

# CMJA NEWS

The Newsletter of the Commonwealth Magistrates' and Judges' Association

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## EDITORIAL

Welcome to the latest edition of the CMJA News. Articles in this edition include a summary of judicial independence issues around the Commonwealth, the admittance of Rwanda to the Commonwealth and the Training of Trainers course held in Ghana in January 2010.

Commonwealth Day was held on 8 March this year and the messages from the Head of the Commonwealth and the Commonwealth Secretary General are reproduced in this newsletter.

As you are aware the CMJA held its Triennial Conference in the Turks and Caicos Islands last year. Since then the CMJA has been busy collating the papers ready for inclusion in the Conference Report. The conference report will be available in mid April. The paperback is priced at £25 including postage and the CD is £10 including postage. All delegates who attended the conference will receive the report on CD. If you would like to order a copy, please contact the CMJA.

The taskforce to examine the Status of Magistrates around the Commonwealth has been progressing well, under the chairmanship of Judge Leona Theron. We would encourage any judicial body who has not yet responded to the letter sent out in November 2009, to do so as the CMJA continues to compile information on the status of magistrates across the Commonwealth. Please contact the CMJA Secretariat for further information on this project.

A report on progress will be submitted to Council in September 2010.

The CMJA is holding its next conference in Brighton, United Kingdom on the topic of *"Community Justice and Judicial Independence: Local Issues, Commonwealth Standards"*. It will take place 13 – 16 September 2010 at Brighton University. Places are limited to 200 due to space constrictions, so please book early to ensure your place!

On 7 December 2009, the Commonwealth Legal Forum, which includes the CMJA as a member, hosted a lecture to mark the Commonwealth @ 60. Sir Shridath Ramphal, former Commonwealth Secretary General, spoke on "Commonwealth Laws: 60 Years and Beyond". He reminisced about his first contacts with the Commonwealth as a *"fledgling Attorney General in the about to be independent British Guiana"* and spoke about the need for the Caribbean Court of Justice to become the Court of Appeal for cases from the Caribbean countries. He deplored, as he had at the Commonwealth Law Conference in 2005, the slow erosion of the rule of law internationally and stressed the importance that law plays in Commonwealth countries in bringing together member states and their peoples in a body of shared principles and practices.

He called for *"Commonwealth lawyers nationally, regionally and internationally.... [to be] resolute in not ever falling short of that high standard. They must build upon the grand achievements of the past – ambitious for their enlargement in the new era we have entered."*

The CMJA was invited to participate in a meeting organised by UNODC (United Nations Office on Drugs and Crime) to consider the draft Guide to Strengthening Judicial Integrity and Capacity in November 2009. Although

no representative from the CMJA could attend the meeting, the Secretariat presented a written submission to UNODC and Colin Nicholls QC, Hon. Life President of the CLA, who attended the meeting, used the CMJA submission to support some of the discussions on the content of the Guide. The CMJA continues to assist in the process to refine the Guide for future publication.

The Senior Officials of Law Ministries (SOLM) and the Law Ministers in Small Countries (LMSC) meetings will be held in October 2010 in London. The CMJA has been invited to send an observer representative to these meetings. It has also drafted a report on the implementation of the Commonwealth (Latimer House) Principles on behalf of the Latimer House Working Group for these meetings.

An update on the implementation of the Commonwealth (Latimer House) Principles was also provided to the Secretary General of the Commonwealth before the Commonwealth Heads of Government Meeting (CHOGM) in Trinidad and Tobago in November 2009.

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2010 marks the 40th anniversary of the Association. We will be celebrating this with an Anniversary Dinner during our conference in Brighton, in September this year. We hope that the following will remind you of some of our achievements over the past 40 years.

The CMJA, and the former Commonwealth Magistrates' Association (CMA) has played an important and unique role in garnering support for the principle that an independent and impartial judiciary is a pre-requisite to good governance across the Commonwealth.

The work undertaken in the development and continued promotion of the Commonwealth (Latimer House) Guidelines and subsequent Principles and plans of action has enhanced knowledge of the important role the judiciary plays across the Commonwealth in protecting the rule of law and human rights.

We have also been involved in the development of policy in the Commonwealth in relation to the judiciary and our advice and input on issues relating to judicial independence, integrity and constitutional developments has been recognised by the Commonwealth.

The CMJA has continued its work as the Repository of judicial codes/guidelines on ethics and conduct of the Commonwealth. Currently the CMJA has codes / guidelines for over 30 jurisdictions in the Commonwealth. These have been extremely helpful in the development of codes in other jurisdictions.

The CMJA is the only international organisation which brings together judicial officers at all levels from around the Commonwealth.

Since the beginning education has been an important element of our activities.

Our conferences, training seminars and workshops provide a forum for judicial officers to learn from each other and exchange views on issues of mutual concern.

We are grateful to our members for their participation in these events as delegates, speakers and facilitators. We hope to see many more of you at these important exchanges in the future.

We have also assisted with exchanges between our membership through court visits and contacts in other Commonwealth jurisdictions. Don't forget that if you are travelling on holiday to another Commonwealth country, we can facilitate these contacts.

The Commonwealth Judicial Journal was established in 1973 and has proved a valuable educational and informative tool for many judicial officers across the Commonwealth. We also understand that readers enjoy our more "chatty" newsletters which cover judicial and other developments across the Commonwealth.

Our conference reports and the Magistrate in the Commonwealth Training Manual (a guide for newly appointed magistrates which sets out key concepts and principles to enable the judiciary to fulfil its role as one of the Three Branches of Government promoting rule of law and good governance), are seen as valuable to the development of judicial practice across the Commonwealth.

The CMJA established a Gender Section in 1994 and has contributed widely to the promotion of gender and human rights around the Commonwealth including contributing to the development of the Commonwealth policy on Gender issues through the Gender Plans of Action and the development of the Gender and Human Rights Toolkit which is available to purchase.

In 2008, the CMJA launched the Court Administration Section which we hope to see develop over the next few years.

Over the next forty years the CMJA hopes to achieve and create many more positive changes for the judiciary.

Our achievements would not have been possible without the support of our individual members, member associations or subscribers. We also owe a huge amount to those individuals who have donated countless hours to assist in the organisation of conferences, the creation of training programmes and many other activities.

We are deeply grateful to you for this support and encourage you to assist in making the next 40 years as memorable for the CMJA.

If you have your own particular memory or memories of the last 40 years of the Association, we would love to hear from you with any stories or anecdotes. Please feel free to write or email us about these.

## INSTITUTIONAL MEMBERSHIP

It was decided at the 2009 CMJA General Assembly, held on Turks and Caicos, to create a new category of membership in response to demand from judicial organisations to which traditional routes to membership of the CMJA were closed.

Institutional membership is now available to those associations which fulfil the following criteria as set out in article 3.5 of the CMJA's Constitution.

### 3.5 Institutional Members

*The following categories of members may, at the discretion of Council, be admitted as Institutional Members:*

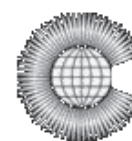
*(a) An association of magistrates and judges drawn from a group of countries that includes a minority of non-Commonwealth members;*

*(b) A regional treaty-based court in which the appointing state members include a minority of non-Commonwealth members;*

*(c) A Commission or similar body which performs judicial functions within a Commonwealth country but includes lay members who do not qualify as Individual Members*

Please contact the CMJA if you would like more information on this category of membership.

## COMMONWEALTH DAY 2010



Message from Her Majesty The Queen, Head of the Commonwealth

*Today's societies are constantly seeking ways to improve their quality of life, and science and*



Sir Sridath Ramphal being presented with the 100th Volume of the Law Reports of the Commonwealth by Professor Jim Read on the occasion of the Commonwealth @ 60 Law Lecture

*technology play a vital part in that search.*

*Experimentation, research and innovation, mean that more opportunities for improving people's lives exist today than ever before. Take long distance communication, where the obstacles of time and geography have been dramatically reduced: people can now use mobile phones to be in instant contact virtually anywhere in the world, be it with a medical centre in the Himalayan mountains in Asia, a Pacific island school, a research facility at the South Pole, or even the international space station, beyond this planet altogether.*

*Advances in modern telecommunications are also having a marked economic effect on people from developing nations in the Commonwealth, helping to transform small to medium-sized businesses. The internet is playing an important part in helping to nurture these fledgling markets but, as yet, it still remains an unaffordable option for too many of our Commonwealth citizens.*

*Progress in the fields of healthcare, manufacturing, and education have, for the most part, helped improve people's lives throughout the world. In the health sector, the Commonwealth has shown how collaborative schemes can successfully assist member states to fight pandemics and diseases.*

*In making these advances the Commonwealth recognises that the best forms of innovation are those that unite, and help build resilient*

*partnerships and better societies as a whole.*

*This is particularly important for the more than half of the Commonwealth citizens who are under 25 years of age. It is vital that their potential to build on the exceptional scientific expertise that exists in member states is also fully supported through education and social development. The Commonwealth understands this, and should continue to aid and encourage our young people to participate in the exciting new opportunities that lie ahead, in the knowledge that progress is something which must be sustained and shared by all.*

Message from Commonwealth Secretary General H.E Kamalesh Sharma

*In the Commonwealth and the world over, our use of science and technology – in the causes of society and development – has been largely for the good.*

*Recent medical advances have allowed us to understand and tackle the world's greatest health challenges, for instance with new pharmaceuticals, genetic analysis, bio-technology, diagnostics and advanced treatments.*

*Technological progress has changed the way that we provide information and education, and conduct business. Other advances have allowed us to improve both the quality and the quantity of the food that we have available. New solar, wind and other technologies allow us to use carbon-neutral energy.*

*It is clear that one of the biggest services that science and technology can render to humanity will be in providing the environmental solutions which the world so actively seeks, and the Commonwealth can play a role in helping developing countries to access that help, especially through partnerships.*

*The consequences of our progress, however, have not always been fully realised at the time that new technologies were introduced. Some have later presented safety and environmental concerns, while others have raised moral and ethical questions.*

*New ideas and inventions sometimes challenge established values and ways. Questions arise about whether a new technology, for instance, takes a step too far in terms of civil liberties, or if it has other social consequences.*

*In finding a way forward, each of us as Commonwealth citizens in democratic societies needs to be informed, to understand, and to exchange opinion about the possibilities of science and technology. The discussion needs to be held as much in universities, laboratories and government offices, as in homes, schools, and in the media. Society will benefit fully where all people, including the vulnerable and those on the margins, are involved in public discussion and its outcomes.*

*In the Commonwealth, we place great emphasis on ensuring that progress embraces all. We build and maintain partnerships and networks, so that people can come together to learn from and share with each other, and profit from this collectively. It is well recognised that science and technology are integral to our future as a global community, and that future possibilities are beyond our present imagining. Science and Technology only fulfil their promise when they serve Society.*

## COMMONWEALTH DAY OBSERVANCE 8 MARCH 2010



In London, Commonwealth Day was celebrated in Westminster Abbey by a multi-faith service in the presence of the

Head of the Commonwealth Her Majesty Queen Elizabeth II.

At the commencement of the service, representatives from each of the Commonwealth nations carried the nations' flags for blessing. The following entertainment, speeches, testimonies, readings, and prayers of the service illustrated the diversity and acceptance of the Commonwealth, as well as the theme of the celebration.

This year's theme, Science, Technology, and Society, was the focus of the messages given by the Queen, the Commonwealth Secretary General, and other speakers. The theme is of ever-increasing importance in modern society and has far-reaching implications in the health, economy, communication, and culture of the Commonwealth nations and the globe.

Within the theme, health care, responsible use of natural resources, climate change, information and communication technology, food and agriculture, energy and renewable resources, and science education were presented for consideration.

Those in attendance at the Observance in Westminster enjoyed a thoughtful service marked by the joviality of the joining of many cultures.

## TRINIDAD AND TOBAGO AFFIRMATION ON COMMONWEALTH VALUES AND PRINCIPLES

The following was agreed upon at the Trinidad and Tobago Commonwealth Heads of Government Meeting (CHOGM) held in November 2009 in Port-of-Spain, Trinidad and Tobago.

1. We, the Heads of Government of the Commonwealth, meeting in Port of Spain in this the 60th anniversary year of the modern Commonwealth, take pride in our collective achievements over the past six decades and, as we look to the future, reaffirm our strong and abiding commitment to the Commonwealth's fundamental values and principles.

2. We reaffirm that the special strength of the Commonwealth lies in the diversity of its membership, bound together not only by shared history and tradition but also by an ethos of

respect for all states and peoples, of shared values and principles, and of concern for the vulnerable.

3. We reaffirm our belief in the Commonwealth as a voluntary association of sovereign independent states whose pursuit of common principles continues to influence international society to the benefit of all. We are resolved to make the Commonwealth an even stronger and more effective international organisation as we look ahead to the rest of the 21st century.

4. We recall earlier statements through which the Commonwealth's values and principles have been defined and strengthened over the years, including the Singapore Declaration, the Harare Declaration, the Millbrook Action Programme, the Latimer House Principles and the Aberdeen Principles.

### Our Values and Principles

5. We solemnly reiterate our commitment to the Commonwealth's core values: International peace and security: believing firmly that international peace and security, economic growth and development and the rule of law are essential to the progress and prosperity of all; and expressing our commitment to an effective multilateral system based on inclusiveness, equity and international law as the best foundation for achieving consensus and progress on major global challenges;

**Democracy:** reaffirming our belief in the inalienable right of the individual to participate by means of free and democratic political processes in shaping the society in which they live; underlining that not only governments but all political parties and civil society also have responsibilities in upholding and promoting democratic culture and practices as well as accountability to the public in this regard; and recognising that parliaments and representative local government and other forms of local governance, are essential elements in the exercise of democratic governance;

**Human rights:** reaffirming our commitment to the Universal Declaration of Human Rights and human rights covenants and instruments; and recalling our belief that equality and respect for protection and promotion of civil, political,

economic, social and cultural rights for all without discrimination on any grounds, including the right to development, are foundations of peaceful, just and stable societies, and that these rights are universal, indivisible, interdependent and interrelated and cannot be implemented selectively;

**Tolerance, respect and understanding:** recognising that tolerance respect and understanding strengthen democracy and development; recognising also that respect for the dignity of all human beings is critical to promoting peace and prosperity;

**Separation of powers:** recognising the importance of maintaining the integrity of the roles of the Executive, Legislature and Judiciary;

**Rule of law:** reiterating that each country's Legislature, Executive and Judiciary are the guarantors of the rule of law and emphasising that access to justice and an independent judiciary are fundamental to the rule of law, enhanced by effective, transparent, ethical and accountable governance;

**Freedom of expression:** emphasising that peaceful, open dialogue and the free flow of information, including through a free, vibrant and professional media, enhance democratic traditions and strengthen democratic processes;

**Development:** stressing the importance of economic and social transformation to, inter alia, eliminate poverty and meet the basic needs of the vast majority of the people of the world; seeking the removal of wide disparities and unequal living standards, guided by the Millennium Development Goals; reiterating that economic and social progress enhances the sustainability of democracy;

**Gender equality:** reaffirming gender equality and empowerment as an essential component of human development and basic human rights, and acknowledging the advancement of women's rights as a critical precondition for effective and sustainable development;

**Access to health and education:** reaffirming our commitment to health and education for all citizens, both as human rights and as instruments for poverty alleviation and sustainable development; and

**Good governance:** reiterating our commitment to promote the rule of law, ensure transparency and accountability and root out, both at national and international levels, systemic and systematic corruption.

**Civil society:** acknowledging the important role that civil society plays in our communities and nations as partners in promoting and supporting Commonwealth values and the interests of the people.

6. We reiterate our commitment to the core principles of consensus and common action, mutual respect, inclusiveness, transparency, accountability, legitimacy, and responsiveness.

### **Working Together to Strengthen our Values and Principles: Looking to the Future**

7. We reaffirm our full support for the Good Offices role of the Secretary-General in supporting adherence to Commonwealth principles; in conflict prevention and resolution; and as an instrument to protect and promote the Commonwealth's fundamental values.

8. We recognise the vital role of the Commonwealth Ministerial Action

Group (CMAG) as the custodian of the Commonwealth's fundamental political values. We call on CMAG to explore ways in which it could more effectively deal with the full range of serious or persistent violations of such values by member states and to pronounce upon them as appropriate.

9. We also express our continuing support for the Commonwealth Secretariat's work on strengthening democratic institutions, processes and culture. In this context, we welcome the Secretariat's collaboration with the Commonwealth Parliamentary Association (CPA), the Commonwealth Local Government Forum (CLGF) and other relevant organisations to promote best practice and democratic culture.

10. We underscore the importance of coherence in order to protect the Commonwealth's image and credibility. We urge all Commonwealth organisations to subscribe and adhere to Commonwealth values and principles in every possible way, including by acting in conformity with the letter and spirit of the decisions of CMAG.

11. Acknowledging the key role of elections in furthering and entrenching democratic processes and accountability, and affirming our commitment to the Commonwealth Secretariat's work in strengthening democratic institutions, processes and culture through election observation, we endorse the proposed Commonwealth Network of National Election Management Bodies, which would facilitate experience sharing and serve to create support mechanisms, promote good practices and facilitate opportunities for peer support across the Commonwealth, thus enhancing member countries' capacity to hold credible elections which enjoy the confidence of the people. Through this Network, we envisage the Commonwealth advancing the norm of the highest electoral standards.

12. We welcome forward-looking, contemporary and innovative initiatives that generate and strengthen creative networking and partnerships within the Commonwealth community and that underpin adherence to the Commonwealth's fundamental values and principles, mindful especially of the theme of the 2009 CHOGM, Partnering for a More Equitable and Sustainable Future. In that regard, we endorse the proposed Commonwealth Partnership Platform Portal, and encourage support for it.

13. We note the need to strengthen Commonwealth processes, institutional frameworks and capacities for delivering collective action and global public goods as highlighted by the Report of the High Level Group in 2001/02 and the 'Commonwealth Conversation'. We call for the creation of an Eminent Persons Group to undertake an examination of options for reform in order to bring the Commonwealth's many institutions into a stronger and more effective framework of cooperation and partnership. We are committed to securing a greater level of coordination and collaboration between all Commonwealth contributors and stakeholders, particularly including governments, civil society, business, the diversity of Commonwealth professional and other associations that bring together our citizens, academia and others.

14. We call for the Commonwealth Secretary-General to consolidate and further strengthen ongoing efforts to

improve the Secretariat's governance, its responsiveness to changing priorities and needs, and its ability to enhance the public profile of the organisation. We commit ourselves to supporting the Secretariat in this endeavour. We also underline the importance we attach to intensifying the Secretariat's commitment to strategic partnerships with other international organisations and partners in order to promote the Commonwealth's values and principles.

15. We call for the Eminent Persons Group to examine, inter alia, the format, frequency, and content of Ministerial meetings in order to ensure that these continue to support the Commonwealth's values and principles, and provide the greatest possible addition of value and cost-effectiveness. We affirm that such meetings should also continue to have mandates that are focused; time-bound; affordable; of the highest possible relevance at the national level and in international exchanges; and are delivered.

16. By these and other practical measures, we believe that the Commonwealth will build a stronger and more resilient and progressive family of nations founded on enduring values and principles. By such measures, we also believe that the Commonwealth will remain relevant to its times and people in future.

Port of Spain  
Republic of Trinidad and Tobago  
29 November

## **ADMITTANCE TO THE COMMONWEALTH OF RWANDA**



Rwanda was warmly welcomed into the Commonwealth as its 54th member state at the Commonwealth Heads of Government

Meeting in Trinidad and Tobago, in November 2009. Rwanda raised its flag at Marlborough House, the home of the Commonwealth Secretariat on 8 March 2010.

Joining Mozambique, Rwanda is only the second nation to have not been

formerly a British Colony prior to admittance. Shortly after the nation expressed its interest in membership in 2008, The Commonwealth Human Rights Initiative expressed concern over the country's human rights record, the lack of political freedom for individuals, and the treatment of journalists.

However, the nation's bid was supported by countries including the United Kingdom, Canada, Australia, India, Uganda, Kenya, South Africa, and Trinidad and Tobago, and the country is esteemed for the progress made over the last 15 years. Exemplifying this progress, the nation was accepted based on four grounds, including: democracy, protection of human rights, freedom of expression, and equal opportunity.

Supported by its own government and the governments of other Commonwealth member countries, Rwanda looks to its new membership as a platform for continued progress and the continued rebuilding and redefining of a nation with a troubled past. Celebrated by a ceremonial flag-raising at Commonwealth Day in London on 8 March 2010, Rwanda was welcomed warmly by Commonwealth Secretary-General Kamallesh Sharma.

Rwanda is a landlocked country, bordered by Uganda, Tanzania, Burundi and Democratic Republic of Congo. It has both equatorial rainforest and savannah. The population of Rwanda is 9,721,000 and this is made up of three ethnic groups: Hutu, Tutsi and Twa. The languages spoken in Rwanda are English, French, Kinyarwanda and Kishwahili.

Although most regale the new membership with optimism and progressive thought, Rwanda's traumatic past is not easily forgotten. Left with longstanding effects, the nation's judicial system continues its difficult reconstruction. Prior to 1994, the judiciary was based on Belgian and German customary law. The courts ceased to function in April of 1994 and the consequent reinstatement has prompted many questions of the independence and impartiality of the new court system.

In April 2004, former Rwandan President Pasteur Bizimungu was placed on trial for threatening the

security of the nation and inciting ethnic divisions, after being detained for attempting to form a new political party, the Democratic Renewal Party. Due to Bizimungu's former executive status, the trial was seen as a test of the judiciary's independence. He was sentenced to 15 years in prison, but was pardoned in 2006 by President Kagame. The judiciary remains under scrutiny and works to achieve the pinnacle of strength and independence.

Another point of controversy has been Rwanda's relationship with France. Relations deteriorated after a French Judge implicated Rwandan President Paul Kagame in the involvement of the killing of the former Rwandan President during the genocide. Conversely, Kagame had accused France of supporting the violence of the genocide. Despite its past connections with Francophone countries, Rwanda joined the Commonwealth, a decision many cited as the end of Rwanda-French relations. However, alongside the admittance into the Commonwealth, Rwanda has agreed to restore ties with France and anticipates a future of diplomacy, reconstruction, and freedom.

## JUDICIAL INDEPENDENCE

### FIJI

Following the January 2010 sacking of three magistrates without explanation, the status of judicial independence in Fiji is still a cause of great concern to the CMJA. The judiciary had been reconstructed in April 2009, following abrogation of the constitution by President Ratu Josefa Iloilo, and the lack of constitutional support leaves the magistrates little ground on which to object to the terminations. The head of Fiji's Information Ministry, interim attorney general Aiyaz Sayed-Khaiyum refused to give reason for the dismissals, stating it to be the business of the executive. Although refusing details, the Permanent Secretary for Information, Lieutenant Colonel Neumi Leweni stated that the ultimate reason was the president's dissatisfaction with the performance of the magistrates.

Recently, Fiji has jailed eight men for their involvement in a 2007 plot to kill the country's military leader,

Commodore Frank Bainimarama. Critics have questioned the independence and impartiality of the judiciary in the trial.

Also under fire is the ruler's suppression of freedom of speech, suspension of the constitution, and detention of opponents.

The government continues to tighten the control and respond harshly to criticism, despite disapproval of the international community.

### PAKISTAN

Some questions have recently been raised in relation to the constitutionality of judicial appointments in Pakistan

The Chief Justice has claimed that the constitutional process had not been followed by the President in relation to the recent appointment of

Justice Saquib Nasir as acting Chief Justice of Lahore High Court, it has been unclear whether the Chief Justice was consulted in alignment with the constitutional provisions for judicial independence. The president's spokesperson states that the consultation occurred, but the honourable Chief Justice denies the affair.

Other appointments have been withdrawn by the government following opposition by the Supreme Court.

This decision is thought to have averted potential political upheaval over the abuse of judicial independence.

In the High Courts, positions remain unfilled due to the executive desire to provide for an alternate procedure of appointment, which the Opposition considers controversial and in the government's interest. Recent reports have revealed that 40 judges are likely to be appointed on immediate basis, among the 72 vacant posts of judges in higher judiciary.

### SOUTH AFRICA

In South Africa, the judiciary has fallen under intense scrutiny and discussion again. One of the most recent and media-covered issues pushed to the forefront of the

controversy is the appointment of Mokotedi Mpshe, former acting head of the NPA, as acting judge in the North West High Court. The appointment, made by Justice Minister Jeff Radebe, has caused objections to be raised by interest groups such as the General Council of the Bar, the Law Society of South Africa, and the Freedom under Law.

This appointment causes concern for the respect for judicial independence and calls into question the separation of powers.

## INTERNATIONAL LAW BOOK FACILITY



The International Law Book Facility ('ILBF') is a UK-based registered charity that aims to improve access to legal information and justice across

the world. In order to do this we identify, collect and send second hand legal texts to organisations in common law jurisdictions, working closely with pro bono groups, universities and organisations from the UK, Asia, Africa and the Caribbean. The partner organisations who receive our books are typically from those countries which, without the help of the ILBF, could not afford these necessary resources. Recent shipments of books have been sent to organisations in Uganda, Bangladesh, Sudan, Nigeria, Zimbabwe and Rwanda.

One of the most rewarding parts of the charity's work is receiving feedback from partner organisations who have received books. Recent feedback from Dr Sumaiya Kahir, Chairman of Law department, Dhaka University, stated: *"Books from your organization will be a big help for our recipients and their students will be very much benefited. I would like to thank you and ILBF for your generous support for my country."* Similarly, the Ndola-Paralegal Programme in Zambia expressed their gratitude for—*"the enormous contribution towards this noble service of providing free legal aid/advice to the vulnerable in society"*.

In 2010, as we celebrate our fifth anniversary, we are looking forward to further growth. Shipments to

Bangladesh, Cambodia, Zimbabwe and Malawi are already planned and demand for ILBF books continues to grow. Our objectives include obtaining French legal texts to send to recipients in countries with a French civil law background and increasing our stock of donated general legal textbooks.

To date, the administration of the ILBF has been conducted solely by volunteers from UK publishers, law firms, universities and barristers' chambers. For more information on the ILBF and how you and your organisation can help, or to download an application form, please visit [www.ilbf.org.uk](http://www.ilbf.org.uk)

## NINETY YEARS ON

*This article was originally published in the February 2010 Magistrate, Volume 66 Number 1, and is reproduced here with the kind permission of the author, Anne Logan.*

It has been over ninety years since the first woman sat on a magistrate's bench in England and Wales and took her oath as a justice of the peace. The 1919 Sex Disqualification (Removal) Act had the most immediate and thorough impact in the magistracy, with over 150 women JPs being appointed within a year of its Royal Assent.

Since 1919, women magistrates have received a somewhat mixed reception. Some jurisdictions reportedly refused to allow the appointment of women while others were keen to place on record their approval of the addition of women. Much of the controversy surrounding women magistrates in the early years seems to have centred on their clothing. Gloves and hats were the most sensitive matters and, in the 1970s, it was written 'there is [still] divided opinion on whether a woman magistrate should wear a hat in court'.

As the decades passed, the contribution of women to the administration of summary justice became less remarked upon and their presence was seen as almost natural, especially in juvenile courts. By 1948, over one-fifth of all active JPs in England and Wales were women, a success that had not been achieved without a good deal of agitation on the part of women's organisations.

In the post-war era, comment on women magistrates was often favourable. Women JPs were often

commended for their hard work and good attendance records. However, they were also criticized for a tendency of over-severity and accused of being 'middle-class housewives' with 'nothing else to do'. The first official survey of JPs in 1948 revealed women magistrates were on the whole more middle-class and younger than their male counterparts. In research on the 1920-50 period, I found no simple correlation between gender and attitudes to sentencing.

I have provisionally concluded that the introduction of women JPs did not bring about a decisive change in courts' attitudes toward sentencing. However, the introduction of women to the magistracy hastened the modernisation of the institution because it led directly to the beginning of magistrate training and opened the opportunities for information exchange.

Many of the first women magistrates had been supporters of women's suffrage and had ready-made networks of women's organisations to which they belonged. These organisations set up training events and conferences, offered advice and education to women JPs, and were important in helping to spread word about 'modern' methods, such as probation, among their members.

The introduction of women justices therefore hastened the modernisation of the magistracy and facilitated changes in the administration of summary justice in the twentieth century. By the 1970s, about half of all JPs were women, a proportion that was far in excess of the still poor representation of women in the legal profession. The introduction of women JPs can therefore be claimed both as an early success for gender equality and as a development that revitalised the administration of justice in Britain.

## TRAINING OF TRAINERS

From 27-31 January 2010, the CMJA, together with the Judicial Training Institute of Ghana ran a Training of Trainers Course in Accra. Ghanaian judges and magistrates attended the training course and two Sierra Leonean judges, sponsored by the Commonwealth Secretariat's Legal and Constitutional Division (LCAD), also participated in the course.

The CMJA is extremely grateful to the Chief Justice of Ghana, Her Hon. Justice Georgina Wood, the Director, Justice Akambe, and Deputy Director, Mr Emmanuel Lodoh, and the staff of the Ghana Training Institute for all their support in organising the programme. They are also grateful to the Commonwealth Foundation who provided the funding for this course. The programme was devised by the CMJA's Director of Programmes, District Judge Shamim Qureshi, who was a facilitator for the course together with Justice Paul Evande Mwambo, Regional Vice President of the CMJA from the Cameroon, and Mr Mark Guthrie of the Justice Section of LCAD.

The aim of the course was to enable a core group of judicial officers from Ghana and Sierra Leone to establish and run training programmes on Latimer House issues, in particular judicial ethics, court administration, human rights, juveniles and victims. The course was run over two and half days and included topics such as judicial conduct in court, disclosure and recusal, extra-judicial activities, judicial corruption, case management.

It also included the challenges of administering justice for vulnerable people, both as witnesses and accused and the Ghana/Sierra Leone experience of judicial activism in promoting and protecting human rights in courts. The participants in the course felt that their interaction with judicial officers from different levels of courts enhanced their understanding of judicial practice and the exchange of experiences with judicial officers from other jurisdictions was extremely valuable.

The CMJA is cooperating with LCAD on a Training Course for judicial and legal officers in Swaziland which is due to be held from 18-20 March 2010. The focus of the course will be on how to deal with vulnerable witnesses, in particular children. Magistrate Delia Turner of South Africa, who has organised training on these issues in South Africa, has been instrumental, with District Judge Shamim Qureshi and Mark Guthrie of LCAD in the formulation of the programme for this two day course and will also be one of the facilitators.

## NEW MEMBERS

The CMJA is very pleased to welcome the following new members:

Senior Magistrate Cherril Anne Blake  
TRINIDAD & TOBAGO  
Mr Francis Chamberlain  
ENGLAND & WALES  
Mr Tim Daber  
ENGLAND & WALES  
Mr Michael Hocken JP  
ENGLAND & WALES  
Mr Justice Bernard McCloskey  
NORTHERN IRELAND  
Judge Phillip Musonda  
ZAMBIA  
Ms Karen L. Noel  
GRENADA  
Mrs Salamatu Doma Osagege  
NIGERIA  
Her Honour Judge Karen Prescott  
GIBRALTAR  
Mr Jonathan D. Robinson  
ENGLAND & WALES  
The Rt. Hon Lord Clarke of Stone-cum-Ebony  
ENGLAND & WALES  
The Honourable Sir William Young KNZM  
NEW ZEALAND

## CALENDAR OF EVENTS

### CLA Regional Law Conference 8 – 11 April 2010

The 21st century Lawyer: Present Challenges and Future Skills  
Abuja, Nigeria

<http://www.commonwealthlaw2010.org>

### Association of Australian Magistrates 17th Biennial Conference 11 – 14 June 2010

*"Judging at the Coalface and Cutting Edge"*

Darwin, Australia

For more information Contact: *John Lowndes* [John.Lowndes@nt.gov.au](mailto:John.Lowndes@nt.gov.au)

### CTO Cybersecurity Conference 16 – 18 June 2010

*Cybersecurity Conference: Common Responses to a Global Challenge*  
London, United Kingdom

<http://www.events.cto.int/CyberSecurity2010>

### CMJA Regional Conference 13 – 16 September 2010

*"Community Justice and Judicial Independence: Local Issues, Commonwealth Standards"*

Brighton, United Kingdom  
[www.cmja.org](http://www.cmja.org)

### Human Rights Today 30 August – 3 September 2010

*"Human Rights Today Symposium"*

Washington DC, U.S.A

[enquiries@humanrightssymposium.eu](mailto:enquiries@humanrightssymposium.eu)

This newsletter is kindly produced with the assistance of the Commonwealth Foundation.



**University of Brighton**

## 2010 CMJA CONFERENCE

*"Community Justice and Judicial Independence:  
Local Issues, Commonwealth Standards"*

Brighton University  
13 – 16 September 2010

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