domestic violence applications it promotes the making of ancillary orders including access and support, without the filing of multiple applications. I am now aware of how international standards can be used in local law to bring relief as easy as "**R.I.C.E. and S.A.U.C.E.**"

E-EQUITY

These protocols had the greatest impact on my conception of equality and equity. I am now convinced that access to justice must include the realization that just getting into the courtroom is significantly more difficult for some based on their wealth, sex, gender, social status, physical limitations and/or challenges and how these and other factors intersect. I also have a role to identify power imbalances and apply a gender perspective to protect the vulnerable, ensuring equality of results not just process.

In 1918, teacher Bailey, and 13 others were arrested and charged under the Shouter Prohibition Ordinance, the evidence from the arresting sergeant was that he heard loud noises and met the defendant and others singing, preaching and praying. He told them of the offence they committed then arrested and charged them. For years, judicial officers, would have mechanically applied that law and would have convicted, fined and or jailed persons for worshipping in a way that was held to be different from the norm, today that difference is celebrated by a National Holiday.

When I consider this, I can no longer find solace in being normal. I am uncomfortable when too many people agree with me and I am unwilling to accept that something is wrong because it does not conform to what is seen as normal today.

When people say that we have “power”, but we are powerless, I disagree with respect and with F.I.R.E. These protocols remind me and will hopefully remind you, that as judicial officers, we are accountable to those we promise to serve.

We are called upon to serve all people and to ensure that access to justice means more than just equal treatment. We are called to be on FIRE for the rights of everyone, whether or not we agree with how they express those rights.

Can I invite you therefore, to an encounter with a literary flame we call the gender equality protocols? It is my hope that these protocols will light a small spark in the heart and minds of all persons concerned with justice and, that rather than labour over limitations and lack, we will focus on the power of infecting others by our positive action.

With this one (1) match I am trying to start an explosion, does anyone care to join in?

(Song)