

THE COMMONWEALTH MAGISTRATES' AND JUDGES' ASSOCIATION

ABOUT THE CMJA

The Commonwealth Magistrates' and Judges' Association (CMJA) is a unique international judicial association bringing together judicial officers at all levels of the judiciary from over 60 jurisdictions in the Commonwealth (from lay justices to Chief Justices) and from the larger jurisdictions such as India (1.2 B people) to the smallest jurisdiction (Tuvalu with less than 10,000). The CMJA is a company limited by guarantee – without a share capital – and is a registered charity in the United Kingdom.

The aims and objectives of the CMJA are to:

- advance the administration of the law by promoting the independence of the judiciary – the rule of law only able to be observed if there is a strong and independent judiciary, which is sufficiently equipped and prepared to apply the law: *The Victoria Falls Proclamation 1994*;
- advance education in the law, the administration of justice, the treatment of offenders and the prevention of crime within the Commonwealth; and
- disseminate information and literature on all matters of interest concerning the legal process within the various countries comprising the Commonwealth.

ADVANCING THE ADMINISTRATION OF THE LAW BY THE PROMOTION OF JUDICIAL INDEPENDENCE

Strengthening Judicial Independence

For 50 years the CMJA has played a vital role in developing judicial standards and strengthening judicial independence and enhancing the rule of law. The CMJA acts as a watchdog when there are threats to judicial independence and co-operates with other organisations in promoting the Commonwealth fundamental values and the **Commonwealth (Latimer House) Principles on the Accountability of and Relationship between the Three Branches of Government**. These values and principles include:

- Respect for the independence and integrity of the judiciary, and for the protection of civil, political, economic, social and cultural rights for all without discrimination; and
- A commitment to access to justice and an independent judiciary which are fundamental to the rule of law.

The CMJA was one of the partner organisations that formulated the **Commonwealth Latimer House Guidelines on Parliamentary Supremacy and Judicial Independence** (1998) which led to the **Commonwealth (Latimer House) Principles on the Accountability of and Relationship Between the Three Branches of Government** (“The Principles”) endorsed in Abuja in 2003 and integrated in the Commonwealth fundamental values by the Commonwealth Heads of Government and thus in the Charter of the Commonwealth. The Principles provide Commonwealth countries with a set of minimum standards and a roadmap for democracy and good governance by outlining practical ways of implementing the fundamental values of the Commonwealth and enhancing mutual respect between the Executive, Legislature and Judiciary. The CMJA works closely to promote judicial independence, and cooperates with other organisations in this area. As part of its work to ensure the implementation of the Principles, the Latimer House Working Group which monitors compliance with the Principles across the Commonwealth, and of which the CMJA acts as secretariat, was commissioned by the Commonwealth Secretariat to produce a Toolkit or Dialogue to assist in strengthening the respect between the three branches of power. This was completed in 2015.

The CMJA plays a role within the international judicial community in promoting the UN Basic Principles on the Independence of the Judiciary and international instruments which safeguard this independence.

The CMJA has been involved in consultations on judicial issues such as procedural reforms, impact of constitutional changes on judicial independence, and the impact of legislative reform on courts in Commonwealth jurisdictions. In particular, the CMJA had been concerned about the potential influence politicians might have over the bench and in particular over appointments and discipline.

The CMJA has been involved when judicial officers have been threatened whilst undertaking their functions. The CMJA has produced joint statements with other associations concerned with the rule of law. These are all available on the CMJA's website: www.cmja.org

The independence and integrity of the magistracy has been a constant priority of the Association since its formation as the Commonwealth Magistrates Association in 1970. In September 2018, the CMJA's General Assembly agreed the "**Brisbane Declaration on the Independence and Integrity of the Lower Courts**".

Resourcing the Judiciary

The CMJA have been concerned about the resourcing and funding of the Judiciary for a number of years. This has been the subject of discussions at all levels including the Chief Justices Meetings in the wings of CMJA Conferences. The CMJA developed a set of "**Principles on the Resourcing and Funding of the Judiciary in the Commonwealth**", published in July 2020.

The Fight Against Corruption

In 1999, the CHOGM in Durban agreed a Framework for Commonwealth Principles on Promoting Good Governance and Combating Corruption. As part of this framework, the Commonwealth Secretariat organised a **Colloquium on Corruption in the Judiciary** in association with the CMJA in June 2002. Since then fighting corruption in the judiciary has featured regularly in the CMJA Conference programmes and in the training it undertakes across the Commonwealth.

ADVANCING EDUCATION IN THE LAW

The CMJA has worked to improve standards and strengthen judicial independence across the Commonwealth. This is mainly undertaken through its educational programmes.

The CMJA has undertaken needs assessment missions with the Commonwealth Secretariat sponsored by the then Rule of Law Division, Commonwealth Secretariat. These missions have led to the CMJA working on training programmes for magistrates and judges on sentencing procedures, how to deal with vulnerable adults or children in court, ethical behavior of judicial officers, gender and human rights and environmental law amongst other topics. The CMJA Director of Programmes, District Judge Shamin Qureshi, has drafted training programmes and facilitated training in Bangladesh, Belize, Cameroon, the Gambia, Kiribati, Guyana, the Maldives, Namibia, Papua New Guinea and eSwatini for judges and magistrates and the CMJA has run courses in Kenya, Jamaica and St Lucia on environmental law.

The CMJA also runs courses on Case Management and Ethical Behaviour as well as Coroners Courses in conjunction with the UK Civil Service College.

The CMJA has also worked on issues such as the Rights of the Child working with UNESCO on this issue as well as working on Environmental law with UNEP in the past and running courses for judicial officers in this area.

The CMJA also holds an educational conference every year although the CMJA's 50th anniversary Conference due to be held in Cardiff, Wales in 2020 was cancelled and the 2021 Conference was converted into a virtual conference. The next Triennial Conference will be held in Accra, Ghana from 4-9 September 2022 on the theme: "**Access to Justice in A Modern World**" (please see www.cmja.biz)

for further details in due course). These conferences which have grown over the years provide an ideal educational and training opportunity for judicial officers to meet and exchange experiences and expertise, and to seek to resolve some of the problems faced and to support their fellow judicial officers in their struggle to ensure judicial independence is respected across the Commonwealth.

The CMJA is also working with the Judicial Office on England and Wales on moving forward the understanding of the **UN Guiding Principles on Business and Human Rights** by judicial officers and will be running a small webinar for commercial courts in some regions of the Commonwealth in November on such issues. The eventual idea is to provide training specifically on the Guiding Principles.

THE RIGHTS OF WOMEN AND THE GIRL CHILD

The Gender Section of the CMJA (formerly the Women's Section) 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 objectives are:

- ◆ 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;
- ◆ To address women's groups on issues relating to the law and their legal rights.

The Gender Section has been actively involved in **four judicial colloquia to promote Women's Human Rights**. The CMJA works closely with other non-governmental organisations, academic institutions, intergovernmental organisations and national judicial bodies on gender issues.

Together with the Commonwealth Lawyers Association (CLA) and the then Legal and Constitutional Affairs Division of the Commonwealth Secretariat (LCAD), was asked to produce a **Gender and Human Rights Toolkit** for use by paralegals, lawyers and judicial officers and which contains all the international, regional and Commonwealth instruments relating to gender and human rights as well as some reports of cases of relevance. In April 2005, the Toolkit (on CD) was launched. This has been regularly updated since 2005 with current information. Since June 2011, the CMJA has produced an **e-Gender Newsletter** with information on developments in the rights of women and the girl-child. This is now produced twice a year.

DISSEMINATE INFORMATION AND LITERATURE

The CMJA is a membership organisation bringing together judicial officers at all levels. It has both Member Associations (Judicial bodies from around the Commonwealth), Individuals (Individual judicial officers at all levels) and Institutional Members (Regional Courts or national judicial commissions). Through its Commonwealth Judicial Journal and CMJA News, each published twice a year, as well as the regular electronic updates and news published on its website, the CMJA endeavours to inform its membership of legal and judicial developments across the Commonwealth. The CMJA's Gender Section has also been active in promoting the rights of women and girls and it published a Gender Newsletter twice a year. Past Journals and Newsletters are available on the Membership area of the CMJA's website.