



GENDER SECTION NEWSLETTER

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Greetings from the Chairperson



In this edition of the newsletter we highlight the humanitarian work of Dr. Denis Mukwege, a gynecologist and women's rights activist, the hard work of judges in Pakistan and their initiatives in relation to gender based violence and the challenge for girls and women to obtain affordable healthy sanitary products – all must reads!

We also report on the launch of the resource book on violence against women in Asia as well as news from around the Commonwealth. In addition and thinking ahead to our next time to meet together, we include a profile of Magistrate Linda

Bradford Morgan, a member of CMJA Council for the Pacific Region, who will be welcoming us to Brisbane in September 2018.

We appreciate the contribution of Richard Cogswell, another council member from Australia, who shared his thoughts and observations on the importance of the Gender Section.

We are grateful to the CMJA's CAPA intern, Natasha Campbell for compiling the information in this newsletter.

I look forward to "connecting" in our next newsletter.

NEXT MEETING OF THE GENDER SECTION 10 SEPTEMBER 2018 16.00-17.00 Brisbane, Australia

See www.cmja.biz for further info on the CMJA Conference

If you have any suggestions for subjects to be discussed at this meeting please contact kbrewer@cmja.org

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Profile

LINDA BRADFORD MORGAN

Linda Bradford Morgan studied at Queensland University, Australia. She became a solicitor of the High Court of Australia in 1987 having previously been admitted as a solicitor of the Supreme Court of Queensland in December 1985. As a solicitor she specialised in commercial litigation; construction law; professional indemnity insurance (Medical Defence and Law Claims) and alternative dispute resolution at a number of legal firms. During this time she qualified as an accredited mediator and



arbitrator and was an Arbitrator/Case Appraiser/Mediator on construction law disputes in private practice from 2000 – 2004. She was Deputy Chairperson of the Queensland Building Tribunal from 2000 – 2003.

She was appointed a magistrate on 5 January 2004. In March 2016 she was appointed a specialist domestic violence magistrate.

Linda was an Executive member of Queensland Magistrates Association from 2004 – 2007; President of the Queensland Magistrates Association in 2008; Executive Vice-president (Qld) of the Australian Association of Magistrates (AAM) 2008 – 2012 and 2016 – to date and President of the AAM from 2012 -2014.

Linda was elected a CMJA council member for the Pacific Region in 215. She is very much looking

forward to welcoming you to her hometown, Brisbane for the 18th Triennial Conference in September 2018.

The Use of Sexual Violence as a weapon in conflict situations Conversation with Dr Denis Mukwege

Dr Karen Brewer, Secretary General participated in meeting with Dr Denis Mukwege at the Commonwealth Secretariat on 5 December 2017.

Dr Denis Mukwege is a surgeon, gynaecologist and women's rights activist. He founded the Panzi Hospital in Bukavu, DRC in 1999 as a clinic for gynaecological and obstetric care, and expected to be working on issues of maternal health. Since 1999, however, Dr Mukwege and his staff have helped to care for more than 40,000 survivors of sexual violence, which has made him the world's leading expert on 'repairing' the internal physical damage caused by rape within a conflictual setting. The hospital not only treats survivors with physical wounds, but also provides legal, psycho-social services and socio-economic support to its patients, a one-stop hospital providing holistic medical care to survivors of rape and other patients in need of medical care in the region.

Dr Mukwege campaigns globally to bring the use of rape as a weapon of war to an end. He advocates fiercely for the rights of survivors of sexual violence, and to hold perpetrators to account. Dr Mukwege has earned many distinctions for his work. He is also on the advisory committee for the International Campaign to Stop

Rape and Gender Violence in Conflict and UNHCR's Advisory Board on Gender and Protection. Dr Mukwege indicated at the meeting that he went to Bukavu initially to deal with maternal mortality which was prevalent in the area at the time (1970s). However, he soon discovered that most cases he was having to deal with were for rape with extreme violence. Most of the women who came to him for treatment had been raped and tortured and suffered from genital assault through the insertion of foreign objects (guns/tree branches etc.). Prior to the war in the DRC such violence had not been perpetrated against women in the DRC. The women, young girls actually, who suffer such violence are young, between the age of 12 and 13 years of age. Not only did the hospital have to deal with the physical abuse endured by these young girls, the psychological impact of being raped was having to be dealt. In many cases husbands or families were rejecting the women who had been raped. It was therefore seen as essential to provide support for these women on both a physical and psychological level to provide these women with the means of becoming autonomous and self-sufficient.

In addition it is extremely important to their recovery that these women were able to get justice. A team of lawyers work with them to compile cases to take to court. Dr Mukwege had been advocating against this violence in the DRC and as a result his life and his family's lives have been threatened. Many of the perpetrators of the violence are now in the police force, army or government positions so it is very difficult to ensure cases get to be heard in court and many of the judges are corrupt, whilst the military courts are working on these issues, judges in the civil courts in the DRC demand money in exchange for their verdicts. Whilst foreign aid

has equipped the police with tools of their trade, they do not have the training or the political will to deal with such cases when they are presented with the facts. Dr Mukwege called for the vetting of those working in civil and criminal justice.

Dr Mukwege and his team have also been working with local traditional leaders in an effort to persuade them to protect the women who are victims of rape, after all these traditional leaders are the protectors of institutions in their local area.

Unfortunately, rape as a weapon of war is not exclusively a DRC issue (Sierra Leone, Liberia, Korea and more recently Syria). All around the globe rape has been used to subvert societies in war torn countries. Dr Mukwege pointed out that when you destroy a girl of 12 years old in Africa, you destroy six possible future children. In addition, as women are the backbone of economic development in Africa by targeting women in this fashion, those perpetrating such horrors are in fact destroying the economy of a country, not to mention ensuring the spread of HIV/AIDS. Children born of rape or who are witnesses to rape are not being educated that this is not right so the crime is being perpetuated from generation to generation. That is why education is absolutely paramount as well as support for the efforts being undertaken by Dr Mukwege. The United Nations Security Council in 2008 passed a resolution: noting that *“women and girls are particularly targeted by the use of sexual violence, including as a tactic of war to humiliate, dominate, instil fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group,”* the resolution demanded the *“immediate and complete cessation by all parties to armed conflict of all*

acts of sexual violence against civilians.”

The International Committee of the Red Cross have stated that rape or sexual violence as a weapon of war constitutes a violation of International Humanitarian Law. Further information on the work of Dr Mukwege is available from: <http://www.panzifoundation.org/dr-denis-mukwege/>

Dr Karen Brewer,
November 2017

UK Association of Women Judges

In her capacity as Trustee of [Widows Rights International](#), Dr Karen Brewer was invited to speak at the Annual Conference of the UK Association of Women Judges (the UK branch of the International Association of Women Judges) which took place in Bristol, England in November 2017. The topic of the Conference was: *‘Religion, Culture and the Law’*.

Dr Brewer spoke about the continued plight of Widows in particular the humiliating and degrading treatment that they face in many countries across the world.

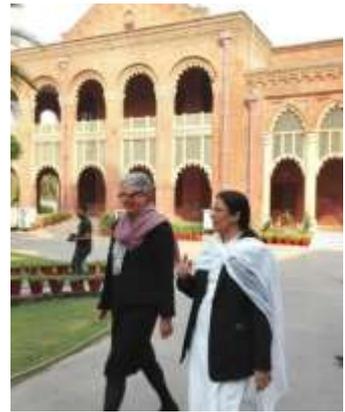
Visit to Pakistan

The following article follows two visits by H.H Judge Sue Williscroft, member of the UK Association of



Outside court with women

Women Judges to Pakistan in 2017



HHJ Sue Williscroft outside Lahore High Court with Justice Ayesha Malik

In May 2017 Sue Williscroft, a Circuit Judge in the Family Court based in Wolverhampton and Stoke joined Justice Ann Walsh Bradley, from the supreme court of Wisconsin to meet judges and take part in a round table on the future of legal training in Lahore Pakistan. This was sponsored by the UN, the EU and the British High Commission and hosted by the Punjab Judicial Academy. She came to be invited through her membership of the UK Association of Women Judges, and its links with the International Association whose headquarters are in Washington DC.

She reports, as part of our visit we were able to meet a range of judges – and some of the 300 women who are judges in the Punjab’s District and Sessions Courts out of 2400, together with Justice Ayesha Malik one of the two female High Court Judges out of 60 sitting in the High Court in Lahore. The Chief Justice welcomed us to a tour of the historic High Court building and explained what a supporter he is of women’s roles in the judiciary. Punjab has already had a women Judges conference and was then planning its 2nd which took place in October. It is also hoped that it will formally begin an association which like the UK one and will affiliate with the International

Association of Women Judges, which individuals are already members of.

We had a fascinating insight into the daily lives of the judges we met. They work 6 days a week and routinely will have up to 100 cases in their lists! Court rooms, aside from the High Court, were relatively small and often crowded with advocates and litigants. Judges record evidence in English due to the variety of different languages used in the Punjab, which they are responsible for translating in general and have to give written judgments. They are responsible for the court staff such as stenographers they need. We were impressed by their dedication and hard work.

The lower courts judges apply through an exam for a job after a minimum of 2 years in practice. High Court judges are routinely appointed from lawyers in practice. The lower court judges will be moved about every 2 ½ years and can change from being a judge in criminal court to a judge in civil or family courts. The moves present particular challenge for women with children.

The Academy has a fine building. Judges are seconded to work there. It delivers induction and continuation training. This has increased over recent years and now includes specifically training on understanding and avoiding gender bias for all judges. This year they are running separate training courses for women judges aimed at increasing confidence and skills. The round table confirmed a change in training delivery that has already begun to be more interactive and less lecture based and set out some common principles of judicial training or the future informed by the international perspective.

The IAWJ has a programme to assist with the formation of an association and promote training on gender issues and helped organize the Women Judges conference, with the theme of improving access to justice and sessions on Domestic violence, sexual assault cases and gender sensitization, with several international judges including the President of the IAWJ attending and speaking and meeting with the large group of judges present.

I was present for a week just over a week before as part of the IAWJ to deliver training about gender issues. We followed a long visit by trainers from the Asian Development Bank led by former South Australian Supreme Court Judge Robyn Layton who had trained around 240 judges in gender issues in the court arena. We discussed gender issues in the workplace and demonstrated and developed training techniques with 30 Judges over the week to develop a training program.

At the end of the women's conference, which sadly I could only attend by a short video lecture, the Chief Justice of the Punjab announced that new pilot courts to deal with gender based violence would be set up in Lahore and in less than 2 weeks two had been with design and training input from Robyn Layton. They are very different – all seated with clear safe areas for witnesses and use of video if needed, support for vulnerable witnesses and trained judges to deal with these difficult cases. Plainly those attending had learnt a lot and enjoyed being able to discuss pressing issues with fellow judges.

It was a fantastic experience to share common judicial experiences and challenges and work together on future development. I met many committed judges dedicated

to the rule of law working in what can be challenging circumstances with good humour. I also finally got to see Lahore a beautiful city with a fantastic UNESCO heritage old city and wonderful food for which it is famous.

A Taboo Subject Or A Human Rights Violation?

In February 2018, India released the film "Pad Man" which tackles the taboo topics of menstruation and women's health. The film is based on the life of Arunachalam Maruganatham, who developed a machine that creates low cost pads for women. Menstruation isn't solely taboo in India; globally children aren't readily told about periods and are shamed when they get them. Where knowledge is power, girls are left high and dry because they have little information on how their body works and are hesitant to operate in a society that doesn't accept nor provide support. And in that they can do serious harm. One article describes this as 'period poverty'. Women who are unable to afford pads use alternatives such as sand and ash where they run risk of infections. Along with tackling taboo, Pad Man tackles issues with accessibility and sensitivity.

A report by CNN in July 2017, looked at the issue in India where sanitary products are taxed at 12% as they are not considered as essential and therefore exempt from tax. A 2011 [study](#) by market research firm Nielsen found that only 12% of India's women use sanitary pads. According to the report 88% of women still use pieces of cloth, newspaper, ash, wood shavings, dried leaves, hay or even cow dung – any cheap, absorbent material that they can find. Incidents of reproductive tract infections (RTI's)

are 70% more common amongst women who do not use sanitary pads than those who do. Around 64% of gynaecologists believe that the use of sanitary pads reduce the risk of cervical cancer, according to the AC Nielsen study.

Ugandan University Lecturer, lecturer Stella Nyanzi was arrested in April 2017 and subsequently charged with insulting the President of Uganda and violating his right to privacy and accused of cyber harassment for her outbursts on social media against the President. She was released on bail on 10 May 2017 but the case against continues. She had accused President Museveni of failing to provide sanitary towels to girls in schools, a promise he made in his campaign for re-election.

According to Plan International, girls are forced into early marriages by parents too poor to buy hygiene products.

Across the Commonwealth, girls are suffering due to the fact that they cannot afford to buy sanitary products and there has been a call for these products to be given free. Many girls miss school to avoid any shame that might befall them during their periods. In a 2015 study of 3000 Kenyan women, Dr Penelope Phillips-Howard found that one in ten 15-year-old girls were exchanging sex for money to pay for sanitary products. In rural areas of Kenya, only 32% of schools have a private place for girls to change their sanitary products. Many teachers are also uncomfortable talking about or teaching menstruation.

Only half of Kenyan girls say they openly discuss the issue at home presenting a missed opportunity for future education. The persistent taboo around menstruation means that limited information is available to young women," says Sabrina Rubli of Femme International.

In June 2017, President Uhuru Kenyatta signed an act into law which guarantees sanitary wear for all girls attending public school. The act states that "free, sufficient and quality sanitary towels" must be provided to every girl registered at school, as well as providing "a safe and environmental sound mechanism for disposal"

The BBC reported on in January 2018 that in Upper Denkyira East district, in the Central Region of Ghana, girls who were menstruating had been banned from crossing a river to go to school as the "local river god" had forbidden it. (<http://www.bbc.co.uk/news/world-africa-42652314>)

The Independent Newspaper in March 2017 reported that the situation was mirrored in the UK, with girls from lower income families were missing school due to the fact that they couldn't afford hygiene products. Some of the charities that work in developing countries are now working with women and girls in the UK to resolve the problems they face.

In South Africa, the Province of KwaZulu Natal (KZN), has made this issue a priority and in January 2017 started an initiative to provide sanitary towels to girls from poor communities from Grade 4 – 12. The KZN government argues that the aim of this initiative will be to reduce school- drop outs. According to a circular on the government website, the pads will be distributed to 2992 schools across the province.

In 2017, the Zambian government announced in its budget speech that it would commence a program aimed at providing sanitary towels to girls in rural and peri-urban areas of Zambia. According to the budget speech this program will support 14,000 girls from 16 districts thus ensure that their attendance in schools is more regular. This move

by the Zambian government serves to back the various promises which the government had been making about this issue.

In the US, in January 2018 the Women's March also attempted to remove the stigma of periods by taping pads on walls in order to publicize the problem. However good the march's intentions were, posting those pads when they could've been given to those in need was criticised as being detrimental to women.

What the film Pad Man attempts to do is to provide not only information on women's health but a space where health is readily talked about. The film as a comedy softens the atmosphere, makes it relatable to everyone.

Resource Book on Violence against Women in Asia

On 24 November 2017, the Commonwealth Secretariat and the UN Women's Asia Pacific Office together with the launched the second resource for judicial officers on Violence Against Women (VAW) in Asia produced by Dr Shah and Ms. Sheils Varadan. Dr Karen Brewer attended the launch meeting.



The International Day for the Elimination of Violence Against Women is celebrated annually on 25 November, and ushers in the 16 Days of Activism against Gender-Based Violence through to 10 December on Human Rights Day. The premise of the day is to raise

public awareness, measure progress and leverage successful strategies aimed at ending VAW, and continue the mobilisation of people everywhere to bring about change.

Ending VAW is a Commonwealth priority and one of the critical areas for action as endorsed in the Commonwealth Charter, Commonwealth Priorities for Gender Equality 2017–2020, and the Secretariat’s Strategic Plan 2017/18–2020/21.

The Commonwealth’s contribution to the global agenda to end VAW has been focussing on strengthening legal frameworks and institutional capacity building in the judicial sector.

A Controversial Amendment to the Judges Act in Canada?

Bill C-337, which amends the *Judges Act* to restrict eligibility for judicial appointment to individuals who have completed comprehensive recent and comprehensive education in sexual assault law and social context education, has been passed by the Canadian House of Commons and is currently in its second reading in the Senate.

This Bill also requires the Canadian Judicial Council [(CJC)] to establish seminars for continuing education of judges that include seminars in respect to matters related to sexual assault law and social context.

Further, if Bill C-337 passes the CJC will be required to submit a report to the Minister of Justice each year on these sexual assault law seminars including the title, duration, and dates of the seminar; the number of

judges who attended each seminar; and the number of sexual assault cases heard by judges who have never participated in such a seminar. Finally, if Bill C-337 is passed, the *Criminal Code* will be amended so that judges must provide written reasons for acquittals; discharges; and findings of guilt, of not criminally responsible, and of unfitness to stand trial in relation to all sexual offences.

There has been many positive responses to this Bill on the basis that it will improve confidence in the justice system and encourage victims to report crimes.

On the other hand, the Canadian Bar Association (CBA) submitted that the law already requires proper reasons, whether written or oral, that requiring judges to give written reasons for all of a particular group of cases could add to court delays, which would not be in the public interest, and noted that oral reasons are not somehow deficient or less considered than written reasons. The CBA also pointed out that the amendments to judicial education requirements on sexual assault law apply to all superior court appointments, including the Tax Court of Canada, but would not address training for provincial judges, who decide the bulk of sexual assault trials. The CBA also submitted that Parliament should give careful consideration to ensure that none of the proposals interfere with the independence or integrity of Canada’s judges.

With respect to this latter point, in submissions on Bill C-337, the CJC submitted that it was aware that Bill C-337 is a consequence of important questions that have been raised in Canada and that it takes the matter extremely seriously; however, the CJC noted that care should be taken “*not to create an improper expectation that judicial education can be directed by Parliamentarians*”

and that constitutional limits must be considered.

The CJC proposed that instead of requiring applicants to have completed recent and comprehensive education on sexual assault law, applicants should be required to undertake to participate in ongoing social context education, including education on sexual assault issues. The CJC also took issue with the specific inclusion of sexual assault law as an example of education to be provided by the CJC, because it raises issues of independence of the judiciary. While, the CJC supported the publication of information regarding the seminars and the number of judges who attend, the CJC took issue with the requirement to identify specific judges who do not participate. The CJC submitted that this is a “judicial performance evaluation tool based on an assumption that attendance at a course guarantees competence” and infringes on the judiciary’s independence. The CJC also expressed agreement with the Canadian Bar Association’s submissions on written reasons. Similarly, the submission of the Canadian Superior Courts Judges Association recognized the impetus for this legislation and acknowledged there had been instances of judicial insensitivity demonstrated in some recent cases, but emphasized that the principle of judicial independence required that judges be unfettered in the independent and important exercise of their judgment in fulfilling their adjudicative functions.

Bellagio Declaration on Access to Justice for Gender Based Violence

In December 2017, The **Bellagio Declaration on state obligation and role of the judiciary in ensuring access to justice for gender based violence, including sexual violence in an effective, competent manner and with a gender perspective** was agreed at a Judicial Colloquium organised by IWRAW-AP (International Women’s Rights Action Watch Asia Pacific), at the Rockefeller Foundation in Bellagio (Italy).

Those who participated in drafting the declaration agreed judiciaries have the responsibility as well as the opportunity to enact, reform, and interpret laws in ways that support women’s equality. Gender based violence violates a range of basic human rights; the right to life; bodily integrity; freedom from torture or cruel, inhuman or degrading treatment; health; right to just and favourable work conditions; non-discrimination and equality. Participants acknowledged UN efforts, however, declared more work should be done. They urged states to ratify the CEDAW convention. The declaration also called for judiciary developed gender equality laws, ratify and acknowledged jurisprudence developed under the Optional Protocols to the treaty and encourage the establishment of closer links between national judiciaries in order to globally reinforce gender equality.

The Full declaration is available from:
<http://www.asiapacificforum.net/resources/bellagio-declaration-access-justice-gender-based-violence/>

Obituary Laetitia Kikongo

The CMJA was very saddened to hear of the passing of Justice Laetitia Kikonyogo, former Deputy Chief Justice of Uganda in November 2018.

The Hon Chief Justice, Justice Katureebe said at her funeral that: *"She tried to live by the book to administer justice, fairly and squarely in accordance with the law and with her conscience. She was a true officer of justice; a mother, teacher and a guide."* The legal fraternity and representatives of the Justice, Law and Order Sector institutions, the academia and the general public paid tribute to Justice Kikonyogo, referring to her as a lady who made outstanding contribution to the country's jurisprudence.

Justice Kikonyogo was the first woman Chief Magistrate (1973-1986), the first woman to be appointed High Court judge (1986). She was the first woman to serve as a judge of the Supreme Court of Uganda and the first woman to be appointed the Deputy Chief Justice of Uganda.

News from Around the Commonwealth



Kenya

In August 2017, the Technovation Competition offers girls around the world the opportunity to learn the necessary skills to become tech entrepreneurs and leaders.

Girls ages 10 to 18 learn to identify a problem in their community and create a mobile app solution to address that problem, and then learn how to communicate these ideas and translate them into a fully launched business. In 2017, five girls from Kenya were finalists in the Competition. The “Restorers” as they call themselves invented an android app: **“iCut”** which provides access to legal and medical assistance for before and after undergoing FMG, allowing girls forced to have the procedure to send a distress call to the authorities, report violations, and find local rescue centres. The five girls aim to “restore hope” in girls who have been subject to, or are at risk of, FGM. Their presentation can be viewed at:
https://youtu.be/6ZUI8-bE_yc

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In December 2017, Human Rights Watch published its report “They Were Men in Uniform’: Sexual Violence against Women and Girls in Kenya’s 2017 Elections,” which marred the recent elections in Kenya in 2017. Whilst a lot has been written about the violence during the elections, the report by Human Rights Watch documented *“cases of rape (including vaginal and anal rape), gang rape involving two or more perpetrators, mass rape, attempted rape, rape with an object, putting dirt into a woman’s private parts, unwanted sexual touching, forced nudity, and beatings on genitals, including by members of Kenya’s security forces and militia groups and civilians. About half of rapes reported to Human Rights Watch were gang rapes. Human Rights Watch documented three cases of sexual assault against men, and heard credible reports of more sexual violence against men.”*



Nigeria

Controversy erupted in Nigeria when the Nigerian Law School, the Body of Benchers and the Council for Legal Education denied Muslim law graduate, Amasa Firdaus the right to wear her hijab during her graduation ceremony and refused to allow her to be called her to the bar . The House of Representatives has mandated the Committee on Justice and Committee on Judiciary to investigate the matter as the student in question had graduated from University of Ilorin, Kwara State had attended Nigerian Law School and qualified to be called to the bar. The action of the Nigerian Law School are contrary to the African Charter on Peoples and Human Rights as well as the constitution of Nigeria according to prominent lawyers in Nigeria.



Uganda

In November 2017, the Daily Monitor reported on the passing of Justice Kikonyogo (see above). However, it was also reported that Justice Kikonyogo had not received her full retirement benefits and this had caused her additional suffering. The Chief Justice and other judges berated the fact that but lamented the government's failure to pay her retirement benefits before her death. He said it was painful that Justice Kikonyogo died without receiving the rewards for her distinguished service to the country.



Lesotho

In December 2017, 3 pregnant women soldiers brought Lesotho Defence Force (LDF) to High Court to eliminate discrimination against pregnant women in the military. In short, LDF demands women soldiers not to become pregnant in their first 5 years of uniform or be dismissed. These women, dismissed between December 2015 and March 2016, found this policy perpetuating patriarchal structures and being based on the presumption that women can't bear arms and children at the same time. LDF found their behaviour to be negligent and told the women that they should have abstained from sex completely; LDF claimed their dismissal was necessary because it would have been detrimental to other women soldiers (for fear they will copy this behaviour). The sentence was passed on 14 February 2018 and High Court found the policy to be inflexible; immediate dismissal took away any chance of pregnant women being moved to other departments, 'cultivates an environment of involuntary sexual abstinence, involuntary birth control, sterilisation and abortion' and 'it violated the right to respect for private and family life'. The policy is now illegal and the 3 women are allowed to be reinstated without loss of benefits.



South Africa

In November 2017, LegalBrief Africa published a short issue on pregnant miners in South Africa about women not receiving paid leave. The article specifically focused on Tshogofasto Manyesta who was rejected time

and time again from work and pay; she eventually had to get rid of her house, car and reside with her family. Usually when a miner becomes pregnant, the institution offers risk free alternative work, this is so the woman can continue supporting herself and her family until she eventually goes on paid leave. However, despite laws to protect workers' rights, pregnant women are left without pay and without jobs. Pregnancy and giving birth is a huge financial responsibility and leaving women without pay is leaving a family without support. The article mentions these protection laws that need to be enforced. However in Manyesta's case, it wasn't the laws that fell short but the institution. The law grants women a risk free alternative however if the institution cannot provide or chooses not to, then she is left without support and institutions need to be held accountable in the enforcement of equality laws. Women should have the right to paid leave. Equal working rights for women go beyond just being able to work; it includes adequate changing facilities, protections against physical and sexual violence, or even simply, uniforms that fit.

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In June 2017, in the Frankel Case the South African High Court ruled that Section 18 of the Criminal Procedure Act of 1977 was unconstitutional due to the time limitation placed on prosecutions of sexual assaults and offences. This case was brought before the Constitutional Court in November 2017 but the Court reserved judgement though Parliament has now been given 18 months to remedy the law. One of the survivors of the abuse Shane Rothquel said *"The bulk of the abuse and damage to our society is happening in homes you'll never visit, roads you'll never travel down and communities you'll never see."*



Papua New Guinea

In February 2017, The PNG National reported on the continued problems arising out of accusations of sorcery in PNG. Being accused of sorcery results in incredible violent torture (survivors live in Support Centres) and has been used ultimately as a ploy to attack women, children, and the elderly; In those cases, accusers need someone to blame or hurt thus go for the weakest link that cannot fight back. A notable case is of Kepari Leniata, a 20 year old mother of two who was accused of sorcery in 2013; she was dragged from her home, stripped naked and burned alive. In January 2018, Chief Justice Sir Salamo Injia was attacked while traveling from his home by a group of men from a neighbouring village who accused and tortured two women from the Justice's tribe. The Justice was not hurt. According to a report by The Guardian, Injia was attacked because his tribe did not pay 'compensation for the death of a man said to have been killed with sorcery'. Ultimately, in all cases where there have been accusations of sorcery (leaders to family deaths) there is physical evidence that the dead person in fact died of natural causes or medically identified illnesses. Overall, this isn't a matter if sorcery is real or not. There shouldn't be acts and laws preventing the use of magic but instead laws preventing violence against women or other vulnerable members of society in communities. Like NCD Metropolitan Superintendent Perou N'Dranou urged, NCD residents need "to stand together and say no to accusation-based violence."



Australia

On November 2017, Australia Introduced the National Domestic Violence Order Scheme where domestic violence orders (DVO) are recognized across all Australian States and Territories. The goal is to protect victims and hold perpetrators accountable nationwide. Orders issued prior to 25 November can still be declared nationally even if it was issued in a local court. Since 25 November, all orders are nationally recognized automatically and do not need to be declared in all jurisdictions in Australia. However, the new scheme does not replace the state/territories' own domestic and family violence laws and it will not lead to the standardization of the conditions that appear on the orders of the different jurisdictions. Simply, the new order ensures that each order is enforceable in all jurisdictions. More information on the order can be found at www.ag.gov.au/ndvos and www.courts.qld.gov.au

Letters about the Gender Section

Towards the end of the CMJA Gender Section meeting in Dar Es Salaam, our Chair, Lynne Leitch, asked members to explain why they had come to the meeting. She received some responses and then, acknowledging that I was not prepared for her question, asked me why I had attended. I thought my answer ("It's a good cause") was rather bland so I am contributing this item to the newsletter by way of developing that short response.

There are so many good causes that we can support. We have to choose which ones to contribute our time

and resources to. What I mean when I say that the Gender Section of the CMJA is a "good cause" is that it's a cause that affects about half of humanity, including those closest to me (my wife and daughter). That half of humanity faces obstacles and challenges based around their gender. This is unfair and should not be so.

I lack personal experience of such obstacles. My understanding of them is objective and limited. I may also be part of the problem. I attended the meeting because I wanted to take the opportunity to listen to those who speak of their own experience of the problem and how I may avoid contributing to it and perhaps alleviate it. I needed that exposure for my better understanding.

This is a special forum in which to share the problems. There are, within this forum, articulated experiences and perspectives from a wide variety of countries and cultures, but with a shared professional and legal heritage. This provides a fairly unique exposure to the issues which is both wide ranging but professionally focused.

I will make one further observation. Exploring these issues once a year for only an hour late in the afternoon after an engaging day at the conference has obvious limitations. That is why I think the Gender Section Newsletter is so important. It provides an opportunity to share and articulate issues at some length as well as to develop and pursue particular additional topics (for example, domestic violence, mentoring, and gender opportunity) that may have been aired at the annual meeting.

Richard Cogswell
CMJA Council, Australia
24 October 2017

Current Gender Section Committee

Justice Lynne Leitch
(Chair, Council)

Mrs. Nicole Stoneham
(Vice Chair, Council)

Ms. Debbie LeMottee
(Secretary)

Regional Representatives:

Mrs. Cordella Bart-
Stewart,
***Atlantic and
Mediterranean***

Justice Carolita Bethell,
Caribbean

Ms. Naume Sikohya,
***East, Central and
Southern Africa***

Mrs. Linda Bradford-
Morgan,
Pacific

Mrs. Olubunmi
Ayobowale Akokhia,
West Africa

Objectives of the Gender Section

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) Institutionalized 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.

Seeking Regional Representatives of the Gender Section

Whilst the CMJA is still seeking a nomination from the INDIAN OCEAN REGION, the CMJA Secretary General wishes to remind everyone that the Elections for the SIX REPRESENTATIVES OF THE GENDER SECTION FOR THE PERIOD 2018-2021 will take place in Brisbane, Australia on 11 September 2018.

Duties of the Regional Representative

Each Regional representative would be expected to galvanize activities within their region and promote the aims and objectives of the Section (see below for further information on the objectives)

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.

Further information about the Gender Section can be found on the CMJA's website at: www.cmja.org/gender

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**Ideas?
Suggestions?
Comments?
Contributions?**



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.

If you have an interesting story to tell, please send these too.

**Gender Section News
Publication by
Justice Lynne Leitch
(Chair)
Dr. Karen Brewer
(Editor in Chief)**

A promotional poster for the CMJA 18th Triennial Conference. At the top left is the Australian Coat of Arms. To its right is the slogan "Becoming Stronger Together" in a blue, stylized font. Further right is the CMJA logo, a circular emblem with a scale of justice and a sword. Below these elements, the text reads "CMJA 18TH Triennial Conference", "9-14 September 2018", "www.cmja.biz", and "REGISTRATIONS NOW OPEN". The central part of the poster features two overlapping images: a kangaroo on a grassy bank overlooking the ocean on the left, and a night view of the Brisbane city skyline with the Story Bridge illuminated in blue and green on the right. At the bottom left is the Queensland Government logo. At the bottom right are the "brisbane australia's new world city" logo and the Brisbane City logo.

