The Gender Protocol is here!

On Tuesday 27th November 2018, the Judicial Education Institute of Trinidad and Tobago (JEITT), in conjunction with the Judicial Reform and Institutional Strengthening Reform (JURIST) Project, UN Women, the Caribbean Court of Justice (CCJ), the Caribbean Association of Judicial Officers (CAJO), and the Trinidad and Tobago Association of Women Judges (TTAWJ), launched the publication Justice Through a Gender Lens: Gender Equality Protocol for Judicial Officers.

This Protocol is a practical guide geared towards fostering and improving gender sensitive adjudication in Trinidad and Tobago. It combines a social and historical framework, international treaty principles, local legislation mandates, and regional and local case law to provide key and critical instructions to ensure that each step of adjudication and proceedings, especially in particular types of matters, is analysed through a lens of equality and non-discrimination.

The launch was chaired by Mrs. Niral Bansee-Sookhai, Registrar and Marshal of the Supreme Court of Trinidad and Tobago, and was opened with remarks by The Honourable the Chief Justice of Trinidad and Tobago and President of the Board of the JEITT, Mr. Justice Ivor Archie O.R.T.T. Recounting the genesis of the Protocol, The Honourable Chief Justice reiterated that the Protocol is an educational tool used to “ensure that all judicial officers are fully conscious of the need to be gender sensitive.” He further emphasized that the Protocol is part of broader gender sensitization training that “will assist judicial officers and court personnel with creating an enabling environment for improving fairness in legal proceedings.” Before closing, the Chief Justice reiterated that judicial officers ought to act with fairness for all the people of Trinidad and Tobago who come before the courts.

Detailing the journey to the Protocol, The Honourable Mme. Justice Judith Jones, Justice of Appeal and Chair of the Committee for the finalisation of the Gender Equality Protocol, highlighted those in the JRTT who were charged with the responsibility to ensure a powerful, thorough, and comprehensive product. The Committee comprised a combination of judicial and non-judicial staff: Justice Andrea Smart, Justice Nadia Kangaloo, Justice Kevin Ramcharan, Master Vigel Paul (previously Assistant Registrar and Deputy Marshal), Master Carl Quamina (A.g.), Dr. Charisa-Marie Alexis-François, Ms. Trisha Dassrath, and Mr. Elron Elahie.
One Year, Seven Publications

On Tuesday 25th September 2018, the JEITT welcomed judges and judicial officers, Judiciary staff, members of the legal profession, and other invited guests to its first Book Launch. This Launch was to celebrate the realisation of seven publications, namely, The Consolidated Civil Proceedings Rules 2016 and its companion booklet The Role of the CPR Judge, Proceeding Fairly: Report on the Extent to which Elements of Procedural Fairness Exist in the Court Systems of the Judiciary of the Republic of Trinidad and Tobago, Procedural Fairness: A Manual, The Distinguished Jurist Lecture 2017 and Justice through a Gender Lens: A Gender Equality Protocol for Judicial Officers. These publications join the literary and academic canon of the West Indies, and the memorable works that have been produced. Authors such as CLR James, Franz Fanon, Édouard Glissant, Aimé Césaire, George Lamming, and Derek Walcott - are just a few striking names that speak to our regional literary identity.

Understanding the colonial and neo-colonial entanglements that have pervaded the region, if we were to ask notable intellectual and philosophical voices about their journeys to acclaim (referencing, of course, the ones that are still with us), they would say that the ability to produce work, in home-grown spaces, for us and by us, was, and continues to be a rigorous project. Critical theorist Homi Bhaba, speaks to the problematique of the post-colonial agent who has to continually interact with the impositions of the old colonial order and that of new nation-identity. He thereby advocates for the creation of a third space, a mode of articulation, a way of describing a productive, and not merely reflective, a space that engenders new possibility. The ability to locate and position oneself within this third space is unquestionably one of the exceptional achievements of today’s endeavour. Not only has the Institute contributed to the generation of primary research and analysis in the field of procedural fairness, but also each work has been able to rearticulate and negotiate a new form judicial work and context that is best suited to us. This is evident in the indigenous expert input, design and publication of each produced text.

While the JEITT’s Book Launch was a noteworthy milestone, we must remember that this attainment did not occur autonomously. With the support of committed judges, judicial officers, judicial research counsel, and external consultants – specialised in the fields of law, gender, fairness and anthropology, alongside judicial and legal researchers and support staff of the Judiciary, this possibility became reality. To all of them, we extend our deepest gratitude.

Charting the Course Ahead: A Discussion on Refugees in TT

On November 8th and 9th the JEITT in collaboration with the UN Refugee Agency, hosted a two-day training workshop on the international protection of refugees in Trinidad and Tobago. The sessions were aimed at:

I. Increasing knowledge on the general aspects of international refugees and the right to seek and receive asylum and non-penalization under the 1951 Convention;
II. Increasing knowledge of the existing local policy and procedures for refugees and asylum seekers;
III. Promoting dialogue within the judicial fraternity about the context of the current displacement dynamic affecting Trinidad and Tobago and;
IV. Promoting the exchange of good practices related to the application of the law between members of the Judiciary.

The faculty of presenters included The Hon. Alan S. Diner, Judge of the Federal Court of Canada, Ms. Leila Jane Nassif, the UNHCR’s Chief of Mission, Mr. Andrew Welch, Senior Protection Assistant, Mr. Reuben Barbado, Protection Officer, and the Judiciary’s own Justices of Appeal the Hon. Mme. Charmaine Pemberton and the Hon. Mme. Justice Mira Dean-Armorer. The workshop proved to be both timely and informative as judicial officers engaged with the current realities being faced in the Courts of Trinidad and Tobago.
The Adjudication of Digital Evidence

In this new ‘Age of Information’, societies worldwide have become heavily reliant on information and communication technologies. Inevitably, judges and judicial officers must be equipped to deal with cybercrime and electronic evidence, which has become an outgrowth of the times.

Experience suggests that in most cases, judges and judicial officers encounter many challenges in coping with the new realities of the cyber world. Training efforts are therefore required to enable judges and judicial officers to adjudicate cybercrime and make use of electronic evidence.

In partnership with the Embassy of the United States, the JEITT hosted this two-day workshop on October 16th and 17th to provide an overview of the various forensic processes and applications of digital evidence used in complex investigations and facilitate the exploration of the unique legal and investigative issues raised by emerging computer and telecommunications technologies. Michael Alcorn, CEO of Cybervance, Anthony Teelucksingh, Senior Trial Attorney at the US Department of Justice, and Mark McGinnis, Wisconsin Outagamie County Circuit Judge facilitated the sessions, along with the Judiciary’s own the Hon. Justice Gillian Lucky and Her Worship Magistrate Sarah De Silva. This training proved to be one of the most sought after training sessions for the quarter, with more than forty-five judicial officers in attendance.
CJEI Roars Loudly

“Reform is change.” Judicial and legal reform largely involves changing the habits and behaviours of human beings - often, contrary to their personal and vested interests. This is not as easy as building roads and bridges - most people, by nature, tend both to resist change and to revert to former ways when short-term pressure for change goes away. Experience shows us that to successfully achieve long-term behavioural change requires a combination of incentives to change, participatory identification and articulation of changes required by those to be most affected by the reforms and sanctions for failure to change. To ensure that this is achieved, an environment needs to be created. One that is open to change- an important part of which is to inculcate in the judges, support staff and the bar an ethos of service and openness to reform. This conceptualization served as the driving force behind the 9th Biennial Meeting of the Commonwealth Judicial Education Institute (CJEI).

The overall theme of this year’s Meeting was “Teaching Effective Behavioural Change Programming”, with the following subcategories:
1. “Delay Reduction” chaired by the Right Honourable Sir Dennis Byron;
2. “Human Rights and the Environment” chaired by The Honourable Mr. Justice Madan B. Lokur;

All sessions illustrated teaching techniques to achieve effective behavioural change.

Programme Objectives:
1. To inculcate receptivity to change;
2. To provide judges with techniques to identify personal bias, arrogance and a path toward intellectual humility;
4. To exchange information on common problems and solutions in Commonwealth judicial education;
5. To gather research in preparation of a report on the status of judicial education in the Commonwealth;
6. A meeting of CJEI’s Board of Directors and heads of Commonwealth judicial education bodies.

Keynote Addresses

Creating a Personal Culture for Change
Dr. Joseph Sadek, MD, B.Sc. Pharm, MBA, FRCPC, Diplomat American Board of Psychiatry and Neurology

Human Rights and the Environment
Professor David R. Boyd, UN Special Rapporteur on Human Rights and Environment (electronically)

Changing the Judicial Culture to Achieve Just Results – a New Perception of Civil Justice; Redesigning the Civil Justice System not for Lawyers and Judges but for the Public and Court Users
The Honourable Madam Justice Andromache Karakatsanis, Supreme Court of Canada

Break Out Sessions (Select)

Judgment Writing
The Honourable Mr. Justice Asif Saeed Khan Khosa

The Use of Music as a Pedagogical Aid to Adult Education
Dr. Charleston K. Thomas

Understanding Vulnerable Groups: Consciously Uncoupling Sex and Gender
Ms. Kamla Jo Braithwaite and Mr. Elron Elahie

“Say Cheese”
The Honourable the Chief Justice Mr. Justice Ivor Archie, O.R.T.T. giving the tiny tots of the Shekinah Christian Academy some tips on smiling for the camera.

“Meh Nah Leaving”
Members from the Malik Folk Performers ‘brought down the house’ with their portrayal of the melting pot of Trinbagonian culture at the Opening Ceremony of the 9th Biennial Meeting of the CJEI.

CJEI Stalwarts
Sandra E. Oxner, CJEI Founding President providing some remarks on the T&T meeting experience, with the support of The Honourable Mr. Justice Madan B. Lokur, President of the CJEI.
Tackling Terrorism in TT

The Global Terrorism Index states that “Central America and the Caribbean continues to be the least affected region” with the lowest levels of terrorism with only 0.05 per cent of attacks and deaths” in the world in terms of deaths associated with terrorism. However, as the CARICOM Counter-Terrorism Strategy states:

Even if not an actual target for terrorist attacks, a country may be the source of terrorists and or terrorist sympathisers who prepare for, provide assistance to, or travel to another country for the purpose of committing a terrorist act. Individuals in one country may raise funds for or recruit individuals to commit a terrorist attack in the home country or in a third state. A country may also be a transit or rest spot for a terrorist using broken travel techniques to evade detection by law enforcement and security services.

This Strategy further states that over 200 people had travelled from CARICOM member states to conflict zones in Syria and Iraq between 2013 and 2017. These figures include people from Trinidad and Tobago. Trinidad and Tobago has also been identified by the UK Government as being a place where terrorists are likely to carry out attacks and this statement remains current as at 18 December 2018.

This means that in addition to concerns about acts of terrorism being carried out in the region, a very real and urgent concern is that of the recruitment of terrorist sympathisers, and the possibility of foreign terrorist fighters returning.

In November 2017, the Government of the Republic of Trinidad and Tobago announced its approval of a national counter-terrorism strategy. Moves such as this, the CARICOM Strategy and capacity building partnership initiatives such as the CARICOM Strategy and capacity building partnership partnership, are tantamount to counterterrorism in the Caribbean States are taking steps towards tackling the scourgé of terrorism from all angles. This means that local populations will be safer and this will have an impact on trade and tourism.

The Judicial Education Institute of Trinidad and Tobago in collaboration with the British High Commission, Port-of-Spain and the International Institute for Justice and the Rule of Law hosted its first Open Lecture and Panel Discussion on Terrorist Case Training on Wednesday 19th December 2018 with a specific Workshop for Judicial Officers on Friday 21st December 2018.

These sessions compliment the capacity-building programme designed by the Government of Trinidad and Tobago and the aforementioned Institutions.

The programme, throughout 2018, has aimed to assist the Government of Trinidad and Tobago to galvanize its plans for further developing its Anti-Terrorism Strategy and Anti-Terrorism Law. It has focused on the creation of a Terrorism Interdiction Unit and explored how processes within and between stakeholder departments and agencies can work most effectively together to counter terrorism, not only in Trinidad and Tobago but internationally too. All workshops have been interactive, comprising a credible scenario-based exercise, interspersed with specialist advisory inputs from leading practitioners on strategy, intelligence, investigation and prosecution.

The Featured speakers at the Open Lecture and Panel Discussion were Sir John Saunders, Retired High Court Judge (South Eastern Circuit), and Ms. Naomi Parson, criminal barrister and a member of Red Lion Chambers (London, UK). In addition to the featured speakers, the panel was also comprised The Hon. the Chief Justice Mr. Justice Ivor Archie O.R.T.T., Mr Roger Gaspard S.C. and Mr. Joe Connell, Senior Adviser on Counter Terrorism.

“Over the past three months the Judiciary of Trinidad and Tobago, through the arm of the Judicial Education Institute of Trinidad and Tobago, has partnered with the British High Commission, Port-of-Spain and the International Institute for Justice and the Rule of Law to provide members of both the judicial and legal fraternities with an engagement on terrorism and the law that is expert-driven, consultative and I’m sure you would say - appropriately timed.”

Welcoming Remarks, Dr. Charisa-Marie Alexis-François, Judicial Educator (JEITT)
The JEITT Update: September – December 2018

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THANK YOU!

The JEITT would like to extend gratitude to the Court Administrative Unit, Senior Managers and Staff of the Judiciary who continue to work with us to ensure that “Transformation through Education is achieved”. We look forward to continued partnerships and moving towards greater intensities.