



**Remarks delivered by the Deputy Representative of UN Women Multi-Country Office – Caribbean, Ms. Tonni Brodber at the launch of the Trinidad and Tobago Gender Equality Protocol for Judicial Officers.**

**Tuesday 27 November 2018**

**The Raddison Hotel, Port of Spain, Trinidad and Tobago**

**Protocol**

On behalf of the Representative of the United Nations Entity for Gender Equality and Women's Empowerment (UN Women) I bid you a very warm good morning. It has truly been our pleasure to work with the Caribbean Association of Judicial Officers (CAJO) and the Trinidad and Tobago Judicial Education Institute (TTJEI).

All Caribbean states including Trinidad and Tobago have reiterated that their goal is one of development. Development for all of the people in the state, development that is long lasting, and fair.

Caribbean states and states across the globe, agreed to 17 goals to work towards until 2030. These goals are called the Sustainable Development Goals and they span freedom from poverty to ensuring that life above sea and below sea is maintained. These goals balance agreements made by Trinidad and Tobago internationally to implement and adhere to the principles of the Convention of the Elimination of All Forms of Discrimination Against Women and the Beijing Platform for Action, which will celebrate 25 years in 2020.

One of the SDGs goals is Gender Equality, and it is understood that not one of the 17 goals can be achieved without gender equality.

But let me step back. Interestingly, last week the Prime Minister of Barbados, the Honourable Mia Mottley challenged us to ensure that when we say these words they mean something. So what do we mean when we say gender equality?

Too often gender equality is only seen as a women's issue. It is a human issue! When I say gender equality I mean the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration – recognizing the diversity of different groups of women and men. Gender equality is not a 'women's issue' but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centred development.

What do we mean when we say sustainable development? We mean that when our forefathers and mothers envisioned a future for us, with boundless faith in our destiny, they envisioned a Trinidad and Tobago, a Caribbean and a world where all persons could contribute their talents and skills to their countries **trusting** that their surroundings would be safe, **trusting** that the systems and institutions, like the judiciary, would enable an environment in which they could apply their talents and skills and expect a fair outcome. So sustainable development would manifest itself in more than just the trappings of economic development, robust foreign reserves, high GDP, low debt, well-kept roads and buildings, it would also be reflected in accessible, efficient, effective and reliable health care systems, low levels of inequality and high levels of citizen security and the general high level of confidence among the population. This requires synergy between ideological action, institutional action, inter-relational action and individual actions.

Citizen security is of critical importance for Trinidad and Tobago. When we speak about citizen security we often think about gang violence and violent crime. Interestingly, when we talk about gang violence very few say what about the girls? Specifically, what about the high levels of violence against women and girls? That said Many people when we speak about the levels of Violence against

women and girls, think of the men they know who too may be suffering and ask ‘what about the men’? We need to ask what about the people? We need to know what forms of violence affect men and women most and address them head on. In the same way if someone was diagnosed with cancer, doctors would look for the source and address it to ensure it doesn’t spread. Violence is a cancer on the body politic. If we continue to focus on who should be prioritised instead of working strategically to prioritise all forms of violence we will miss the message of the canary in the coal mine before the song ends.

In 2017 a partnership between the IDB, the Government of Trinidad and Tobago (via the Gender and Child Affairs Division, Office of the Prime Minister), and UN Women led to the availability of violence against women prevalence data<sup>1</sup>.

The Data shows that 30 percent of ever-partnered women experienced lifetime physical and/or sexual partner violence; and 6 percent experienced this in the 12 months prior to data collection. What does that mean for almost every 3 women you know who has ever been in a relationship at least one (1) of them has experienced physical and or sexual violence at the hands of a partner. Emotional violence presented as the most common type of violence experienced (35% lifetime; 12% current).

- About one in 10 women experience lifetime sexual partner violence (11% lifetime; 1% current (might sound obvious but quickly explain the difference).
- About one in 10 women experience economic partner violence in their lifetime (11%).
- Lower educational attainment is associated with higher prevalence of lifetime physical partner violence (primary or less 34%; higher than secondary 23%).
- Lifetime physical and sexual violence experienced by ever-pregnant women was higher than that experienced by those who were never pregnant.
- More rural women (7%) currently experience physical violence than urban women (4%).

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<sup>1</sup> (Response rate 82.2% **1,825 households**) Response Rates for All Eligible Women in the Sample and Women Completing Interviews: Women’s Health Survey Trinidad and Tobago 2017 86.8% 1079

- The prevalence of current physical IPV was generally higher among younger women:
- Women between 20 and 34 years had the highest rates of physical IPV.

The stark reality is that Experiencing IPV is rarely one-off; at least half of female survivors of IPV, whether current or lifetime, experience violence “many times”.

The authors of the report put it quite clearly..., over 100,000 women in Trinidad and Tobago between the ages of 15 to 64 age are estimated to have experienced one or more acts of physical and/or sexual violence perpetrated by male partners. Please note that at over 10% of this number, approximately 11,000 are likely to still be in abusive relationships.

At the individual level women who were married or lived with a partner at a young age had higher current and lifetime physical and sexual IPV prevalence than those whose first union was at 19 years older or older.

Some of the most consistent factors associated with men’s increased likelihood of committing IPV are young age, low levels of education, witnessing or experiencing violence as a child, harmful use of drugs and alcohol and acceptance of violence as a strategy for control. For women, increased risk to IPV is associated with low levels of education, witnessing violence between parents and experiencing violence, sexual abuse or acceptance of violence as a child.

At the inter relational level there is a significant association between experiencing physical and sexual IPV and having experienced or witnessed violence in childhood, with markedly higher prevalence of physical and/or sexual partner violence between women who had experienced violence as children and women who had not. Additionally, the more severe the lifetime physical IPV experienced by a woman, the greater the likelihood that this woman experienced verbal or physical violence or witnessed violence against her mother at home as a child.

Ideologically, Community and societal factors include gender-inequitable norms, particularly those that inform the beliefs that connect manhood to dominance and aggression and indirectly promote low social and economic status for women in notions of submission and taking their ‘rightful place’. In addition to issues of economic stress explored above, gendered beliefs and norms were the second significant factor focused on in the study. Common triggers attributed by women

for their partner's violent behaviour were him being jealous of her (21%), and his wanting to show her who is boss (18%). Compare and contrast this with the overall high agreement with the statements "women and men should share authority in the family" (90%) should be able to spend her own money" (84%) (see Figure 4.14). Despite the vast majority of respondents agreeing that women should at least share authority in the family, roughly 66 percent of women agreed that "it is natural that men should be the head of the family," while 57 percent of women agreed that "a woman's role is to take care of her home".

What does this mean for our institutions. There is clearly a role for response, for our health care systems almost a third of survivors (31%) reported having suffered injuries as a result of the violence inflicted on them and one-fifth (21%) needed to seek professional health care for these injuries. Also noteworthy is the apparent traumatic impact of IPV on survivors' children, as they more commonly present with indicative issues such as bedwetting and aggressiveness.<sup>2</sup>

But do women trust our institutions? Very few women chose to disclose their encounter with IPV to professionals such as health workers/doctors (13%), the police (5%), or a counsellor (4%). The majority of women who experienced physical or sexual partner violence did not seek help from any organisation or support agency; this amounted to 69 percent of survivors across Trinidad and Tobago collectively and 74 percent of women from the aggregated CSP communities. Of those who sought help from an agency or person in authority, most went to the police (26%). Less popular choices were seeking assistance from a health agency (8%), the courts (6%), and social services (3%).<sup>3</sup>

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<sup>2</sup> While the Women's Health Survey is national in scope, the communities of the Citizen Security Programme were also isolated for analysis (in aggregate). Generally, IPV prevalence for CSP communities was similar to that of the national community. As with the national community, women sampled in CSP communities reported experiencing a higher prevalence of emotional IPV over their lifetime (33%) than either physical or sexual IPV. The lifetime prevalence rates of physical and/or sexual IPV among women in CSP communities was also found to be similar to that of the national lifetime prevalence (CSP 29%, National 30%), as were physical IPV (CSP 27%, National 28%) and sexual IPV (CSP 10%, National 10%), when considered individually. While the prevalence rates are marginally lower in CSP communities versus national figures, in almost all cases statistical tests could not confirm these differences as significant, i.e., not attributable to chance.<sup>50</sup> Further, as with the national prevalence rates, in considering prevalence for CSP communities, it must be remembered that it is likely that prevalence varies among the communities which comprise this aggregate. Accordingly, these figures are not representative at the individual community level.

<sup>3</sup> Unsurprisingly, most survivors of IPV also did not receive help from any source (61%). Of those who received help, they were most likely to be helped by their parents (13%), the police (12%), and their friends (11%). Only a negligible proportion of survivors reported seeking help from the service providers, which are specifically set up to aid survivors of IPV: fewer than 1 percent of survivors used the National Domestic Violence Hotline, 800-SAVE; and 1 percent used domestic violence shelters.

For others, reported delays in court processes due to factors such as absent magistrates, police or forensic report issues or women's need to retain lawyers were seen as barriers; work days might need to be missed and money needed to support their household would have to go towards a lawyer. In the words of one survivor:

*"The court system is designed to frustrate women, and I would go to court and go to court. Half of the time, I don't even know what going on, I have to ask people, 'You could explain to me what going on?' People say, 'Well, it off because the police ain't come, what I go tell yuh, come back again.' And you just sit down there, sometimes you just sit down there until 12 o'clock, until the magistrate decide to call just to tell you, 'Well, okay, the officer not here, summons for the officer, come back so and so.' And, well you go back again, same thing. Some people would just not go, but I want justice, so I am going" (Indo-Tobagonian, 41 years old, secondary school educated).*

This is why we're here today. Because the court system can be and is so much more and not only do the women and men of Trinidad and Tobago need to know this, the judiciary is determined to make sure it is a lived reality. We're here today to know that eliminating gender inequalities, such as violence against women cannot be achieved without trust and faith in our justice system. For many this looks like - each person who has accepted the responsibility to serve the people of their land through the courts, in the police or in the legislature doing what they can to ensure and demonstrate non-bias.

It is no coincidence that the JEITT chose this time to launch the Gender Protocol. We are smack dab in the middle of the 16 Days of Activism to End Violence against Women and Girls. The protocol covers the nexus of justice, development and gender equality going beyond topics related to intimate partner violence and sexual offences. However, issues related to ending violence against women and girls and gender-based violence in total are prioritised in the protocol.

Now that hopefully we know what we mean when we say sustainable development and gender equality you will agree with me when I say that This work today is in service of SDGs Goal 5 Gender Equality, Goal 10 Reducing

Inequalities and Goal 16, Peace, Justice and Strong Institutions and through Goal 17 Global Partnerships.

Partnership because the steps taken to support the development of this protocol reflect a global partnership of collaboration and consultation. The Partnerships began many years ago when one of our former Representatives, Ms. Roberta Clarke, first expanded UN Women's work in Access to Justice. With the case of the gender protocol, we shared a better practice from Mexico with CAJO to see if it would be of interest and relevant to the Caribbean. We then brought a Mexican judge to the biennial CAJO conference. Then judiciaries requested to have the same tool developed in the Caribbean. Over 60% of the respondents to a UN Women and CAJO study reported that a gender protocol would be extremely important. An overwhelming 82% agreed, that they would support having established protocols to combat gender discrimination. So, we set about supporting A Caribbean tool developed by Caribbean people for Caribbean people. UN Women with support of the Government of Canada and the JURIST project developed a draft template which each judiciary then made their own. Trinidad and Tobago is the first country to complete this process.

"This demands conscious human intervention from a gender sensitive perspective with a clear and purposive intent to ensure gender-equality in the process of adjudication," per Jamadar JA in a paper delivered to the Caribbean Association of Judicial Officers (CAJO) in 2017 on Gender Sensitive Adjudication: The Role of the Judicial Officer in Developing the Law to achieve Gender Justice in the Caribbean.

One thing that has been very clear to me is that our judicial officers are all human beings doing their best with the tools that they have. Our goal was to support a tool, a useable tool to ensure that they have the toolkit needed to ensure they are gender responsive.

This protocol aims to:

- Equip the Judicial Officer to render decisions that are the product of a fair, transparent, and unbiased process;
- Increase the awareness in Judicial Officers of Trinidad and Tobago's international responsibilities toward the promotion of gender equality;
- Assist Judicial Officers in recognizing and eliminating individual biases which foster gender discrimination and provide signposts or markers for use by

Judicial Officers to assist in identifying and treating with those issues which trigger individual gender biases; and

- Provide the Judicial Officer with the tools to identify, treat with and provide redress for power imbalances which hinder equality of treatment before the courts, structural inequalities in society and equal access by the litigant to the remedies and redresses available from the court.

Again, I would like to thank and congratulate Trinidad and Tobago for being a leader regionally in the development of the gender protocol.

When our forefathers and mothers envisioned an independent Caribbean and an Independent Trinidad and Tobago they envisioned a future 'Forged from the love of liberty', I will hazard a guess that a judiciary that leads the Caribbean in this way would have been what they envisioned. A judiciary at the helm of a future in which every person finds an equal place.

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