



GENDER SECTION NEWSLETTER



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

Volume 10 Issue

August 2022

GREETINGS FROM THE CHAIRPERSON



I look forward to connecting with you all at our Gender Section meeting in Accra, Ghana on 5 September 2022.

The following day there will be regional meetings to elect a Gender Section Representative. Please note, as outlined in this edition, the duties of Regional Representatives and that applications for these positions are to be submitted by 21 August 2022. We welcome representatives of each region to further the objectives of the Gender Section.

This edition of our newsletter references the meeting of the Commonwealth Heads of Government in Rwanda in June 2022 and outlines the commitments made at that meeting including the advancement of gender equality.

We note the recommendations from the 3rd Commonwealth Women's Forum also held in Rwanda in June 2022.

Also highlighted is the CommonProtect launched in May 2022 to end impunity for child sexual abuse and exploitation and to improve access to justice for survivors. This project is part of the It's a Penalty Campaign designed to raise awareness of and prevent human trafficking. We welcome the report from CMJA member District Judge Michelle Smith who attended the launch of that campaign in June 2022.

In addition, we note reports across Africa on the increase in gender-based violence during the pandemic.

On a more positive note, we have recognized legislative reform in relation to the use of non-disclosure agreements in circumstances where discrimination, abuse, and sexual assault have been alleged.

Lastly, we have included a myriad of news from around the Commonwealth.

We are grateful to the assistance of interns and the leadership of Dr. Karen Brewer in creating this edition of our newsletter. Wishing you all the best and smooth travels to Ghana!

CONTENTS

1	Greetings from the Chairperson
2	CHOGM endorse the Commonwealth Declaration on Equal Access to Justice
3.	CHOGM adopts a Commonwealth Declaration on Gender Equality and Women's Empowerment
4	Commonwealth Women's Forum
5	CommonProtect
6	It's a Penalty Campaign Launch
7	Limitations on Non-Disclosure Agreements
8	Lockdowns and Sexual Violence
9	News From Around the Commonwealth
10	Gender Section Elections

CHOGM ENDORSE THE COMMONWEALTH DECLARATION ON EQUAL ACCESS TO JUSTICE

The Heads of Government in the Commonwealth convened in Rwanda from 24 to 25 June 2022 under the theme 'Delivering a Common Future: Connecting, Innovating,

Transforming'. At the meeting, Heads endorsed the Commonwealth Law Ministers Declaration on Equal Access to Justice issued in Colombo, in November 2019, and the subsequent Plan of Action endorsed by Senior Officials of Law Ministries, in February 2021. In particular, Heads renewed their commitment to respect the rule of law, equal access to justice and independent justice systems. Additionally, they committed to fully implement laws that promote and protect inclusion, to eliminate discriminatory laws, policies and practices, and to promote appropriate legislation, policies and action. They emphasised the need to protect all individuals from all forms of discrimination and violence.

The Declaration Commitments are set out below:

1. To ensure the adoption of a broad understanding of access to justice that looks beyond access to dispute resolution mechanisms only and focuses on equality of outcomes;
2. To facilitate, where appropriate, the assessment of legal needs and the barriers to access to justice in our countries;
3. To use people-friendly approaches to address those barriers, including the use of technology to provide access to legal services as well as enhanced delivery of justice services;
4. To leverage the Commonwealth Law Ministers Meeting, Commonwealth Senior Officials of Law Ministries Meeting and their Working Groups to promote access to justice and rule of law across the Commonwealth;
5. To further utilise the fact that our countries share the common law and a common language, system of governance and values, inter alia, to build consensus and share experiences and best practices on

rule of law issues and enhance access to justice for the peoples of the Commonwealth; and

6. To provide collective leadership to ensure that in the last decade of Agenda 2030, access to justice and rule of law as encapsulated in SDG 16 is delivered.

CHOGM ADOPTS A COMMONWEALTH DECLARATION ON GENDER EQUALITY AND WOMEN'S EMPOWERMENT

During the CHOGM Communiqué in Rwanda, Heads further committed themselves to advancing gender equality. 'Heads adopted a Commonwealth Declaration on Gender Equality and Women's Empowerment. They acknowledged the UN Women's review of progress since the adoption of the Beijing Declaration and Platform for Action in 1995 and expressed concern at all forms of discrimination faced by women and girls. They recognised that women and girls are still underrepresented in decision-making processes, including in situations of conflict and crisis, environmental-related disasters, and humanitarian settings; are disproportionately affected by poverty and discrimination; carry the majority of unpaid care and domestic work; are exposed to sexual and gender-based violence, including being disproportionately affected by conflict-related sexual violence; and make up the majority of victims of human trafficking for sexual exploitation purposes, and harmful practices, both online and offline.' [Paragraph 27 of the Communiqué].

Additionally, 'Heads emphasised that women continue to face disproportionate barriers exacerbated by the COVID-19 pandemic,

particularly of unpaid care and domestic work, that prevent them from fully engaging in and benefiting from trade and acknowledged that economic and trade instruments, policies, programmes and agreements could address these barriers. Heads committed to addressing these barriers, promoting women's economic empowerment, and increasing opportunities for women-owned businesses to trade. Heads recognised the complimentary trade and domestic policies to ensure that women, as workers, business owners and consumers, can participate in and benefit from trade; and will further enhance their efforts to promote gender equality and equity in bilateral and multilateral settings.' [28]

COMMONWEALTH WOMEN'S FORUM DELIVERING A COMMON FUTURE: TRANSFORMING FOR GENDER EQUALITY

The Third Commonwealth Women's Forum was held from 20 to 21 June 2022, in Kigali with 500 delegates from around the Commonwealth. The aim of the meeting was to examine the challenges and opportunities in promoting gender equality in the Commonwealth. The following points are some of the recommendations expressed by the members of the meeting to the Heads of Government.

1. Introduce and reform legislation aimed at increasing leadership opportunities for women in private and public spheres especially where women are underrepresented such as manufacturing, healthcare, IT.
2. Encourage the young women in political leadership. This includes providing quality education, mentorship and enabling legislation.
3. Use gender impact assessments in decision-making about trade

COMMONPROTECT

CommonProtect was launched on 11 May 2022 by It's a Penalty.

CommonProtect is the Commonwealth-wide movement to end impunity for child sexual abuse and exploitation and to improve access to justice for survivors. The ultimate goal is to provide a legal framework in each Commonwealth country which criminalises child sexual exploitation and abuse (CSEA) regardless of where the offender is and where the offence took place.

Every child in the Commonwealth has the right to be protected from all forms of violence (United Nations' Convention on the Rights of the Child). Moreover, through the United Nation Sustainable Development Goals, Commonwealth countries have made a commitment to ending CSEA (target 16.2), addressing child marriage and female genital mutilation (target 5.3), and child labour and trafficking (target 8.7).

The CommonProtect report which was launched on 11 May 2022 reviews the legal systems protecting children from sexual exploitation and abuse across Commonwealth Member States. The findings show that there is still much to be done to ensure every child in the Commonwealth is protected from CSEA.

The report suggests recommendations to better protect children from CSEA. This not only includes legal changes such as ensuring a clear definition of CSEA, but also improvement of enforcement, reporting, prosecution, protection, prevention, and education.

The full report can be found at: <https://itsapenalty.org/wp-content/uploads/2022/05/CommonProtect-Full-Report.pdf>

IT'S A PENALTY CAMPAIGN LAUNCH

CMJA Member, District Judge Michelle Smith attended the It's a Penalty Campaign in Birmingham on 29 June. Her report is found below.

I was fortunate to be invited to attend on behalf of the CMJA at the It's a Penalty Campaign launch in Birmingham on the 29 June 2022. This is a campaign designed to raise awareness of and prevent human trafficking. It took place at the Hilton Hotel, who works in partnership with It's a Penalty.

Nicola Underhill, the General Manager of the Birmingham Metropole Hilton Hotel, provided an insight into the ongoing work of the Campaign and its deliverance of training to hotel staff as to how to spot signs of human trafficking and also how to report it. This is particularly important in view of the forthcoming Commonwealth Games which are to be held in the City this summer.

Sarah De Carvalho MBE is the CEO of It's a Penalty. She explained that this is the 13th Campaign, with them beginning in 2014. Since its inception, it has reached a potential 2.5 billion people. Human trafficking is the fastest growing illegal activity and raising awareness of it equips people with the critical knowledge to address it.

With sporting events increasing the likelihood and incidence of human trafficking, the Campaign focuses on travel touch points. Working in partnership with BA and Emirates Airline, the Campaign video will be shown on flights all over the world for a two-month period commencing on the 1 July 2022. There will also be posters and signage in Birmingham Airport and the West Midlands Metro in trams travelling from Wolverhampton to Birmingham. These posters will contain a helpline

- to mainstream gender and leveraging government to increase contracts awarded to businesses owned by women.
4. Target 'aid for trade' to strengthen women's economic empowerment and adopt the International Trade Centre's 10 policy recommendations for mainstreaming gender in free-trade agreements.
 5. Support women's entrepreneurship-leveraging initiatives.
 6. Recognise male violence against women is the most prevalent human rights violation in the Commonwealth. Acknowledge gender-based violence intersects with other forms of discrimination such as violence against women with disabilities, LGBTQ and older women.
 7. Provide technical and financial resources in particular to women's rights organisation to end the violence against women
 8. Invest in training and technological resources for data collection on violence against women. Data collection should adhere to ethical and safety guidelines
 9. Increase investment in intergenerational activities that benefits older and younger women equally.
 10. Ensure older women have equal access to resources and opportunities

The full list of recommendations can be found at: https://production-new-commonwealth-files.s3.eu-west-2.amazonaws.com/s3fs-public/2022-08/2022%20Commonwealth%20Women's%20Forum%20Outcomes_0.pdf?VersionId=15QuhbemuAKB1IpHodb3HhsUhx0JtRng

number for those concerned about a potential incident of human trafficking, to receive guidance and help.

Awareness materials are being distributed to Air BNB hosts throughout the area and multilingual digital awareness kits provided to other hotels. Lists of at-risk missing people will also be distributed to these establishments. We heard that this has been successful in the past with eighteen such people being located in Tampa Bay and 14 in Los Angeles when other sporting events were held.

Work is also being undertaken with local university students who are being encouraged to participate in community activism projects to raise awareness. The West Midlands Anti-Slavery Network and the West Midlands Slavery Free Campus Alliance are two such groups.

The Campaign is also working together with Birmingham Law Society and the Commonwealth Lawyers Association to maximise its reach and impact.

Geoff Thompson MBE FRSA DL, Deputy Chair of the Birmingham 2022 Commonwealth Games Organising Committee Board, delivered the keynote speech. He takes the view that human trafficking is the single most important issue the forthcoming games can highlight. Education and awareness are critical in order to be able to detect and prevent these crimes which are the second biggest income generator, second to the illegal drugs trade, on the streets.

We were told that the West Midlands has the second highest number of trafficking victims in the UK. Jade Hibbert, Exploitation Lead in the West Midlands Violence Reduction Partnership, said that her organisation takes a public health approach to tackle the root cause of modern slavery. The focus being on

the underlying cause of violence and exploitation. There is a Multi-Agency Board Structure in place to try to prevent the risk of human trafficking.

Imran Suddle, Exploitation and Missing Team Manager in Birmingham told the meeting that Birmingham has the biggest youth population in Europe. There are areas within the region which are deprived and are vulnerable to organised criminal groups. Such areas will be adjacent to where the Commonwealth games will be held. Mr Suddle's organisation receives daily referrals in relation to exploited children, such exploitation taking place both away from the child's home but also online within their homes. The location of the city is ideal for traffickers to traffic children and adults both nationally and internationally. As sporting events attract human sex trafficking, the hotels in the area are on high alert and an infrastructure is in place to identify any incidents and further action can then be taken.

Harjeet Chakira, policy manager West Midlands Police and Crime Commissioner, told the launch that some of the annual funding the Commission receives is allocated to services to support victims of modern slavery. There is a coordinated Strategic Board aimed at the prevention of human trafficking and all members of society have a part to play.

Liisa Wiseman, project manager, Advu Project explained that the project she runs is an NGO working in the Birmingham Methodist District. The project has been in the area for 11 years tackling modern slavery and for the past 6 years has been offering face to face support for adults in the area.

Ms Wiseman summarises that the greatest needs of the victims of modern slavery are:

1. The need to access legal representation.
2. The need to access accommodation.
3. The need to access mental health support which is trauma informed. The victims of modern slavery are traumatised and need to be supported in working through this trauma particularly as there is a risk of those people again being trafficked.

Dominic Murphy, Head of Communications at Unseen, gave a short presentation on his organisation. This provides a Modern Slavery and Exploitation helpline, which is contained on all the It's a Penalty Campaign awareness material. The helpline is 24 hours a day, 365 days a year and available in multiple languages. The helpline will not ask for any names and will not ask for immigration status.

Steve Kenzie, Executive Director, UN Global Compact Network UK, told the launch that businesses need to be more responsible in tackling issues such as human trafficking. If they are signed up to the network, then they can be held to account in this regard.

Bharti Patel, a board member of Its a Penalty and also an international Human Rights and policy advocate, identified that the travel and tourism industry are conduits of human trafficking. The traffickers are attracted to areas where there is easy access to vulnerable people and where law enforcement is perceived as being weak.

Amanda Cupples, General Manager (UK and Northern Europe) Airbnb, spoke of how Airbnb has been a partner with the campaign for 3 years and the company has a zero-tolerance approach in relation to Human Trafficking. They provide training to hosts as to how to spot and report signs of trafficking and the company works with the local law enforcement agencies in this regard.

Dr Yanning Li, Lecturer in Events Management, University of Surrey, has been working with the Campaign in terms of research. Dr Yanning again reiterated that awareness of the practice of Human Trafficking is essential in its prevention.

The event was very informative and it was evident that every agency that attended was passionate about tackling the crime of human trafficking, modern slavery and exploitation. The emphasis was on working together to raise awareness as to how to prevent the root cause of trafficking, how to spot signs of trafficking activity and how to report it. The aim is to eliminate trafficking by 2030 and it is hoped that by everyone continuing to work together in this way, they will achieve this.

There is a short thirty second video about the work of the Campaign available at:

<https://www.youtube.com/watch?v=VIJPM9VEwYA>

LIMITATIONS ON NON-DISCLOSURE AGREEMENTS

Article by *The Honourable Lynne C Leitch*

There has been extensive criticism of the use of non-disclosure agreements (“NDAs”) in circumstances where discrimination, abuse, and sexual assault have been alleged.

The campaign to push legislatures to limit NDAs was initiated by Zelda Perkins, an English woman who broke a 2017 non-disclosure agreement with Harvey Weinstein, and a Canadian Law Professor Julie Macfarlane. Together, they started a campaign called “Can’t Buy My

Silence,” which has a stated goal of lobbying legislatures across the globe to pass laws rendering NDAs unenforceable for “anything other than their original purpose – the prevention of sharing confidential business information (“intellectual property”) and trade secrets.”¹

Proponents of such legislation argue that NDAs facilitate “institutional corruption” in which organizations can cover up their wrongdoing to protect their reputations. NDAs in cases of discrimination, abuse, and sexual assault usually limit what survivors can share – even to friends and counsellors. The idea of NDAs imposing silence on survivors for an indeterminate period is also problematic for survivor recovery and abuser accountability.

The first instance of a law limiting NDAs is California’s [SB-331 Settlement and No Disparagement Agreements Act](#) (otherwise known as the “*Silenced No More Act*”) that came into force in fall 2021. In the United Kingdom, two NDA-related private members’ bills have been introduced, and similar bills are working their way through the approval process in Ireland and the Australian state of Victoria.

In Canada, Prince Edward Island became the first Canadian province this past spring to introduce legislation limiting the use of NDAs. The provinces of Manitoba and Nova Scotia have also proposed similar legislation.

The stated purpose of the Non-disclosure Agreements Act, PEI Reg EC2022-118 is to regulate the content and use of NDAs. NDAs are null and void unless they comply with the requirements of the legislation.

Importantly, except as permitted under the legislation, a party responsible or person who committed or who is alleged to have

committed harassment or discrimination may not enter into a NDA with another party where such party has experienced or made allegations of harassment or discrimination; and (b) the NDA has the purpose or effect of concealing the details relating to a complaint of harassment or discrimination.

The legislation permits the entry into a NDA if such an agreement is the expressed wish and preference of the party who has experienced or made allegations of harassment or discrimination. However, such a NDA is only enforceable where (a) the complainant has had a reasonable opportunity to receive independent legal advice; (b) there have been no undue attempts to influence the complainant in respect of the decision to include a requirement not to disclose any material information; (c) the agreement does not adversely affect (i) the health or safety of a third party, or (ii) the public interest; (d) the agreement includes an opportunity for the complainant to decide to waive their own confidentiality in the future and the process for doing so; and (e) the agreement is of a set and limited duration.

The legislation also prohibits the entry into a separate NDA with the person who committed or is alleged to have committed the harassment or discrimination for the purpose of preventing a lawful investigation into a complaint of harassment or discrimination.

This legislation endeavours to appropriately balance the goal of confidentiality for a complainant and the person against whom allegations have been made. For an interesting discussion on drafting a fair NDA see [this](#) article in the *Advocates’ Journal* from January 2020.

¹ See the campaign’s website [here](#).

This is a burgeoning area of the law and more legislative intervention is likely on the horizon.

LOCKDOWNS AND SEXUAL VIOLENCE

The various Coronavirus lockdowns have led to a surge in sexual and gender-based violence across Africa according to recent reports. It has been reported that gender-based violence had soared by 74% in South Africa. There has also been an increase in women and girls suffering from gender-based violence in Botswana, Lesotho and Malawi, as well as a fivefold increase in gender-based violence in Kenya during the pandemic. The crimes included physical assault, murder, physical harm, rape, attempted rape, and psychological abuse. These cases stirred up public outrage and calls for action.

The African Union has also reported on gender-based violence. Across 24 states in Nigeria, domestic violence incidents increased by 56% during the first 2 weeks of the lockdown in April 2020. In Lagos state, the incidents increased by more than 100%. In South Africa, complaints about gender-based violence to the South African Police Services increased by 37%. In Cameroon, 35.8% of respondents to a survey reported that they had noticed an increase of violence in their homes. There was also an increase in psychological violence.

GENDER SECTION NEWS

Publication by
Justice Lynne Leitch
(Chair)
Dr Karen Brewer
(Editor in Chief)

NEWS FROM AROUND THE COMMONWEALTH

The following are summaries of various reports that the CMJA has gathered from around the Commonwealth that outline some of the developments in the field of gender and human rights.

REGIONS

SOUTH ASIA

On 28-29 May 2022, the International Court of Justice summoned a South Asian Judicial Dialogue with judges from Bangladesh, Maldives, India, Pakistan and Nepal to discuss the implementation of the Bangkok General Guidance for Judges in Applying a Gender Perspective (BGG). The BGG includes a set of recommendations to strengthen judicial decision-making process that are based on gender equality. Kaajal Ramjathan-Keogh, Senior International Legal Advisor for the Women's Access to Justice Project and Director of the Africa Regional Programme explained that the BGG is to help assist judges in ensuring equality for women. The BGG highlights that customs and tradition should not be resorted to justify discrimination against women. It also encourages judges to decide cases based on the principle of equality. It also recommends institutional policies that courts may adopt for gender sensitivity and responsiveness. Judges are encouraged to apply the BGG in decision-making process irrespective of the formal status of the BGG.

The full BGG is available at:
<https://www.icj.org/wp-content/uploads/2018/06/Southeast-Asia-Bangkok-Guidance-Advocacy-2016-ENG.pdf>

COUNTRIES

ENGLAND AND WALES

In June 2022, the government introduced the 'Bill of Rights' to Parliament which would replace the current Human Rights Act. This would weaken women's rights. According to the End Violence Against Women Coalition this is a major step backwards for women who have had their rights infringed especially the rights of marginalised women: black, migrant, disabled and LGBT+. The Human Rights Act has been an essential tool for the judiciary in upholding women's rights. It gives women legal protections from violence and challenges the state when it fails to protect gender-based violence. The Bill of Rights which involves the government choosing which rights to protect and not being able to appeal to a higher court for example the European Court of Human Rights would mean that the protection of women's rights are at risk.

FIJI

In July 2022, the Fiji government declared that it would give \$12.6million to the Fiji Gender Action Programme to improve the support services for curbing violence against women. Prime Minister Jacinda Arden said the programme would put the funding towards the Ministry of Women, Children, Poverty Alleviation, the Fiji Women's Right Movement, Fiji Women's Crisis Centre, Women's Fund Fiji and UN Women. "The funding will also expand work undertaken by the Fiji Ministry for Women, Children, Poverty Alleviation to ensure Fiji's public service agencies have policies that are responsive to and empower women."

JAMAICA

On International Day of Women Judges (10th of March 2022) it was reported that Jamaica is leading the way as the country with the highest number of women judges serving in the judiciary. There are about 95 women and 30 men. Despite this imbalance, the men hold the top positions at each level. “Jamaica presents to the world what women can achieve once equal opportunity is presented” stated Chief Justice Bryan Sykes on that momentous day.

KENYA

Kenya has been suffering a severe drought over the last few months and this has led to an increase in the number of children dropping out of school. This leaves girls at risk of being forced into marriage or undergo Female Genital Mutilation (FGM). UNICEF reports that girls as young as twelve years are being married off to secure dowries to support the family and to have one less mouth to feed. They also have to walk long distances to access water and basic resources which exposes them to sexual violence. Additionally, FGM is prevalent in 14 out of the 23 counties affected by the drought with rates up to 98% in these counties. Child marriage and FGM leaves girls vulnerable to domestic violence and poverty. According to UNICEF’s Regional Child Protection Advisor for Eastern and Southern Africa, Kenya is facing a children’s crisis.

On a more positive note, the High Court in Malinda declared the arrest and prosecution of women seeking abortion to be illegal and contrary to the constitution of Kenya as access to abortion is a right for women contrary to what the US Supreme Court has recently decided. This landmark ruling protects women seeking abortion care. The court also directed Parliament to enact an abortion law and public policy

framework that aligns with the constitution.

MALAYSIA

On 5 August 2022, the appeal court in Malaysia overturned the High Court landmark decision in September 2021 that gave Malaysian women the same right as men to confer citizenship on their children born overseas. Article 14(1)(b) of Malaysian constitution expressly states that fathers have the automatic right to confer citizenship but omits mothers. The constitutionality of this clause was challenged and it was argued that judges should interpret the law in alignment with gender equality. The case will be taken to the Federal Court, Malaysia’s highest court. The Malaysian government ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1995 and amended its constitution in 2001 to enshrine the principle of gender equality but made reservation on CEDAW on nationality matters. The government insists that the amendment on gender equality does not extend to nationality. According to Equality Now, Malaysia is one of just 28 countries that still prevent women from conferring citizenship to their children on an equal basis with men.

NIGERIA

A group of Nigerian widows lost their court case brought against Shell allegedly for being involved in the deaths of their husbands in 1995. The men were executed by the government after peaceful protests against pollution caused by oil leaks in the Niger Delta. Five men, including Ken Saro-Wiwa, the protest leader and writer were executed. The widows needed to prove Shell’s liability. The widows believed an operating company that was part of the Shell group bribed the witnesses whose statements led to the conviction and execution of their

husbands. The judges held that the evidence was insufficient to hold the company accountable. As readers will be aware, the execution of the men immediately prior to the CHOGM in New Zealand led to the Millbrook Programme of Action and the setting up of the Commonwealth Ministerial Action Group to deal with violations of the Commonwealth fundamental principles.

SAMOA

Samoa’s Ombudsperson Luamanuvao Katalaina Sapolu submitted a report on the human rights effects from the Covid-19 pandemic in June 2022. She highlighted that there has been a grave impact on children’s right to education and right to health continues to be challenged. She said the human right principles play an important role in addressing inequality and providing inclusion of everyone in the prevention and recovery from Covid-19. Additionally, it was reported that the lockdowns have impacted women’s access to health services such as contraception and pre-and post-natal and birth care. The full BGG report is found here:

<https://www.icj.org/wp-content/uploads/2018/06/Southeast-Asia-Bangkok-Guidance-Advocacy-2016-ENG.pdf>

SOUTH AFRICA

The CMJA congratulates Honourable Justice Mandisa Maya for being appointed as the country’s first female Deputy Chief Justice. Her appointment will take effect on 1 September 2022. She was also the first female president of South Africa’s Supreme Court of Appeal. Justice Maya’s appointment would mean that out of the 10 justices in the highest court, 4 are women.

In August 2022, a South African court began proceedings against 80 people after the rape of 8 women. The women were filming a music video

when the masked men attacked them. The 80 men have been charged with other offences. However, it is still unknown which among them are the perpetrators of rape. As the country celebrates Women's Month in August, this incident has outraged the public especially women rights activists.

TANZANIA

In the last Gender Newsletter, we reported that the Minister of Education had agreed to lift the discriminatory ban against students who are pregnant, married, or are mothers. However, the case has now gone to the African Court on Human and People's Rights. Three human rights organisations submitted a joint amicus curia to court on 17 June 2022. The case is a milestone as it is the second case at the African Court on the rights of women and girls. This is the second time a regional African court has heard a landmark case on discriminatory bans against students who are pregnant or mothers and this could have a far-reaching impact in Africa for schoolgirls who are pregnant.

UGANDA

The CMJA congratulates Primah Kwagala, the executive director of the Women's Probono Initiative, on receiving the EU Human Rights Defenders' award. Kwagala was acknowledged for her remarkable efforts to advance human rights, especially women's rights. The panel commended her work during the Covid-19 lockdown when she worked tirelessly to ensure the release of women that were incarcerated unjustly for curfew violations, including mothers seeking medical treatments for their babies.

The Judicial Training Institute and the Centre for Domestic Violence Prevention (CEDOVIP) launched a manual which would train judicial officers on gender-based violence.

This aims to provide knowledge and skills for judicial officers to protect victims, survivors and those at risk. The manual is a major step in promoting a more comprehensive and coordinated action in fighting against gender-based violence. Justice Mike Chibita, the chairperson governing council of Judicial Training Institute, pointed out that the judiciary's efforts in combating gender-based violence is becoming more specialised and involves significant knowledge and resources to adjudicate these cases effectively. Adekemi Ndieli, the UN Women Deputy Country Representative said the experience of physical violence by women in Uganda is 51% far above the African average of 37.7%. The UN Women in Uganda is devoted to ending women violence.

SEEKING GENDER SECTION REPRESENTATIVES

In September 2022, during the CMJA's Triennial Conference being held in Accra, Ghana, the CMJA will be holding its Regional Elections. The Gender Section representatives will also be elected during this time. The CMJA is therefore seeking nominations for the Six regional representatives of the Gender Section for the period 2022-2025.

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.

IF YOU WANT TO REPRESENT YOUR REGION OR PLAY AN ENHANCED ROLE IN THE GENDER SECTION, PLEASE CONTACT:

Dr Karen Brewer, Secretary General at the CMJA: kbrewer@cmja.org

CLOSING DATE for Applications for The Gender Section Representation:

21 AUGUST 2022

CONTRIBUTIONS AND 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 If you have an interesting story to tell, please send these too!!

CURRENT GENDER SECTION REPRESENTATIVES

CHAIRPERSON <i>Mrs. Justice Lynne Leitch, Canada</i>
Atlantic and Mediterranean <i>Mrs. Bridget Shaw, Jersey</i>
Caribbean <i>Justice Carolita Bethell, Bahamas</i>
East, Central and Southern Africa <i>Ms. Naume Sikohya, Uganda</i>
Indian Ocean <i>Judge Kumudini Wickremasinghe, Sri Lanka</i>
Pacific <i>Ms. Linda Bradford-Morgan, Australia</i>
West Africa <i>Justice Sedina Agbemava, Ghana</i>

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.

NEXT GENDER SECTION MEETING

Monday 5 September 2022
Labadi Beach Hotel
Accra, Ghana



The banner for the CMJA 19th Triennial Conference in Accra, Ghana, features a yellow background with a decorative border of green, orange, and white patterns. At the top left is the CMJA logo, and at the top right is the Ghanaian flag. The central text reads "CMJA 19TH TRIENNIAL CONFERENCE ACCRA, GHANA" and "Access to Justice in a Modern World". Below this is a photograph of a large white building with a red roof. To the right of the building is a stone archway with a star on top and the inscription "AD 1957" and "FREEDOM AND JUSTICE". At the bottom, it says "STILL TIME TO REGISTER!!" and provides the website "www.cmja.biz". The banner is flanked by various icons including a heart, a gear, a target, and a scale of justice.

CMJA 19TH TRIENNIAL CONFERENCE
ACCRA, GHANA

"Access to Justice in a Modern World"

STILL TIME TO REGISTER!!

www.cmja.biz