



CounterBalance International

Newsletter of the International Association of Women Judges
Spring 2006, vol. 13, No. 1

Focus Of Sydney Conference: Judicial Independence

From 3-7 May 2006, more than 300 IAWJ members will gather in Sydney, Australia, for the VIII Biennial International Conference of the International Association of Women Judges. Registrants represent more than 35 countries.

The theme of the Conference, *An Independent Judiciary: Culture, Religion, Gender and Politics*, is a critical one for members of the judiciary, no matter their legal and judicial systems. **Hon. Jane Mathews**, IAWJ President, and her organizing committees have worked in close collaboration with IAWJ Executive Director, Joan Winship, and the IAWJ staff in Washington over the past 2 years.

Various entities of the Australian government have been very supportive of the Conference, which will be opened by the Governor of New South Wales, Her Excellency Professor Marie Bashir. The Premier of New South Wales will host one evening reception, and the High Court and Federal Court of Australia and the Supreme Court of New South Wales will host another. The Australian Agency for International Development, AUSAID, has funded a number of judges from developing Asian countries whose participation would not have been possible otherwise.

Conference sessions will focus on such topics as corruption, the role of religion and judging, countries in conflict and transition as they adapt to new systems, the role of women judges, and maintaining judicial independence. Drawing on IAWJ members from all levels of the judiciary and parts of the world, panelists will include members of the International Criminal Court and other international tribunals, and judges from such transitional countries as Afghanistan, Iraq, and Bosnia. The Chief Justices of the Supreme Courts of Panama, Canada, and Victoria, Australia, will speak to the issue of "Why We Need Women Judges," while The Right Hon. Baroness Brenda Hale of the House of Lords, UK, will be the principal speaker on the issue of the "Appointment and Removal of Judges."

In addition to the business meeting of the IAWJ, there will be five regional meetings where regional representatives to the IAWJ Board of Directors will be elected. There will also be opportunities for exploration of Sydney and its surrounding sites.

Above all, IAWJ conferences provide opportunities for members to meet each other, to build friendships, to learn from stimulating intellectual discussions, and contribute to an enlightened Judiciary.



Hon. Graciela Dixon Takes Over As President-Elect

In January 2006, **Hon. Miriam Naveira**, Puerto Rico, submitted a letter of resignation as President-Elect to the IAWJ Secretary-Treasurer for personal reasons and other responsibilities. Following the procedure in the IAWJ Bylaws, Hon. Jane Mathews submitted the name of **Hon. Graciela Dixon**, Board Member and President of the Supreme Court of Panama, to the full Board of Directors for their consideration. Overwhelming approval was received and the appointment of Justice Dixon to the position of President-Elect became official with a vote of the Board received by February 28, 2006.



Hon. Dixon with J. Winship (l) and Hon. Miriam Naveira (r) of Puerto Rico at Dixon's inauguration, January 2006

The IAWJ wishes to thank Hon. Naveira for her work on behalf of the IAWJ in years past. She was the first woman to serve on the PR Supreme Court, where she served from 1985 to her retirement in 2004. From 2003-04 she was President of the Supreme Court of Puerto Rico, the first and only woman to ever hold that position. In 2003, Justice Naveira convened a very successful meeting of the IAWJ for the Latin America and Caribbean Region. Upon her resignation and the election of Hon. Dixon, Justice Naveira wrote, "I would like to formally and specifically express my complete satisfaction with the selection of the Honorable Graciela Dixon as President-Elect of the IAWJ. I know she will be a great President. I hereby wish to reiterate [my] offer to help her in anything she deems necessary."

The IAWJ Executive Council and Board of Directors are pleased that Hon. Dixon will provide leadership to the IAWJ during her term as IAWJ President from May 2006-2008. In addition, she will convene the 9th IAWJ Biennial Conference in Panama in 2008. In assuming the position of President-Elect, Justice Dixon looks forward to serving the members of the IAWJ and has promised to give it her all.

IAWJ Discusses Linkage Between HIV/AIDS, Gender, and the Law at UN CSW Meeting



Joan Winship, Anne Goldstein, and members of the Yale Human Rights Law Clinic discussing the interlinkages between HIV/AIDS, gender and the law at the UN Commission on the Status of Women (CSW) meetings in New York, NY.

The HIV/AIDS pandemic is affecting increasing numbers of women and girls globally. In Sub-Saharan Africa, which has the world's highest national HIV infection rates, women comprise nearly 60 percent of those infected with HIV. As the impact of the pandemic grows, girls tend to drop out of school to cope with the tasks of caring for siblings and ill parents, and women are often faced with the responsibility of looking after orphans whose parents have died of AIDS-related illnesses. Women are also more likely than men to lose their jobs, income, and potential for educational advancement because of illness and AIDS-related stigma and discrimination. On a fundamental level, the HIV/AIDS pandemic is a crisis of gender inequality. In particular, it illustrates the failure of policy makers at different decision-making levels to eliminate widespread violence and discrimination against women and to implement commitments made by governments worldwide to promote, support, and advance women's rights.

On March 2, 2006, at the UN's Commission on the Status of Women in New York City, the IAWJ held a panel on "The Gender and Legal Dimensions of HIV/AIDS: Women's Access to Justice and the Role of the Judiciary." Panelists included Joan Winship, Anne Goldstein, and members of the Yale Human Rights Law Clinic, Heloisa Griggs, Sia Sanneh, and Tegan Shohet, accompanied by Yale Faculty Member, Molly Beutz, traveled to Zambia for the IAWJ in October 2005 to conduct interviews with judges and magistrates on their perception of the HIV/AIDS-related cases that are coming before them. The panel discussed the relationships between women's property and inheritance rights, violence, and HIV/AIDS, and the challenges that women face in accessing justice through the courts in the context of the AIDS pandemic.

Courts are important institutions in the domestication of international human rights norms against gender violence and discrimination. Because gender inequality is closely linked to HIV/AIDS and its heightened impact on women, judicial officers are key players in the fight against HIV/AIDS.

Documentary on Cameroon Judges Premieres at UN CSW Meeting

On March 3, 2006, at the UN's Commission on the Status of Women in New York City, the documentary film "Sisters in Law," directed by Kim Longinotto, was screened.

The film demonstrated how judges and prosecutors who are aware of international human rights conventions and treaties can effectively use them in their daily work to better the cause of women's rights. The documentary follows the work of IAWJ member, **Judge Beatrice Ntuba**, and Prosecutor Vera Ngassa as they hear complaints and investigate cases in Kumba, a small town in Cameroon. It also details some of the creative measures that both women employ to see that justice is done.

After the screening Judge Ntuba, Ms. Ngassa, Anne Goldstein, and Joan Winship of IAWJ, sat on a panel with Joanne Sandler, Deputy Director Programmes for UNIFEM, Mushahida Adhikari, Legal Advocacy for Women in Africa Fellow, Meryem Aslan, Regional Director of UNIFEM Afghanistan, and Elizabeth Adu, Deputy Counsel from the World Bank. The panel discussed the challenges of advancing women's rights in customary and civil legal fora. The panel also answered questions posed by the audience.



Hon. Beatrice Ntuba, Vera Ngassa, and other panelists take questions after the screening of *Sisters in Law*.

Member Visiting IAWJ Headquarters

The IAWJ staff in Washington, DC, enjoys welcoming our members to IAWJ headquarters. If you are coming to Washington, please contact us ahead of time. Your visits are opportunities for IAWJ members to learn more about the day-to-day work of the Association as well as to visit with staff and members who enjoy learning more about your own work and judicial systems at home.



IAWJ President-Elect, **Hon. Graciela Dixon**, visited with IAWJ staff and interns in February 2006.

IAWJ Membership Revitalized and Expanding

During the past year, the IAWJ has been proud to welcome new members from many different parts of the world. In Bosnia Herzegovina, **Judges Carolyn Temin** and **Shireen Avis Fisher** have helped to recruit 25 new members from all levels of the judiciary and diverse ethnic and religious groups. New national associations have formed in New Zealand, South Korea, and Zambia. IAWJ Executive Director, Joan D. Winship, has also been working to expand the membership. Ms. Winship recently traveled to the Philippines and Russia at the invitation of the women judges in both countries to participate in USAID sponsored seminars and workshops and to speak about the IAWJ and its work.

Philippine Women Judges Association



Members of the Philippine Women Judges Association convene their annual meeting.

The **Philippine Women Judges Association** held their annual meeting on March 15-16, 2006, in Manila at the Manila Hotel in an effort to reorganize and reinvigorate the Association. The theme was "Capacity Building of the Women in the Judiciary," and Taiwan Taipei District Court **Chief Judge Jiin-Fang Lin** and IAWJ Executive Director Joan Winship were in attendance and gave presentations. The meeting also included recognition of retiring Filipino women judges. On the second day of the seminar, Joan Winship conducted a workshop for the officers and directors of the PWJA, where participants learned more about organizing and running a national association, how to inspire new membership, and how to expand programming. The meeting was sponsored by ABA-ASIA.

Russia



Russian judges participate in a two-day workshop in Moscow.

Joan Winship and **Hon. Leslie Alden**, IAWJ Vice President of Programs, traveled to Russia to participate in a two-day workshop on April 10-11, 2006. The workshop focused on the status of women judges and women's rights around the world and, particularly, in Russia. **Hon. Betty Barteau**, former Director of the Chemonics Russian-American Judicial Partnership, recommended the inclusion of the IAWJ at the workshop and took part in the discussion of the *Role of Women Judges* around the world. The aim of the meeting was to give women judges in Russia a feel for the international scope of the IAWJ and encourage their interest in seeking opportunities to network with other women judges around the world.

Networking Among Associations

As IAWJ membership expands, we would like to feature stories of our members visiting and networking with one another.

Strengthening Ties Between Mongolia & Taiwan Chapter

In August, **Hon. Peggy Pi-Hu Hsu** joined 19 other members of the **Taiwan Chapter of the IAWJ** (along with 3 other non-member judges) in a tour of Mongolia, at the invitation of the **Mongolian Women Lawyer's Association** (MWLA). The Taiwanese judges and MWLA discussed the fact that 60% of Mongolian judges are women. As Mongolia's legal system is currently undergoing some major judicial reforms, the Taiwan Chapter of IAWJ also wishes to extend its hand in cooperation with its Mongolian counterparts in support of future skill-oriented training, workshops, and other exchanges of experiences in the field of criminal and civil litigation, as well as in other areas. The Taiwan Chapter's Board Meeting held on September 2, 2005, approved the eventual signing for an agreement for cooperation.

Taiwan Chapter Hosts Guest From Bangladesh

Justice Zinat Ara of the Bangladesh Supreme Court visited the Taiwan Chapter in October 2005. During her five-day stay, Justice Ara chaired a session of the 8th Asian Regional Congress of the International Society for Labor and Social Security Law held in Taiwan on November 1, 2005. The next morning Justice Ara, accompanied by Taiwan Constitutional Court Justice Pi-Hu Hsu and **Chief Judge of the Taiwan Taipei District Court Jiin-Fang Lin**, visited the Taiwan Supreme Court where Chief Justice Chii-Pin Wu received her. During this visit, the court systems and the civil and criminal procedures of Taiwan and Bangladesh were discussed. Later during the visit, Justice Hsu and **Judge Marisa Meng-Ying Chen** accompanied Justice Ara to the Taiwan District Court, where Chief Judge Jiin-Fang Lin received her. They visited the courtrooms and exchanged experiences on handling cases in their respective systems. Justice Ara also met with Judge Marisa Meng-Ying Chen, Justice Hsu, Chief Judge Jiin-Fang Lin, and **Judge Jing-Er Her**, for dinner and other events.



Justice Zinat Ara receives a warm welcome from Taiwan Chapter members.

Expanding the Jurisprudence of Equality Program

By: Anne T. Goldstein, Human Rights Education Director

The Jurisprudence of Equality Program brings judges together from different countries to explore issues of common interest, provide training, and share “best practices.” JEP and the IAWJ owe special thanks this year to the IAWJ chapters of El Salvador, Taiwan, and Zambia, each of which hosted JEP consultations with flair, efficiency, and kindness. In so doing, they had the support and participation of the chapters from Costa Rica, Panama, and the United States (Cross-Border Consultation) and Tanzania (JEP in a Time of HIV/AIDS Consultation).

Since not all members of the IAWJ could take part in person, this space summarizes each conference and shares one comment from a judge or judges that sparked animated discussion. We encourage any IAWJ member who wants to contribute “virtually” to the discussion to post a message on the IAWJ website, www.iawj.org.

Cross-Border Consultation: San Salvador, El Salvador (September 8-9, 2005)

Representatives of the IAWJ, its partner associations in Central America and the USA, and a member from Mexico spent two days discussing ways in which judicial training, cooperation, or other program initiatives might be useful in addressing issues that cut across national boundaries in the region, including labor migration and its possible nexus with violence against women, gang violence, trafficking in women, street children, interstate child abduction, international adoption, and CAFTA and employment discrimination. Recommendations from the consultation are being used to develop future programming.

Comment: Judges from El Salvador described growing numbers of cases in which a woman migrates to the United States for work, and sends money home each month to her husband to maintain the household and children. The husband becomes involved with another woman in her absence, often having children with the second woman, with or without divorcing the first. Years later, the mother returns from the U.S. and seeks to resume contact with her children. The husband argues that she has abandoned the family and seeks to deny visitation. Can international law provide guidance as to how these cases should be resolved?

Jurisprudence of Equality Program Training: Judicial College, Taipei, Taiwan (September 19-20, 2005)

At the invitation and through the efforts of the IAWJ Taiwan Chapter, I gave a series of lectures on women’s rights and international law to approximately two dozen mid-career male and female judges.

Comment: A young judge asked why she should not have the right to give her surname to one of her children. Under the Taiwanese Family Code, a child “shall assume the surname of the father except it has been agreed that the child shall assume the surname of the mother if the mother does not have any brother.” This judge had brothers. Does international law help here?

JEP in a Time of HIV/AIDS Consultation: Lusaka, Zambia (February 17-18, 2006)

Nine judges and magistrates from Zambia and two from Tanzania met to discuss the linkages between gender violence, discrimination, and the HIV/AIDS pandemic, and to explore ways for courts to aid in the struggle against HIV/AIDS. The second half of the consultation focused on generating specific recommendations and

programmatic ideas for addressing the challenges identified. These recommendations will shape future programming in Tanzania and Zambia and other areas on this topic. IAWJ staff, Joan Winship and Anne Goldstein, facilitated the consultation. Liz Brundige, former Bernstein Fellow at the IAWJ and currently a clerk at the South African Constitutional Court, served as rapporteur.

Comment: Several judges described cases in which women were gang raped in front of several witnesses during the course of an armed robbery. The prosecutors in these cases may prosecute the robbery but not the rape. One prosecutor told a judge that rape was “too hard” to prove – in a case where the rape took place in front of multiple witnesses. The challenge is changing attitudes so that violence against women is fully prosecuted.



Participants at the Consultation in Zambia



Delegates and IAWJ facilitators at the Zambia Consultation

DUES REMINDER:

IAWJ membership dues are due on March 31 of every year. Please remember that dues for individual members are \$15 per person and dues for associations are \$10 per person. Membership forms are available on the IAWJ website, www.iawj.org.

IAWJ Highlighted in German Magazine, *Betrifft Justiz*

Joan Winship was interviewed by Dr. Martina Beckmann, Germany, for the German legal magazine, *Betrifft Justiz*. Here are a few excerpts from the interview (the full text of the interview in German can be found at www.iawj.org):



Dr. Martina Beckmann

What is the strength of an international network of women judges from your perspective?

Our current IAWJ President from Australia, Justice Jane Mathews, puts it this way: "Each IAWJ member sees a need for women judges to work together to help strengthen their institutions and judicial systems, to advance women's leadership and women's rights, and to lead the way for other women to do the same."

What activities is IAWJ running in so called developing countries?

Since 1997, the IAWJ and its partner associations in Africa and Latin America have worked to combat discrimination and violence against women through a human rights judicial training program, *Towards a Jurisprudence of Equality (JEP)*. The program has been implemented in 4 South American, 4 Central American and 7 African countries. JEP is designed to enable male and female jurists to use international human rights law to help them resolve cases that routinely come before their courts, particularly those that involve discrimination or violence against women. These include such issues as property rights, inheritance, domestic violence, and custody rights for women. Through JEP, the IAWJ and its national partners work to strengthen the capacity of the judiciaries to advance access to justice and the realization of human rights for women and all people.

What are the achievements of IAWJ that you are mainly proud of?

The IAWJ and its *Jurisprudence of Equality Program* were honored at the United Nations by the UNIFEM Trust Fund, a funding partner in Africa, for its impact to end violence against women. Through JEP and actual case decisions being collected by the IAWJ, there is evidence that these programs are directly impacting the lives of women, and judges are concretely implementing the more abstract guarantees of equality, equal protection and nondiscrimination.

The IAWJ has been successful at building an international network of women judges that provides a vehicle for developing judicial leadership, increasing the number of women judges at all levels, and promoting women's access to the courts. The IAWJ has members from local first instance courts to the various international tribunals and the International Criminal Court. IAWJ members have been instrumental to bringing a gender perspective to courts in such ways as identifying rape as a war crime and other landmark decisions. Participation in the IAWJ has created opportunities for professional development for women judges and often opened doors for their participation and recognition internationally.

Where do you see the main challenges of IAWJ for the next years?

As a non-governmental organization (NGO) we do not receive any ongoing general support from any governmental, international or private organization. Thus, funding is a major and ongoing challenge. We maintain a very small staff and work primarily with our members around the world. Our membership is growing as more women join the bench. We have associations in countries, literally from A (Afghanistan) to Z (Zambia and Zimbabwe). Yet, there are still

countries where there are very few women in the judiciary at all. We want to encourage the appointment of women to the judiciary; encourage younger women to consider the judiciary as a career goal; support women judges who seek to form associations; provide opportunities for judicial education programs in different countries on a range of topics; and identify other needs and support the efforts of women judges in their countries. Women's access to justice is a challenge everywhere, whether for our judges themselves on the bench or on the issues of violence and discrimination against women that come before them daily. Our challenge is to find ways to help advance equal justice for all.

What kind of support would IAWJ need to tackle these challenges?

The IAWJ needs funding in order to provide the staff and program support to respond adequately to the many needs and challenges of our members, and to expand the significant and growing impact of our programs in countries throughout the world. We have had limited opportunity to gain financial and membership support through various European institutions and donors. We would welcome new members, suggestions, introductions, and donations from those who might help us tell the wonderful story of the work the IAWJ is doing around the world.

How would you see the interest of IAWJ to cooperate with German women judges?

The IAWJ has very few members in Germany. We are happy to extend an invitation to all women judges in Germany to join the IAWJ. One can join as an individual or judges can join together to form an association or chapter of the IAWJ. The membership fee is quite small [€12.50] and one can join online via our website at: www.iawj.org We would be delighted to welcome any new members from Germany!

Can you give us a few details about the biennial conference in Sydney?

The IAWJ's 8th Biennial International Conference for members will be held in Sydney, Australia, from 3-7 May 2006. Building on the past 2004 conference that was held in Entebbe, Uganda, that focused on 'Access to Justice', the theme of our upcoming conference is "An Independent Judiciary: Culture, Religion, Gender and Politics." Planned primarily by our members in Australia, the conference builds on the diverse expertise of our international members and will address this critically important topic via sessions on such issues as: Judging in Countries in Conflict and Transition; Challenging Corruption; Appointment and Removal of Judges; the Media and the Judiciary; Gender, Culture and the Law; Religion and the Challenges for Judging; and Maintaining Judicial Independence. IAWJ members are inspired and energized by the depth of the discussions at our conferences, and the opportunity to network with women judges around the world. We would welcome new members from Germany to join us in Sydney!



World News Report



Participants at AWJA Legal Awareness Program

Afghanistan – From May 1 to August 23, 2005, the **Afghan Women Judges Association**, with a grant from the U.S. Department of State, trained 300 high school girls and teachers from 4 Kabul schools about their human rights under *Sharia* and Afghan laws and about international declarations concerning human rights, women's and children's rights. The trainees received information on citizens' constitutional rights, liberties, and their obligations, on the government's duties and responsibilities, as well as information about various judicial institutions and ways they can access the judicial system. An AWJA legal counselor participated in some sessions providing examples of actual cases involving women in civil and criminal cases in the Kabul family court or juvenile rehabilitation center.

Upon completion of the program, the participants received certificates of attendance from the AWJA and IAWJ at a ceremony attended by representatives of the Ministry of Education and other women's organizations in Kabul. The students' energetic participation and interest during the course of the training and their overall efforts to learn about their rights were among the most inspiring outcomes of the AWJA's legal awareness program.

Bosnia and Herzegovina – Twenty-three women judges from Bosnia and Herzegovina joined the IAWJ as a group. **Judge Carolyn Temin** (USNAWJ) who sat on the International Panel of the Court of Bosnia and Herzegovina, introduced the IAWJ and facilitated their membership.

Counterbalance International

is published in English, Spanish and French. Past issues may be found at www.iawj.org

Production: H. Thuan Do
Individual subscriptions: \$15 (US) annually

Contributors: E. Brundige, A. DeCamp, A. Goldstein, J. Mathews, J. Winship

Articles for World News Report and Landmarks are welcome and should be submitted to IAWJ headquarters.

Canada – The **Canadian Chapter of the International Association of Women Judges** in cooperation with the National Judicial Institute held its annual conference in Victoria, British Columbia, from April 6 - 9, 2005, attended by 115 participants. The theme was *Judging Across Borders: Canadian Judges and International Law*.

The Lt. Governor of British Columbia, Hon. Iona Campagnolo, spoke at the opening reception, as did the Chair of the Canadian Chapter, **Justice Virginia Schuler**. **Justice Constance Gube** was honored by the Canadian Chapter and named a lifetime member.



Canadian Chapter members assembled at the CCIAWJ's annual meeting.

Topics discussed included: the Hague Convention, criminal law and pornography, extradition, the environment, barriers and challenges of applying international law, same sex marriage, interaction of international and domestic law.

Speakers included **Justice Marie Deschamps** (Supreme Court of Canada), **Justice Kate O'Regan** (Constitutional Court of South Africa), **Justice Sujata Manohar** (Supreme Court of India), **Judge Navi Pillay** (International Criminal Court, The Hague), **Justice Sheila Greckol** (Court of Queen's Bench, Canada), **Justice Claire L'Heureux-Dubé** (Chief Justice of Alberta, Canada), **Justice Lynn Smith** (Supreme Court of British Columbia) and Joan Winship (IAWJ).



Hon. Zakia Hakki

Iraq – **Hon. Zakia Hakki**, an IAWJ member, was elected on December 15, 2005, to Iraq's new Parliament, the Council of Representatives, where the 275 Representatives will hold four-year terms.

Judge Zakia is a Faylee Kurd from Baghdad. In 1959 she became the first female judge in Iraq. She then served as a legal adviser in the government's Ministry of Agriculture. Judge Zakia was the founder of the Kurdish Women's Federation in Iraq, and president of the group from 1958-1975. In 1970

she was elected to the leadership of the Kurdistan Democratic Party through a general assembly. As a result of her outspokenness against Saddam's regime's repressive policies, she was placed under probationary arrest for 20 years until her emigration to the United States in 1996. In 2003, Zakia Hakki became an advisor to the Ministry of Justice from the Iraqi Reconstruction Development Council where she has participated in redesigning the judicial and political system of the country. In 2005 she served on the drafting Committee for the new Iraqi Constitution and has been a strong advocate for protecting the rights of Iraqi women.

Italy – On September 20th, 2005, members of **Associazione Donne Magistrato Italiane** (ADMI) graciously hosted a dinner in Rome in honor of **Hon. Jane Mathews**, President of the IAWJ, and **Joan D. Winship**, IAWJ Executive Director. Hon. Mathews spoke about plans for the upcoming IAWJ conference in Sydney, Australia, and Ms. Winship shared some of the other activities of the IAWJ around the world.



ADMI members host IAWJ Officers at dinner.

Change in Italian Judiciary

A new law on the organization of the judiciary (which in the Italian law regulates both judges and public prosecutors) was recently passed by Parliament. It introduces substantial changes in the career of judges and public prosecutors and reduces the power of the Superior Council of the Judiciary, the body governing judges and public prosecutors; institutes a clear distinction between the career of public prosecutor and judge; and reduces the role of seniority with a new merit-base selection system.

There has been strong opposition to this law because it is seen as likely to create less independence on the part of prosecutors and judges. The ADMI has participated in debate on this law and in May 2005 co-organized a seminar discussing the law.

World News Report



ADMI Conference on Child Custody

ADMI is currently organizing a conference on the problem of the care of children after their parents separate or divorce, an important issue raised by a new law that introduced the principle that custody of the children is no longer assigned to one of the spouses, but to both of them.



Newly formed Korean Women Judges Association

Korea – Korean Women Judges' Association held its first Symposium on November 19th, 2005, in Seoul, South Korea. Seventy-nine women judges, including the Hon. Supreme Court Justice Young-Ran Kim, participated. Hyun-Ah Yang, Assistant Professor at Seoul National University, delivered a lecture on "The Diverse Streams of the Feminist Jurisprudence Theories," which introduced views of feminist jurisprudence ranging from radical feminism to post-modern feminism. Questions and discussion followed on how the various theories interact with the Court's practical decision-making.

During the 2nd part of the symposium, the judges agreed to form the **Korean Women Judges Association**: to hold regular seminars; reach out to women judges throughout the country; and explore ways to become active in the IAWJ, including participation in the 2006 Sydney conference.

The Netherlands – On August 24, 2005, the U.N. General Assembly elected 27 *ad litem* judges, nine of whom were women, to the International Tribunal for the Former Yugoslavia. **Hon. Elizabeth Gwaunza** of the Supreme Court of Zimbabwe and the other women judges, were elected to four-year terms on the ICTY.

New Zealand – On March 20, 2006, women judges in New Zealand launched the **New Zealand Association of Women Judges**. IAWJ President, **Hon. Jane Mathews**, was a featured guest.

Nigeria – The **National Association of Women Judges, Nigeria** (NAWJN) hosted the 3rd Africa Regional Conference of the IAWJ in Abuja, Nigeria, from 17-20 October 2005. Delegates attended from Kenya, Liberia, Uganda, and South Africa. Participants presented papers on the conference theme, "Access to Justice: Culture, Religion, Gender, and Politics." They also shared news from their national associations about recent programming, lessons learned and future directions, and discussed issues of common concern.

Hon. Arline Pacht, IAWJ founder and first president, presented on the history of the IAWJ and was honored for her contributions to the Association. **Elizabeth Brundige**, Robert L. Bernstein Fellow for International Human Rights, spoke about the JEP program and other current and future IAWJ programs around the world.

On the final day, the Africa Region banner was handed over from **Hon. Justice Rose Ukeje of Nigeria** to the **South Africa Chapter of the IAWJ**, which has graciously agreed to host the 4th Africa Regional Conference in 2007.



Participants at Africa Regional Meeting in Nigeria

North Cyprus – **Hon. Gönül Erönen** successfully defended her thesis and obtained a Masters degree in International Relations at Eastern Mediterranean University in Famagusta, North Cyprus. She graduated from the Eastern Mediterranean University in Famagusta with High Honors.

Thank you to Hon. Daniele Cote of Canada for translating the IAWJ Sydney Conference Information into French. We sincerely appreciate your help.



Hon. Graciela Dixon at her inauguration as President of the Supreme Court of Panama.

Panama – **Hon. Graciela Dixon**, IAWJ President - Elect, was elected in October 2005, as President of the Supreme Court of Panama. She was inaugurated on January 3, 2006. As the 3rd woman magistrate to be elected to the position, she will hold the office from January 2006 to 2007.

Hon. Dixon graduated from Colegio Abel Bravo in 1973 and received a license in Political Law and Science from the University of Panama. She received her postgraduate degree in Human Rights from University of Santa Maria La Antigua.

South Africa – The **IAWJ South African Chapter** (IAWJ-SAC), along with the office of the NDPP, the Law Society of South Africa, and others, held a Toy Collection for the Tree Foundation. On World AIDS Day, December 1, 2005, they collected soft toys for children who are infected with or are otherwise affected by HIV/AIDS.

Also in December 2005, the IAWJ-SAC and the Family Law and Gender Equality Committees of the Law Society of South Africa held a program entitled "16 Days of Activism Program," as part of the international campaign sponsored by the Center for Women's Global Leadership, Rutgers University. The Program was held at two locations, Durban High School and Pietermaritzburg High Court.

Tanzania – October 4-5, 2005, the **Tanzania Women Judges Association** conducted a new JEP seminar for 30 resident and district magistrates with the support of the Tanzanian Judiciary. **Hon. Nathalia Kimaro** and **Hon. Beatrice Mutungi** served as trainers for the seminar with assistance from two JEP Task Force Members, **Justice Engera Kileo** and **Hon. Sophia Wambura**, Senior Deputy Registrar of the Court of Appeal. Congratulations to the Tanzania JEP Task Force and Trainers, the TAWJA, and the Tanzania Judiciary on their continued commitment to JEP and on the successful completion of the Mwanza seminar!



World News Report



Hon. Arline Pacht

In February and March 2005, IAWJ Founding President, Hon. Arline Pacht, traveled to Arusha, Tanzania to serve as a senior research fellow to the International War Crimes Tribunal for

Rwanda (ICTR). The ICTR is composed of 16 permanent judges and nine *ad litem* judges, six of whom are members of the IAWJ, including Hon. Rita Arrey (Cameroon), Hon. Solomy Bossa (Uganda), Hon. Takgreed Hikmot (Jordan), Hon. Karin Hokberg (Sweden), Hon. Arlette Ramaroson (Madagascar), and Hon. Kalida Rachid Khan (Pakistan). While at the ICTR, Hon. Pacht examined emerging international criminal case law to determine how to define rape appropriately when committed under widespread and systematic genocidal conditions. Hon. Khan, as President of an ICTR panel, asked Judge Pacht to assist her panel during its consideration of a case in which the defendant was tried for committing and encouraging others to commit numerous rapes and murders of women and girls.

In January 2006 at the International Criminal Tribunal for Rwanda (ICTR), Hon. Mary McGowan Davis (USA), member of the IAWJ's Board of Managerial Trustees, participated in a training program for prosecutors at the international tribunals. Topics discussed included: integrating PowerPoint presentations into arguments before international tribunals and exercises addressing key advocacy skills like oral communication; persuasive presentation of facts; integration of legal authorities into oral argument; how to field questions from the bench; and the importance of a "context before details" format in drafting an appellate brief.

In addition, Hon. Davis and Dr. Kelly Askin from Open Society Justice Initiative met with ICTR officials regarding the proposed transfer of genocide cases from the Tribunal to the Rwandan national courts. The ICTR, under a mandate to complete all trials by the end of 2008 and all appeals by the end of 2010, has been exploring this possibility. These discussions touched on how the transfer would affect the Rwandan judiciary, and explored areas for possible improvement and ways in which OSJI could assist the justice process.



Hon. Leslie M. Alden

Turkey – IAWJ Vice President Hon. Leslie M. Alden (USA) was invited to speak on the subject of "Women in the Legal Profession" at the International Law Congress, held in January 2006 by the Ankara Bar Association, the largest in Turkey. She appeared on a panel with prominent women lawyers and professors from Turkey and spoke about the progress of women, especially in the judicial systems around the world. She also addressed the participants on the subject of court management. Although judges are not permitted to form associations under Turkish law, lawyers in Turkey have taken the lead in presenting educational programs about feminism and the law, justice and human rights, and humanitarian law. This was Judge Alden's second visit to Turkey's Law Congress.

United States – The U.S. National Association of Women Judges (NAWJ) held their 27th Annual Conference on October 19-23, 2005, in Houston, Texas. At the Conference's conclusion, Hon. Vanessa Ruiz, a member of the IAWJ Board of Managerial Trustees, became the NAWJ 2005-2006 president.

The program featured presentations by judges, law professors, sociologists, attorneys, and other experts on topics including judicial independence, religious liberty, media coverage of trials and appeals, and access to justice for immigrants. During the conference, many judges were honored at the traditional "Hail to the Chiefs" Lunch, where tribute is paid to the many Chief Judges and Justices of state and federal courts who attended the Conference.

NAWJ's 2006 Conference will be held in Las Vegas, Nevada, on October 4-8.

On March 6, 2006 the NAWJ hosted a Gala Reception at the National Museum of Women in the Arts in Washington, DC, honoring retired Associate Supreme Court Justice Sandra Day O'Connor with its first-ever Lifetime Achievement Award. More than 500 guests attended from as far as Alaska and California. NAWJ President Judge Vanessa Ruiz and Executive Director Dru Ramey introduced the organization to attendees. Honored guests included U.S. Supreme Court Chief Justice John G. Roberts, Jr. and Justice Ruth Bader Ginsburg, who both shared their thoughts on Justice O'Connor's distinguished career. Judge Brenda Stith Loftin, NAWJ President-Elect presented the first Sandra Day O'Connor Scholarship to the recipient, University of the District of Columbia David A. Clarke School of Law student, Candice Owens.



Hon. Ruth Bader Ginsburg, Hon. Vanessa Ruiz, Hon. John Roberts pay tribute to Hon. Sandra Day O'Connor.

Zambia – In September 2005, the Zambia Association of Women Judges was officially launched by the First Lady of Zambia, Maureen Mwanawasa, at the National Assembly Motel in Lusaka. Lusaka Mayor Mr. Mukendawire, Deputy Chief Justice D. Lewanika, and First Lady Mwanawasa were all in attendance at the launch. In a first for the IAWJ, the women of the Zambia Association of Women Judges designed fabric that incorporated their ZAWJ logo. Each had their own unique outfit made out of the fabric.



Zambia Association members show off their beautiful outfits made with their specially designed ZAWJ cloth.

IAWJ Member Discusses Discrimination and Labor Migration in Italy



Hon. Anna Blackburne-Rigsby with Hon. Fernanda Cervetti in Turin

On March 23, 2006, the Presidency of the Council of Ministers Department of Equal Opportunities, the National Office against Racial Discrimination, and the Association of European Women Magistrates, Attorney and Jurists hosted a conference on *Migratory Work and Discrimination* in Turin, Italy.

The conference's aim was to examine the problems of discrimination against migrant workers. Hon. Anna Blackburne-Rigsby, IAWJ Board of Managerial Trustees member, represented the IAWJ at the meeting. She spoke about her own experience coming to the bench and about the history of the civil rights movement in the United States. Hon. Fernanda Cervetti, IAWJ Vice President, was instrumental in coordinating the conference and also presented a paper.

Special Thanks...

The IAWJ would like to thank our current and past interns for all of their hard work and assistance.



Spring 2006 interns Grace Thommandru (far left) Lillian Horvitz (far right) with H. Thuan Do, Alison DeCamp (newly hired Development & Program Assistant), Joan D. Winship, and Anne T. Goldstein at the "Sisters in Law" screening and panel discussion at the 2006 UN CSW Meeting in New York



H. Thuan Do, Joan D. Winship, Alison DeCamp (intern), Liz Brundige, Rana Chakar (intern), and Anne T. Goldstein at the IAWJ offices in winter 2005

IAWJ 2005 Contributions

The IAWJ would like to thank the generous individuals and organizations who made special financial contributions to the IAWJ for 2005.

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On the Record

This will be my last *CounterBalance* communication written as President of the IAWJ. In May this year a new set of officeholders will take over the reins of this wonderful organization.



It has been a very great privilege to hold this office. I am lucky enough to have been involved with the IAWJ since the idea of forming an international judges' association was first conceived, in Washington, DC, in November 1989. Ideas are easy to form but often difficult to implement. As T.S. Eliot put it, "between the idea and the reality falls the shadow." And without the dedication and energy of Arline Pacht, the IAWJ might well have remained no more than a very good idea. Arline was our founder and our mentor. She put her heart and soul into this association, and it must be a source of great pride for her to see its successes today. More recently, Joan Winship and her team have led the IAWJ into a wide range of activities. The Jurisprudence of Equality Program has been implemented in many countries, and the IAWJ has become a thoroughly professional and efficient organisation. My congratulations go to everyone who has contributed towards making the IAWJ the extremely powerful and robust body that it now is.

My principal energies as President, at least of recent times, have been devoted to the planning and organising of the 8th Biennial IAWJ Conference, to be held in Sydney between 3 and 7 May this year. I am sure you all know the details of the Conference by now. Its overall theme will be "An Independent Judiciary." As with all IAWJ Conferences, delegates will be coming from all over the world. We are very fortunate to have an extremely resourceful and energetic Conference Organising Committee and Program Committee, and the business sessions promise to be varied, fascinating and informative. The social program will give delegates an opportunity to see much of the beauty of Sydney at what is generally an ideal time of year.

I would like to thank Arline, Joan and all the others who have helped me over the last two years. I hope that the incoming officeholders get as much enjoyment and satisfaction as I have done in seeing this organisation continue to grow both in the number and diversity of its members and in the spread and influence of its activities.

Jane



Dear IAWJ Members and Friends,

The months since our last newsletter have been busy ones for the IAWJ. As is evident by the news in this edition of *CounterBalance International*, IAWJ members are providing exciting leadership in their own countries and the IAWJ as an organization is

conducting a wider range of programming around the world. We are delighted to receive news of our individual members who continue to assume higher levels of leadership in their judiciaries. We are enthusiastic to hear about the exchanges of information and opportunities among our various associations and members. The Association is growing stronger every day. We are becoming more widely known and sought after for our expertise in the international community.

It has been a real pleasure to work with Hon. Jane Mathews, current IAWJ President and convener of the upcoming conference in Sydney, Australia. I have worked closely with her, the conference organizers, and her program and academic committees as they have diligently planned for the conference. Her leadership has been truly collaborative and a model for IAWJ presidents in years to come.

I have had the privilege to visit an increasing number of you in the past months. This has included colleagues in Panama, Zambia, South Africa, the Philippines, and new friends in Russia. After each visit, I come away with a profound respect for the commitment to justice and the concern for women judges of our members. Women judges are in a unique position to provide leadership, not only for other women in their judicial systems, but for the women of our communities who seek to have better access to the courts and equal justice as well.

The IAWJ continues to face the same challenges as many non-government organizations, particularly financial challenges. Yet we are also blessed with a small but talented staff, eager and dedicated interns and law students, and committed members of our boards who work hard to make the work and the programs of the IAWJ happen. To each I express my thanks for their ongoing work and their belief in the purpose of this wonderful organization.

Our upcoming conference promises to be a time of wonderful networking, sharing, and intellectual growing. I look forward to seeing many of you there. For those who are unable to come, we will miss you but we will try to share with you the excitement, energy and wisdom that emanates from having more than 300 IAWJ members together in one place.

Joan



LANDMARKS



Kenya: In re Wachokire, Succession Cause No. 192 of 2000, Chief Magistrate's Court at Thika, August 19, 2002.

Jane Watiri petitioned the court to award her one-half of a parcel of land that belonged to her deceased father on which she lived with her four children. Her brother objected, arguing that he had cultivated a larger portion of the land during his father's lifetime than his sister and therefore was entitled to that larger portion.

Senior Principal Magistrate H. A. Omondi found that under Kikuyu customary law, an unmarried woman like Watiri lacked equal inheritance rights because of the expectation that she would get married. Magistrate Omondi held that this customary provision discriminated against women in violation of Section 82(1) of the Kenyan Constitution, which prohibits discrimination on the basis of sex. It also violated Article 18(3) of the Banjul Charter and Article 15(1)-(3) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which provide for legal equality between men and women. Consequently, Magistrate Omondi awarded Watiri and her brother each an equal share of their father's property.

Tanzania: Alli v. Elphas, Civil Appeal No. 21 of 2002, District Court of Mwanga at Mwanga, December 21, 2002.

Appellee Lukio Elphas sought to evict appellants Butuli Alli and Saidi Hassan from their residence on a plot of land that originally belonged to the estate of Alli's first husband. He claimed in part that as a widow, Alli had no right to occupy land belonging to her late husband. The primary court ordered the plaintiffs evicted from their home.

On appeal, Magistrate S.O. Msigiti reversed the lower court's decision, holding that the appellants were entitled to the plot of land and residence in issue. The court held that the eviction rested on the discriminatory premise that women have no right to own property and do not have a full range of choices in marriage. Magistrate Msigiti stated that: "the rights of women in owning property and elimination of discrimination against women is not a Tanzania issue alone. It is an issue touching the whole international community." The court held that the appellants' eviction violated principles of equality between the sexes as to marriage, residence, and marital benefits found in Articles 13(1) and 16(1) of the UDHR, the Law of Marriage Act of 1971, and the Constitution of Tanzania. Magistrate Msigiti further questioned the standing of respondent Elphas to sue for the eviction of the appellants, explaining that he had not shown that he was the administrator of the estate and noting that "it is not proper for every relative to appear in court for a deceased."

Tanzania: Njobeka v. Mkorogoro, P.C. Civil Appeal NA. 6 of 2001, High Court of Tanzania at Dar Es Salaam, July 13, 2001.

Respondent husband issued a *talak** to appellant wife, divorcing her under Islamic law. BAKWATA, the National Muslim Council of Tanzania, confirmed the talak and advised the parties that respondent husband should pay his wife Tsh 500,000 as a parting gift. When the respondent failed to pay, the appellant filed civil matrimonial proceedings in the primary court. The primary court issued a decree of divorce and ordered the respondent to pay Tsh 500,000, on the ground that this had been the agreement between the parties. On appeal, the appellant argued that the primary court's award was inadequate because it failed to take into account both parties' contributions to the marital property.

Judge N. Kimaro held that the primary court erred in adopting the relief recommended by BAKWATA. She noted that BAKWATA is a reconciliation council; once reconciliation fails, its authority ends. Judge Kimaro found that the primary court erred by failing to provide the appellant an effective remedy in accordance with the principle of equal protection of the law guaranteed by Article 13(1) of the Tanzanian Constitution. Moreover, the primary court's decision was contrary to Article 2(a) of CEDAW, which requires state parties to embody the principle of equality before the law in their national Constitutions and ensure the practical realization of that principle. Judge Kimaro noted that the Tanzania Constitution expressly recognizes the UDHR, which is a source of all other international treaties dealing with human rights. She therefore set aside the lower court's order and substituted it with an order that the appellant be awarded one of the two houses the couple had jointly acquired as her share of the matrimonial assets.

*Talak is an Arabic word meaning "to release" or "to divorce." In Islamic law (Sharia) talak means "to untie the matrimonial knot by articulating a word denoting divorce."

Tanzania: Mohamed v. Makamo, Civil Appeal No. 45 of 2001, High Court of Tanzania at Dar Es Salaam, June 8, 2001.

Appellant Guliya Mohamed appealed the decision of the district court awarding the appellant wife 5 percent of the marital property and the husband 95 percent upon their divorce. Judge N. Kimaro found that the respondent had introduced no evidence of his own contribution to the property. She found that "With greatest respect to the trial magistrate the decision is discriminatory and a reflection of stereotyped concepts of the roles of man and woman. The appellant was given 5 percent division because she is a woman and women are taken to be inferior in all respects to men." This decision, Judge Kimaro explained, was contrary to Section 114 of the Law of Marriage Act and Article 13(1) of the Constitution of Tanzania, which guarantees equal protection of the law and which is a reflection of Article 7 of the UDHR and Article 15 of CEDAW. Consequently, Judge Kimaro ruled that appellant wife should be awarded 50 percent of the assets.

These and other cases may be found in the Human Rights Resource section of the IAWJ website at: www.iawj.org.

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