

## **When a Small Country's Judicial System Continues to Fail Its People.**

**By Gail Kirton**

This article is based on my personal experience with our judicial system. I feel compelled to make these points because strong families build strong nations and without justice in family law, we all pay the price. I am in no way denying that men also experience some of the same or similar issues.

“What doesn't kill you makes you stronger” has never felt more real. Today, I can say with certainty that I am stronger, wiser, and more equipped to navigate the challenges of life with the ability to call “a spade, a spade” and point out where I see integrity as lacking. These experiences have reshaped the way I think, pushing me to prioritize what truly matters and to make choices that honour my worth.

Throughout this journey, I've realized that change doesn't happen by staying stuck or ignoring the truth. It happens when we gather the courage to point out some of the glaring failures. My truth is to bring light to where I experienced problems within our judicial system, specifically in family law. Though these issues extend to other areas as well, bringing to light the ones I have experienced may encourage others who have experienced the same or similar struggles over the years to speak out, and hopefully, this will stir the consciences of those in power to implement meaningful reform.

Over the years we have continued to “spin top in mud” due to a lack of accountability, and the ability within the legal system to kick the preverbal can down the road. We need to step up, bring a halt to this and be part of the process of change, leaving some level of hope for future generations and building a stronger nation from the bottom up.

There are many consequences of a failing judicial system. I personally have been waiting for ten years and I am yet to receive a resolution to my matter, I wrote the Judge and the Chief Justice, but like many others in Barbados, with no acknowledgement or resolution to date. Like many in this country, I have experienced the infamous missing file scenario, endless adjournments, a lack of decisions, and delays that equates to justice denied. With that in mind, I am highlighting what I see as systemic failures that continue to erode people's ability to move forward in a fair and just and equitable way.

Delayed or incomplete court rulings, a lack of judicial impartiality and decisive, law-based decision making can lead to unfair outcomes, often favouring the powerful over the vulnerable. Court orders, even interim ones that have money allocated for a child or children should not be difficult to access, and parents or attorneys who assist manipulating the legal process to withhold funds allocated for children should be held accountable for the children that are then disadvantaged. Corruption within the legal process, which results in delayed or denied justice, is perpetuated by case backlogs, manipulation, and a weak legal infrastructure. This means families wait years for resolution or receive none at all.

Individuals attempting to access legal support are often marginalized, especially women. Some families face significant barriers in accessing the services they need. The legal process is often far lengthier for those relying on legal aid, as private attorneys typically charge higher fees, and their services are perceived to result in faster resolutions. This disparity does not favour those who truly need legal assistance and expertise.

The inconsistency in the application of laws and judgments or the lack thereof in some cases, raises questions about the integrity of the system. When laws are unequally applied, it creates confusion and perpetuates injustice. This is further reinforced by the unspoken perception that the legal fraternity will not challenge its own members. Calls for change are suppressed, and although those in power speak about reform, they often continue to benefit from a broken system.

Reform should include hiring additional staff and providing adequate equipment for a properly functioning legal system. It should also involve programs for efficient document maintenance, scheduling, and record-keeping. There must be provisions made for individuals who have been disadvantaged by the judicial system's failure to deliver timely judgments and resolutions to seek redress, especially in cases where parties were given ample time to divest interests and property, they should be held accountable and required to disclose the process of divestment.

The social impact of a failing judicial system can lead to broken families, in a small country like Barbados, where communities are close-knit, public perception matters. Injustice can often lead to community alienation, especially for individuals without strong support systems.

Whether the powers that be want to acknowledge it or not, there is a level of mental abuse experienced by a system that fails to deliver timely justice. Delays that allow one party to divest assets that should have been included in a settlement, forcing the other party into unexpected debt while trying to prove their case.

Children caught in unjust legal battles suffer emotional trauma, academic setbacks, and mental health challenges, for which our legal system bears partial responsibility. This contributes to youth disempowerment. Consistent adjournments and a lack of accountability means that children suffer the consequences. With our present systems set up, unpaid maintenance and disrupted visitation issues are difficult to enforce without incurring further debt.

When justice is compromised, people lose faith in the courts, the police (if involved), and the government as a whole. In a small island where everyone is someone's relative, the perception of bribery and favouritism can undermine the trust of the legal system, especially in high-stakes family disputes.

High legal costs with no guarantee of justice is the unfortunate reality for the average Barbadian. In many cases, "who you know" becomes a factor in accessing what others

cannot, even when the circumstances are identical. People often invest scarce resources in a system that fails them, leading to vigilante justice and further harm.

Prolonged unresolved family matters also affect individuals in the work place. Taking time for court matters where most of the time is spent waiting for your matter to be called, only to face the first of yet another adjournment, is disruptive and reduces productivity. Employers can often lose sympathy, with reoccurring matters, knowing that most of the time is spent simply waiting.

Without real systemic change, the legal fraternity risks facing “a brain drain”, with young, talented legal professionals seeking work in countries with fairer, more reliable systems. Having to inform clients that a file cannot be found, despite following proper procedures, creates mistrust of the system. This discouragement can lead to decreased civic engagement, as justice that seems out of reach can causes people to disengage from advocacy, elections, and reforms. Eventually, the channels for seeking or advocating change close, and individuals become deeply disillusioned.