



**Remarks Delivered by UN Women Multi-Country Office – Caribbean
Head of Office a.i. Tonni Brodber Hemans**

**at the
Official Handover of Draft *Gender Equality Protocols for Magistrate and Judges to
the Barbados Judiciary*
April 12, 2017 - 1:00 pm
UN House, Marine Gardens, Hastings, Christ Church, Barbados**

Protocol:

The Caribbean, and Barbados in particular, is a unique space in the many ways. First there is the unique beauty of the space in of itself and the unique way in which in which our societies have evolved, how equality and inequality is experienced by women and men. Although unique, we share similarities with many other places in the world. For example there is no place in the world in which equality and specifically gender equality is a reality. There is of course nuance for example the way in which gender inequality manifests itself in our region while very similar to the ways it is manifested globally - VAW levels in the Caribbean e.g. it is nuanced in the ways in which women and men across class and race experience this inequality.

Equality cannot exist without what most of us understand as a notion of fairness or 'justice'. A well-functioning legal and justice system can provide a vital mechanism for equality. Laws and justice systems shape and are shaped by our society and our conscious and unconscious biases. The courts have been a critical site of accountability

for individual women to claim rights, and in rare cases, to affect wider change for all women through strategic litigation.

This is why UN Women has supported work on increasing access to justice in the Caribbean for over a decade. From our work - to support a better understanding of child support and how administration of such could be made more efficient for women and children, draft legislation on sexual offences and intimate partner violence, to capacity strengthening for judicial officers.

It is our pleasure to be able to collaborate with the Caribbean Association of Judicial Officers through the Judicial Reform and Institutional Strengthening (JURIST) Programme, a partnership between the regional judiciaries led by the Caribbean Court of Justice (CCJ) and the Government of Canada/Department of Foreign Affairs, Trade and Development (DFATD) to support the increased efficacy of courts and the judiciary to resolve cases effectively and fairly in the Caribbean region.

The work in Barbados which is a critical part of our mandate also falls under the Memorandum of Understanding, which UN Women signed with the Office of the Attorney General of the Government of Barbados to support strengthening of the resources of the police and Courts to effectively respond to cases of violence against women

We are pleased to be able to support the development of this draft gender protocol for judicial officers as part of our contribution to a Safe and Just Caribbean and the UN System Multi-country Sustainable Development Framework, through which the UN works in collaboration to support countries in the region achieve the sustainable development goals.

Why a gender protocol for judicial officers? Because Research shows that all individuals develop implicit attitudes and stereotypes as a routine process of sorting and categorising the vast amounts of sensory information we encounter on an ongoing basis. Also too, because these Implicit, as opposed to explicit, attitudes and stereotypes operate automatically, without awareness, intent, or conscious control and can operate even in individuals who express low explicit bias (Devine, 1989). They can influence or

bias decisions and behaviours, both positively and negatively, without an individual's awareness. This phenomenon leaves open the possibility that even those dedicated to the principles of a fair justice system may, at times, unknowingly make crucial decisions and act in ways that could unintentionally be unfair. Thus although judicial officers may have made great strides in eliminating explicit or consciously endorsed bias, they, like all people, may still be challenged by implicit biases that are more difficult to identify and change.

Avoiding the influence of implicit bias requires significant effort, intention, attention and time. Judicial Focus Groups have discussed potential strategies, and countries in the Latin America and Caribbean region have developed strategies and approaches on which we have based UN Women's support to the JURIST programme and the development of the gender protocol. In particular, the Mexico Protocol which was shared with the Caribbean community through a partnership of UN Women and CAJO. The identified strategies are as follows:

Strategy 1. Raise Awareness of Implicit Bias and identify and consciously acknowledge real group and individual differences.

Strategy 2: Identify sources of ambiguity in the decision-making context and establish more concrete standards before engaging in the decision-making process.

Strategy 3: Routinely check thought processes and decisions for possible bias.

As you will see these are directly in line with the goals of the protocol which are to:

- 1** Raise the awareness of judicial officers to Barbados' international responsibilities towards the rights of women.
- 2** Assist the Barbadian judiciary in understanding and exercising the full panoply of judicial powers found in Barbadian law in order to promote gender equality.
- 3** Assist the Barbadian judiciary in identifying and effectively addressing unequal gender relations by providing concrete case examples and interpretive guides to international instruments on gender equality.

4 Provide a checklist for Barbadian judicial officers that will contribute to a) raising their gender sensitivity; and b) an examination and resolution of cases in a manner that promotes substantive equality between men and women.

The protocol is based on the principles of inclusiveness and comprehensiveness.

The other identified strategies to address bias include identifying distractions and sources of stress in the decision-making environment and removing or reducing them, as well as instituting feedback mechanisms. Actions to address this are being implemented through interventions throughout the year which will include the development of a performance and accountability framework.

Barbados is signatory to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and will have to report within the year on its progress towards equality and justice. CEDAW General Recommendation 33 states that women should be able to rely on a justice system free from myths and stereotypes, and on a judiciary, whose impartiality is not compromised by these biased assumptions. The Committee recommends that State Parties: (a) Take measures, including awareness-raising and capacity-building for all actors of justice systems and for law students to eliminate gender stereotyping and incorporate a gender perspective in all aspects of the justice system...**Barbados will be able to report to the CEDAW Committee this protocol as a success and an indication of not only political will but also tangible steps being taken within the last 5 years towards.** As well as the first of its kind in the Caribbean.

Because although significant gains have been made in the Caribbean towards women's empowerment and gender equality, so much so, that gender equality is often dismissed as already achieved because 'look how well women are doing in the public sector,' 'women are the main graduates from UWI'...'the real issue now is the boys'. This is challenging because instead of a healthy dialogue we create stories of competing victimhood pitting the significant but not sufficient gains made towards equality against the results of inequality, ignoring that the implicit bias that is at the root of gender inequality affects the ability of women and men to achieve their fullest potential. This leads to a dismissal of gender equality as a development priority, when in fact it is a

fundamental element in the ability of small island developing states empowering and benefiting from the fullest capacities of their populations.

We are still in the process of finalising the protocol, which will be done by judicial officers themselves, beyond the CEDAW Committee and the international stage, and given that it is the first Gender Protocol developed for a Caribbean state, Barbados' Judicial officers led by the Honourable Chief Justice are in this moment raising the bar through re-stating their commitment to equality and fairness.

UN Women congratulates the Judiciary of Barbados and CAJO for having reached this milestone, we thank our partners the Government of Canada and the Jurist Project and re-state our commitment to supporting Barbados and the Caribbean to not only implement the SDGs but also to Step It Up for Gender Equality.