

Talking Points for H.E. Marie Legault
High Commissioner to Barbados and the OECS

Wednesday, April 12th, 2017 at 100 pm

UN House, St. Michael, Barbados

On the occasion of a Handover Ceremony of Gender Equality Protocols for Magistrates and Judges in Barbados developed under the Judicial Reform and Institutional Reform (JURIST) project in collaboration with the Caribbean Association of Judicial Officers and UN Women

I wish to give a special greeting to my colleagues at the Head Table

- The Hon. Justice Adrian Saunders, Judge of the Caribbean Court of Justice
- The Hon. Sir Marston Gibson, Chief Justice of Barbados
- Ms. Tonni Brodber Hemans, Head of Office Acting , UN Women
- Mr. John Furlonge, Regional Coordinator for the JURIST Project

And I also extend a warm welcome to:

- Honorable Judges and Magistrates
 - Dr. Gail Miller, Senior Director of our Caribbean Regional Program
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- Magistrate Lisa Ramsumair-Hinds, representing CAJO and TT Women’s Association of Judges
 - Representatives of the Legal Community
 - Members of the JURIST Project’s Local Implementation Committee
 - Members of the Media,
 - Ladies and Gentlemen
1. It is a pleasure to be here. Our sincere thanks to UN Women for hosting us this afternoon.
 2. Canada has had a long and productive partnership with CARICOM countries in the area of judicial and legal (justice) reform. We are here today because of the work of **the Judicial Reform and Institutional Strengthening (JURIST) Project** which is funded at just under \$20 million by the Government of Canada. Along with a second \$20 million regional project, **the Improved Access to Justice in the Caribbean**

Project (IMPACT Justice) is to establish a judicial system that is more responsive to the needs of citizens. The two projects are intended to complement each other.

3. The Government of Canada is very pleased to be associated with this historic initiative and must commend UN Women, CAJO and the Barbadian judiciary for partnering with the JURIST Project to undertake the process of implementing Gender Equality Protocols to guide Barbadian judges and magistrates.
4. These Protocols will strengthen the capacity of the judiciary to use gender analysis to safeguard equal access to justice by both men and women and also to assist the judiciary in ensuring that their decisions result in equitable outcomes for both men and women.
5. We are quite confident that the protocols will contribute to producing a more gender-responsive Barbadian judiciary in which judicial officers and court personnel make decisions that promote substantive equality between men and women.
6. In recognition of the importance of gender equality, the Government of Canada has chosen to make it a key priority. Prime Minister Trudeau formed Canada's first gender-balanced cabinet, and appointed the first woman Government House leader as well as the first Minister fully dedicated to gender issues.
7. Our government has embraced the opportunity to serve on the UN Commission on the Status of Women and we are ardent supporters of the UN Women's **HeforShe** campaign. This is evidenced by our Prime Minister taking up the call to be the youth ambassador for **HeforShe**. I am also pleased to hear that Sir Marston has also signed on as a **HeforShe** ambassador.
8. Former UN Secretary General Kofi Annan once stated: "Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance."
9. At home and abroad the government of Canada is committed to supporting the implementation of gender-based analysis across government departments and development initiatives. This will ensure that gender implications are considered in all government policies, programs, and legislation and is a cross cutting theme for all our development work within the region.
10. This also means that women's views, interests and needs shape the development agenda as much as men's, and that the development agenda supports progress toward more equal relations between women and men.

11. We recognize 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.
12. Achieving gender equality does not mean that women become the same as men. Instead, equality means that one's rights or opportunities do not depend on being male or female.
13. Across the Caribbean region there have been significant achievements in eliminating discrimination embedded in laws and policies. For example, the Government of Barbados recently updated its Domestic Violence legislation demonstrating its commitment to increasing access to justice for the most vulnerable in the society.
14. Notwithstanding this there remain significant barriers in the administration of justice that hinder men's, and more so women's opportunity to access justice and receive equitable outcomes from the justice system.
15. Gender stereotypes about women's and men's roles continue to influence judicial decision-making. Such judicial decision-making is not unexpected given that everyone experiences gender socialisation. Its influence on the functioning and behaviour of judicial officers and court personnel can be hard to avoid, particularly when such socialisation reproduces acceptance or tolerance of rigid gender roles and unequal power relations between women and men.
16. There are more than a few ways gender norms and stereotypes within the justice system contribute to women's marginalisation, reinforce limiting stereotypes regarding masculinity and ultimately stifle access to justice for women and men.
17. First, notions about women being temptresses and men being unable to control their sexual desires in response, can influence how sexual assault cases are investigated and adjudicated.
18. Secondly, societal expectations about who should have primary responsibility for child rearing, works against men being granted custody except in exceptional cases.
19. Such expectations also place a double burden on women, who are often saddled with the responsibility of bringing home the bacon and preparing it as well.
20. Also to be considered are unfriendly court environments that can, among other things, lead to the re-victimization of survivors of gender-based violence.
21. Evidence of the ways in which gender bias can impact on judicial decision-making are not only present in CARICOM or Barbados but can also be found in Canada. Recently a Canadian judge was forced to resign from the bench after making

insensitive and sexist comments to a complainant during the hearing of a sexual assault case.

22. It is for such reasons that there is now an appreciation of the need for gender protocols for actors within the justice system. There must be further attention to building the judiciary's understanding of the socio-cultural context within which the court functions. Access to justice can be enhanced considerably where decision makers are aware of or sensitive to, the gendered realities of the lives of those who seek the protections and remedies that the law offers.
23. Let me end with a quote from another former UN Secretary General, Ban Ki-Moon: "Achieving gender equality requires the engagement of women and men, girls and boys. It is everyone's responsibility."
24. By adopting these protocols, I am delighted to see that the Barbadian judiciary has made the advancement of gender equality, its responsibility.
25. Thank you.