



## CHIEF JUSTICE'S CHAMBERS SUPREME COURT OF SEYCHELLES

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### **Advancing Women's Right for Empowerment, Development and Change**

Good morning, it is an honour to be invited to be a part of this panel discussion this morning. We have been tasked with talking about advancing women's rights for empowerment, development and change, which is a big topic. As somewhat of a "specialist in the law" I will start by taking a very quick look at the law, but then I would also like to use my "credentials" as a woman to have a frank discussion about what I believe are some of the ways in which we can address the disempowerment that we face, outside of the strict ambit of the law.

Firstly, it must be stated that the Constitution of Seychelles provides an excellent legal framework within which our other laws exist. It founds this country on respect for the equality and dignity of human beings, stating that 'every person has a right to be treated with dignity worthy of a human being'.

Article 27 provides that every person has a right to equal protection of the law and a right to live without discrimination on *any* ground except as is necessary in a democratic society. Each woman in Seychelles has a right to healthcare, education, shelter and a safe environment. Working mothers are entitled to additional protections, including protection during maternity leave.

But women also have entitlements to rights that we sometimes forget - *everyone* has a right to their opinion and thought, a right to express their opinion, a right to own property and a right to participate in government.

Our existing laws by and large attempt to create an equal society and we will hopefully soon see some developments that will further protect the rights of women, including new additions to the Civil Code, and a Domestic Violence Bill; both of which are awaiting discussion by the National Assembly. The Domestic Violence Bill will provide specific criminal offences for domestic violence in addition to the criminal offences in the Penal Code.

But our laws need to be gone through with a fine tooth comb to ensure compliance with the constitutional requirement of equality before the law. Some still inadvertently benefit one sex over the other. This is another reason why I am often heard to be advocating for the establishment of a Law Reform Commission. But I must admit that I was pleased recently to be scolded by a member of the National Assembly Bills Committee for inadvertently drafting court rules that did not use gender neutral terminology. We are making progress.

Overall, I would actually say that our laws regarding the empowerment and development of women are good. The framework for equality is in place. But, then I have to wonder why I still regularly feel the disparity between men and women?

I would identify three levels of disempowerment that exist despite our best efforts. I would term them: Disempowerment by society; disempowerment by upbringing and disempowerment by self.

The first of these is a pervasive and subtle unconscious bias that still plagues us all. This is what I call disempowerment by society. A recent UNDP report found that globally almost 90% of all women and men are biased against women. The report found that “about half of the world’s men and women feel that men make better political leaders, and over 40 percent feel that men make better business executives and that men have more right to a job when jobs are scarce.” Shockingly the report also found that “28 percent think it is justified for a man to beat his wife.” To be very clear, 28 % is between a ¼ and a 1/3<sup>rd</sup> of the world’s population, who believe that domestic violence is permissible. And we think that surely those attitudes are not *here*, in Seychelles. Yet, we hear it and see it ourselves on a day to day basis.

People make jokes which subtly reduce the value of women. People turn a blind eye to domestic violence. More subtly, we see it in off the cuff comments that are made which just are inappropriate - since I became Chief Justice people have thought it acceptable in the media and on social media to consistently comment on my attire, on my hair and makeup or lack thereof, more than they do on my competency or the content of my work. Let's be honest, when was the last time a male leader was criticized for how he combed his hair or for *not* wearing make up?

It can be very subtle. I can think of examples such as meetings where someone says "we should hire the male candidate because at least he won't go and get pregnant" or making assumptions that a female colleague will take minutes in a meeting. It can be situations where women are referred to as 'the girls' or where women are spoken over in boardroom situations.

For me this is what feminism is – it is continuously being on the lookout for situations where we can stand alongside women to empower them. We need to be brave enough to call out conscious and subconscious bias and address it. Knowing that almost everyone has such biases, we also need to become aware of how we may also be biased. We need to enable and promote a new way of thinking to challenge these historical prejudices. This is a renewed and inclusive feminism. Nigerian author Chimamanda Ngozi Adichie, said: "We should all be feminists. A feminist is a person who believes in the social, political, and economic equality of the sexes.... "A feminist is a man or a woman who says, 'Yes, there's a problem with gender as it is today, and we must fix it, we must do better'."

The second disempowerment is disempowerment by upbringing. I am referring to childhood trauma, particularly sexual, but also other forms of abuse which affect our young women, scarring them for life. This is something that is not very pleasant to talk about, but which I see on a day to day basis in the courts, and which we need, more than ever, to have the hard conversation about.

On Monday, in my courtroom I have to take seven sexual assault cases committed against young girls. Let me read you one or two of the charges before me (I have anonymized them):

“Mr. V in 2018 sexually assaulted another, MV, by inserting his penis into the vagina of MV, a minor, aged 7 years old.”

Or another:

“Mr. J of Mahe, in April 2017 at the complainants grandmother’s residence, sexually assaulted MA, his niece, aged 12 years, by penetrating her vagina with his penis for a sexual purpose.”

I have *seven* of these cases. On Monday alone.

Similarly in the other courtrooms there will be other judges taking more of these cases, there will be more abuse cases heard at the Magistrates Courts. There will be Domestic Violence cases at the Family Tribunal and there will be social services working with cases that will never come to court. We have a crisis. We need to talk about this, its causes, and its effects on our society as a whole.

In my experience, abuse is almost always by someone the victim knows and it is often in a place where they feel safe.

We have a crisis. We have a population of 90000 people, for such a high number of persons to be affected, we need to recognise that there is a whole generation of people who have been abused, and a generation of men who believe that it is okay to have sex with a child. I am frequently shocked by seeing on the streets the number of older men dating very young women, even girls. We appear to have normalised sexual behavior in youngsters. We also normalise families encouraging women and children to stay silent in abusive situations for status or to save the family embarrassment. I regularly hear criticism of the motives of victims for coming forward to report abuse. This victim blaming is not acceptable. Studies show that the vast majority of abuse cases will *never* be reported. We cannot *assume* that a potential victim has bad intentions. We need to find a safe way to enable a victim of abuse to share their story and for its veracity to be

carefully investigated without causing any further trauma to the victim if it turns out to be true.

Another real situation that flows from this problem is that our system fails to rehabilitate either the offender or the victim adequately. We have a real scarcity of psychological services available. Psychological wellbeing is as important as physical wellbeing, and yet it remains grossly under resourced and under-valued. We coat abuse with a shame that attaches to the victim much more than the abuser. The long term effects of that abuse will be felt throughout that individual's life, often provoking further cycles of disempowerment.

The final form of disempowerment I'd like to speak about is self-disempowerment. I recently saw a quote by Glennon Doyle which said that "The most revolutionary thing a woman can do: [is] the next right thing, one thing at a time, without asking permission or offering explanation." She highlights an issue that I see so clearly in my own life: as women we often feel that we need to ask for permission, or apologise for our actions. We look for outward approval to do something prior to, and after, doing it. It is as if we self-disqualify ourselves from opportunities, promotions, and taking decisions that would make us happy. And then when we have done something, we use apologetic language, rather than wholeheartedly celebrating our successes.

I have so often been called a bitch or an angry little woman because of being assertive. Over time I slowly closed down elements of myself in order to avoid the hurtful labels. I sometimes second guess myself. I would like to encourage each of you to not limit yourself or your potential based on what the people around you might say or think. Seychellois women need to support each other to change their own preconceptions about their own ambition. Let's raise ambitious girls, teach them to take the world for themselves, through their talents and not through their sexuality. Let's stop referring to assertive women as "bossy" and rather recognize and nurture their leadership qualities. Let's encourage them to be "difficult" by asking the real questions and demanding the truth. Let's not make them take up less space by saying that they are being "too much". And this starts with ourselves. We need to turn successful women into role models rather than rivals. We need to turn ourselves into role models for the next generation of young women.

I believe that this is the way that we will actually achieve the rights guaranteed in our laws. This is the way to empowerment, development and change.

I'd love to have a further discussion about this, and am grateful for the opportunity to share my thoughts.