



GENDER SECTION NEWSLETTER

Published by the Commonwealth Magistrates' and Judges' Association Gender Section

Volume 1 Issue 1

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BACKGROUND

The Gender Section of the CMJA was established in August 1994 to promote the interests of women jurists throughout the Commonwealth and to ensure wherever possible that women have equal access to the law.



The Section was set up in Zimbabwe during the CMJA's Tenth Triennial Conference.

The **Victoria Falls Proclamation on the Rights of Women** was adopted in Zimbabwe in 1994. These principles were approved and reaffirmed at Beijing, Hong Kong and Guyana, all of which produced recommendations relevant to the needs and interests of their particular region. The Council of the CMJA has also given full backing and approval to the Declaration.

The current Chair is Dr Clover Thompson-Gordon of Jamaica.

AIMS

- ◆ To promote the interests of judicial officers throughout the Commonwealth

- ◆ To ensure wherever possible, equal access to the law.

OBJECTIVES

- ◆ To provide a forum for judicial officers to be able to consider ways of redressing any gender imbalance:
 - a) Gender Bias and other colleagues;
 - b) Gender Bias and the Public both specifically and generally;
 - c) Institutionalised Gender Bias and the Justice System.
- ◆ to exchange information among judicial officers;
- ◆ to encourage the advancement of women;
- ◆ to promote and encourage women to be aware of their legal rights; and
- ◆ to address women's groups on issues relating to the law and their legal rights.

The Gender Section has been actively involved in judicial colloquia on the Domestic Application of International Human Rights Norms to promote Women's Human Rights which were jointly organised with the Commonwealth Secretariat's Gender and Youth Division and the Commonwealth Foundation.

The Gender Section has also, through the CMJA secretariat, been active in the formulation of the Commonwealth Gender Plans of Action most recently the Gender Equality Plan of Action.

It has also organised conferences to promote gender issues and been instrumental in the development of the Gender and Human Rights Toolkit as well as advising the CMJA on gender based policy issues.

INTRODUCTION

By **CMJA PRESIDENT**



Her Hon. Mrs Justice Norma M. Wade-Miller

I am delighted to be able to be able to say a few words to you – the heart of our great Association, about the inaugural edition of the newsletter of the Special Committee dealing with gender issues. Over the years this Committee has undertaken the development of the Gender Section in our association. Dr. Thompson-Gordon (Chair) and Dr Karen Brewer, the Secretary General, have been discussing the importance of having a vehicle to communicate with its membership. This annual newsletter provides the means to

publicize the gender section activities and to disseminate some of the gender issues on an international scale.

This newsletter belongs to you and to this end you are invited to offer your views and suggestions on how this committee can best meet your needs. Gender plays an important role in many of our communities.

The Committee seeks to foster an environment that is inviting, informative and inclusive. Undoubtedly, there is much work to be done but I am excited about this new approach to broadcasting the work of this Committee. I encourage each of you to become involved, share your experiences, and volunteer your services.

Finally, I would like to thank Dr. Clover Thompson-Gordon and the Committee Members and the Secretary General, Dr Karen Brewer who have dedicated their time and expertise to making this Special Section of CMJA the success that it is.

Norma M Wade-Miller
President



The 2011 Conference

"Judicial Independence - Diversity, Pluralism and Challenges in the Commonwealth"

**Kuala Lumpur, Malaysia
July 18-21**

WOMEN AGENTS OF CHANGE

This year's Commonwealth Day Theme was "**Women as Agents of Change**". March also marked the 100th Anniversary of Women's Day.

A number of events have been held around the theme with Sonia Gandhi delivering the **Annual Commonwealth Lecture** this year and calling for women's voices to be heard in the debate on climate change.

The Commonwealth publication: "**Global**, the international briefing" second quarter 2011 devoted their publication to the theme. This is highly recommended reading for all members of Council and can be found at <http://www.global-briefing.org/current-issue>

A new report on the **Best Place in the Commonwealth to be born a Girl** published by [Plan UK](#) and the [Royal Commonwealth Society](#) reveals that New Zealand is the best place in the Commonwealth to be born a girl, whilst Sierra Leone and Nigeria are among the worst. The report can be found at: http://www.thercs.org/society/Filestore/PDFDownloads/BecauseYoureAGirl_PressRelease.pdf

Amongst other activities organised was a **Symposium on Women of Change** at the Royal Commonwealth Society in London held on 20 June, which the Secretary General attended and which was co-sponsored by the Foreign Press Association. The Seminar was opened by Prof Armatya Sen, who outlined the concept of shared human

identities and the importance of women's involvement in management of conflicts. Talks were also given on the role of media in reporting women and their participation in politics and decision making. Although Rwanda has over 56% of women in parliament and 45% in the judiciary, other jurisdictions have not yet met the Commonwealth's quota of 30% women in decision making positions and most fall well below 18%.

In her **message for Commonwealth Day**, the Chairperson in Office, The Hon. Mrs Kamla Persad-Bissessar said:

"Great societal change, it is said, is often the culmination of the small yet powerful actions of one person and history has shown that change in the social, economic and political status of women throughout our world has predominantly been the result of many dedicated sisters, daughters, mothers and grandmothers of every little community in every country in our world.

Those were the women, who knew that by investing in women and girls, we can accelerate social, economic and political progress. It is in tribute to the efforts of these women who over the many centuries gave so much of their time, energy, ideas and commitment to changing the social, economic and political reality of women without any expectation of rewards – that I proudly say the time has come for us as global citizens to continue their efforts in a serious, policy driven manner."

Gender Equality is everybody's business!

WIDOWS RIGHTS

Since 2010, Dr Karen Brewer has been a Trustee of Widows Rights International.

She spoke on the issue at the CMJA Conference in Brighton in September 2011 when she pointed out that widows remain amongst the most vulnerable members of society. They face discrimination across the globe, irrespective of cultures, religion, ethnicity or whether they live in developed or developing countries.

Although the CEDAW convention (Convention on the Elimination of All Forms of Discrimination against Women), the Beijing Platform of Action and subsequent instruments have gone a long way to improve gender equality, widows suffer a higher level of poverty and social exclusion. The status of widows and their struggle remains invisible. Despite legislative and constitutional provisions, widows are systematically discriminated against and subjected not only to violence, inhumane and degrading treatment (including life threatening mourning rights), ostracisation from their villages, as well as forced marriage and the confiscation of their property.

Dr Karen Brewer continued her work in promoting women's rights when she spoke at the Commonwealth Law Conference in Hyderabad, India in February on the topic: "*Widows Rights are Human Rights: Dishonourable Crimes and Forced Marriages*".

In her capacity as Trustee of Widows Rights International, Karen also participated, as an observer, at the 15th session of the UN Human Rights Council in

Geneva, Switzerland held in September 2010. At the conclusion of this session, the UN Human Rights Council called upon States to fulfil their obligations and commitments to revoke any remaining laws that



discriminate on the basis of sex and remove gender bias in the administration of justice, taking into account that those laws violate their human right to be protected against discrimination. It was also decided to establish, for a period of three years, a Working Group of five independent experts on the issue of discrimination against women in law and practice.

She also spoke at a Widows Rights International presentation at the House of Lords in London hosted by Baroness Verma (see the report below).

A copy of Karen's article on Widows' Rights is in the June 2011 issue of the Commonwealth Judicial Journal, the CMJA's publication.

WINDOW ON WIDOWS

Report by Anita St John Gray.

Dr Karen Brewer gave an excellent overall view of the plight suffered by widows at a meeting in the House of Lords, chaired by the Baroness Verma. She highlighted the appalling situation faced by widows globally, large numbers of whom are killed as witches as they are regarded as unlucky and many of whom are

subjected to serious abuse of some kind. Almost all are treated in an inhumane and cruel way and often by their husband's relations.

Military conflicts in Afghanistan, Iraq, Pakistan and other theatres of war such as Bosnia, Kosovo and Sri Lanka, have contributed to the growing number of younger widows, along with the scourge of HIV/AIDS. If not made homeless they are married off to a brother or relative and invariably treated as slaves. In Afghanistan and Iraq widows are increasing in number on a daily basis and they experience sexual violence within and outside the family on a frightening scale. In many countries widows cannot inherit and so they are financially disadvantaged. Dr Brewer reminded us that all members of society should be treated equally.

Other speakers included Jane Opolot, President of Woman of Purpose in Uganda. Woman of Purpose is a charitable organisation that tries to assist widows out of poverty and trains volunteers to increase awareness of the rights of women. A well known speaker on women's rights in Uganda, Dr Opolet called for respect for widows. She wanted more education for widows in her country 90% of whom are illiterate.

Zarin Hainsworth, founder of Naserian, the Masai Widows charity, spoke on the plight of women in African tribal groups. In traditional Masai culture, widows have very few rights. They become part of their late husband's family and their property rights transfer to his family too. Zarin Hainsworth gave us many instances of the ways in which widows who are amongst the most vulnerable segments of society are subjected to horrific treatment as a result of their widowhood.

Although there is currently little research or data, millions of widows

of all ages, including wives of the missing and their daughters, suffer extreme forms of physical, sexual and psychological violence at the hands of both family members and the community at large. In Africa, widows may be victims of harmful traditional practices, such as mourning and burial rites, including ritual cleansing by sex; forced widow inheritance, where a widow is forced to remarry with a husband's relative; and violence meted out in the context of inheritance and property disputes.

However, the worst violence to widows occurs in conflict and post-conflict environments. Widows and their daughters are often targeted for rape, sexual mutilation and forced prostitution since they have no man to protect them and they struggle to survive. In Sri Lanka, more than 31,000 Tamil widows are aged under 30 and many of them are gang raped. In the Democratic Republic of Congo, hundreds of thousands of widows are rape victims, as they were in Rwanda during the genocide. In Nepal, many young widows of the conflict have been raped by their male relatives. In Kosovo, Bosnia, widows are still the poorest of the poor and routinely targeted for rape and forced prostitution.

Widows are often the sole supporters of families and future generations, and they have an important role to play in development and peace-building. They need to be protected from violence so that they can care for and educate their children.

We heard from Iqan Fadaei, UK youth caucus delegate CSW and WRI, an extremely articulate young man who has taken up the cause of widows world wide, that there are at

least 20 to 30 countries where women are treated as less than human. Global gender inequality is rampant. He called for governments to play a greater role and for an international consensus on the treatment of widows.

The meeting was well attended by many interested parties and the questions led to a lively discussion. We were reminded by one delegate that widows in the UK are also suffering from some of the symptoms that afflict widows throughout the world and that here too these women are often financially depressed, unsupported in their communities and invisible to many.

The WRI along with a number of organizations recently passed a resolution demanding that the following be implemented:

1. A United Nations Report on Widowhood in Conflict be commissioned.
2. A United Nations Special Representative on Widowhood be appointed.
3. A fund be created to enable widows' organizations to mobilise and ensure the voices of widows are heard on their issues related to peace negotiations and legal reforms, including constitutional reform and law committees.
4. State Parties fund the collection and disaggregation of data based on marital status and family structure, including data to combat marginalisation and multiple marginalisation.
5. The CEDAW considers monitoring the status of widows on the country level and adopting a "General Recommendation" to States Parties on this issue.
6. International meetings in Asia and Africa are

organized during 2011 and 2012 on Widowhood and its relation to human rights, poverty, and justice.

INTERNATIONAL WIDOWS DAY



Extract from the Press release issued by Dr. Eleanor Nwadinobi (Sub Saharan Africa Chair of UN NGO

Department for Public Information and President of the Widows Development Organisation)

The UN General Assembly has declared 23 June, with effect from 2011, International Widows' Day, to highlight the need for countries to give special attention to the plight of widows and their children.

H.E. Mr. Emmanuel Isooze-Ngondet, Permanent Representative of Gabon to the United Nations, introduced the resolution. Sylvia Bongo Ondimba, wife of President Ali Bongo Ondimba, the First Lady of Gabon, sponsored the Resolution while Mrs. Cherie Blair, wife of the former Prime Minister of the UK Tony Blair, in her capacity as President of the Loomba Foundation helped rally the international community behind the resolution.

The General Assembly's declaration calls on member-states and other international organisations to end all negative practices associated with widowhood.

OTHER COMMONWEALTH DEVELOPMENTS



**South Africa:
Rights of
Muslim women
will be
recognized**

LegalBrief Africa reported in early May that "Muslim women are on the verge of having their marriages legally recognised, ending their second-class status that has persisted since the end of slavery".

The Bill seeks to afford the rights and freedoms of the Constitution, which are not all afforded in sharia law. Once enacted in its current form, the law would allow Muslim men to take a second wife - but only with the approval of a court. However, the United Ulama Council of South Africa - an umbrella body of Muslim theological formations in the country - has an alternate proposal by which a person contemplating a second marriage would rather be obliged to provide the marriage officer with a court-approved contract spelling out the ownership status of property of each spouse.

More than 5 000 submissions have been received by Department of Justice and Constitutional Development on the Muslim Marriages Bill that will recognise traditional Islamic marriages for the first time under SA law.



**Cayman
Islands:
New
Governor
Mr. Ducan**

Taylor honours women



Honouring Women Month at Government House



Honouring Women Month at Government House

WORLD'S MOST DANGEROUS PLACES TO LIVE IN IF YOU ARE A WOMAN

A recent survey was compiled by the Thomson Reuters Foundation to mark the launch of a website, TrustLaw Woman, aimed at providing free legal advice for women's groups around the world. It reveals that in terms of individual risk categories, Afghanistan was deemed to be the most dangerous for health, economic/discrimination and non-sexual violence; the Congo is most plagued by rape and

sexual violence; and India has most problems with trafficking.

Afghanistan, the Congo, Pakistan, India and Somalia feature in descending order as the most dangerous places for women in the world.

CMJA ACTIVITIES

The CMJA has been in contact with the International Women Judges Association who will be holding their next conference in London in May 2012.

The IWJA held their African Regional Conference in Zambia in May 2011 and this was attended by a number of CMJA members.

The Gender and Human Rights Toolkit was updated in May 2011. It now includes the new Council of Europe Convention on preventing and combating violence against women and domestic violence. The treaty, open to all 47 countries of the Council of Europe and also to non-member states, should improve domestic legislation by imposing civil and criminal measures to fight violence against women across Europe.

RE-STRUCTURING THE CMJA GENDER SECTION

The Gender Section is to undertake a major restructuring in time for the next General Assembly to be held in 2012. The Gender Section has been operating since 1994.

CURRENT POSITION

The Gender Section currently has a Chairperson, two Vice Chairpersons, an Hon. Secretary and Assistant Secretary and a

number of members who have expressed an interest in being involved at various conferences since 2000. Although the Gender Section has met at each CMJA Conference since 2005, despite efforts to galvanise action, few of those listed as members of the Section have played any significant or other role in the advancement of the aims and objectives of the Association and the burden has fallen on the Chairperson, the 1st Vice President, Hon. Secretary and the Secretary General of the CMJA to progress the aims and objectives.

At the last Council meeting it was proposed that the Gender Section might need to be re-structured so that the aims and objectives could be advanced. The Chairperson recognises that, due to inaction by the members, a re-vamp is timely.

Therefore it is proposed that the Gender Section be re-structured in line with CMJA rules.

PROPOSAL

There should be a small committee of the Gender Section whose role will be to manage the organisation of activities following advice from and consultation with the Secretary General of the CMJA.

The Committee

The Committee will be composed of:

1 Chairperson

1 Hon Secretary

6 Regional Representatives (regions to conform those outlined in the CMJA Constitution)

And up to 2 Co-opted Members

Elections/Appointments to the Committee

It is proposed that nominations for Regional Representation on the Gender Section should be received in line with nominations to Council as outlined in article 8.1 of the CMJA constitution: namely: "Nominations by Member Associations and Individual Members must be on the form ("the proper form") sent out by the Secretary General and must be received by the Secretary General not less than 14 days before the election is due to take place and must be signed by a duly authorised representative of the nominating Member Association or by the Individual Member and by the candidates signifying consent to be so nominated. Member Associations shall determine their own procedures for making nominations."

Nominations for the position of Chairperson (who must be a member of Council) and for the Hon. Secretary (not necessarily a member of Council) should be received by the Secretary General prior to the General Assembly. The Council, at their first meeting following the General Assembly will appoint the Chairperson and Hon. Secretary.

The Committee would have the right to nominate up to TWO co-opted members to assist with any activities they Section organises.

Role and Duties

Regional Representatives

Each Regional representative would be expected to galvanise activities within their region and promote the aims and objectives of the Section.

Each regional representative would have authority to call on active judicial officers in each of the countries in their region to

advance the aims and objectives or assist with information on developments on gender issues.

Each Regional Representative would submit an annual report to the Gender Section Chairperson in time for the chairperson to report back to Council on activities.

Chairperson

The Chairperson will lead the activities of the Gender Section and convene a Gender Section Meeting at least once a year.

The Chairperson would lead the Gender Committee and will, with the assistance of the Hon. Secretary, communicate regularly with the Committee in order to inform the Section and the CMJA of any relevant developments or challenges faced in relation to gender issues across the Commonwealth.

The Chairperson will liaise with the Secretary General of the CMJA on a regular basis. The Secretary General will provide advice to the Chairperson on matters related to CMJA policy, budget and organisation. The Secretary General of the CMJA will also provide input to the Gender Section on any Commonwealth or International developments in this area.

Hon. Secretary

The Hon. Secretary will provide support for the Chairperson and make sure that the CMJA Secretariat receives the Minutes of any committee meeting after approval has been given by the Chairperson.

The Hon. Secretary will ensure that information from the regions is provided in time for publication in the newsletters of April / October each year.

COMMITTEE CHAIR COMMENT



I would like to thank Dr. Karen Brewer, our indefatigable Secretary General for her support of my work through

thick and thin times; the President, The Honourable Mrs Justice Norma Wade Miller and Michael Lambert for their

encouragement and participation.

The Gender Committee has had many success stories emerging from their many conferences held. These achievements were largely due to the generosity and cooperation of the Chief Justices of the respective areas in which the conferences were held. Gloria Millwood, Sybil McLaughlin, Anita St. John Gray and Daphne Saunders should also be thanked for the role they played in assisting. May the Gender Section continue to

develop from strength to strength as the years go by.

Ideas? Suggestions? Comments?



We would like to hear from you. If you have comments, suggestions, ideas, or concerns please send us an e-mail at info@cmja.org

Publication by
Dr. Clover Thompson Gordon (Chair)
Dr. Karen Brewer (Editor in Chief)

COMMONWEALTH MAGISTRATES' AND JUDGES' ASSOCIATION
(Registered Charity 800367)

AIMS

- to advance the administration of the law by promoting the independence of the judiciary;
- to advance education in the law, the administration of justice, the treatment of offenders and the prevention of crime within the Commonwealth;
- to disseminate information and literature on all matters of interest concerning the legal process within the various countries comprising the Commonwealth.

MEMBERSHIP

Associations of the judiciary of Commonwealth countries are Members whilst individual magistrates, judges and court administrators may become Associate Members

ACTIVITIES

Pan-Commonwealth Conferences; Regional Meetings and Workshops facilitating communications and co-operation between the different countries of each region; Study Tours and Exchange Visits; Judicial education seminar

PUBLICATIONS

"The Commonwealth Judicial Journal" and the "CMJA News" (both twice yearly and complimentary to members); Reports of proceedings of major conferences and seminars; specialised information books on particular topics (printing of copying costs may apply)

APPLICATION FOR INDIVIDUAL MEMBERSHIP

Name:
Address:.....
.....
.....
Judicial position:.....

Annual Subscription @ £30.00 / 3 Year Membership@ £75.00/
5 Year Membership @ £120/ 10 Year Membership @ 220 /
Life membership @ £500.00

Please send this form and payments to:

The Secretary General, CMJA, Uganda House, 58-59 Trafalgar Square, London WC2N 5DX, United Kingdom
Cheques and banker's drafts should be made payable to "CMJA". If you wish to pay by credit card (Mastercard, Access or Visa) please give card holder's full name, billing address, card number and expiry date. Also please state whether it is a Visa, Access or Mastercard. There will be a 2.45% surcharge on all credit card payments