

# 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. The CMJA would like to wish all of its members a very happy Commonwealth Day for the 14 March 2011. The theme this year is 'Women as Agents of Change'. This is fitting as 8 March 2011 marks the centenary of International Women's Day and we are taking this opportunity to remind members of developments in women's rights in the last century across the Commonwealth. The CMJA also wishes all of its members a very Happy Women's Day.

The CMJA continues to monitor judicial independence matters throughout the Commonwealth. We have included some of the reports on challenges to judicial independence in Tonga, Gambia, Kenya and Pakistan. The CMJA was saddened to learn of the abduction of judges in Nigeria and in the Baluchistan region of Pakistan and is keeping a watching brief on such security issues. During the fourth meeting of the Pacific Islands Forum Ministerial Contact Group on Fiji held in Vanuatu in February 2011, the Contact Group were invited to send a mission to Fiji. Fiji has now postponed its commitment to return to parliamentary democracy to 2014.

Following the meeting of Senior Officials of Commonwealth Law Ministries, held in London in October 2010, the Latimer House Working Group, of which the CMJA is a member, was invited to present a paper on the Implementation of the Commonwealth (Latimer House) Principles and the Edinburgh Plan of Action at the meeting of the Commonwealth Secretariat's Rule of Law Expert Group meeting in Ottawa. Mr Colin Nicholls QC represented the

Latimer House Working Group at the meeting which was also attended by Justice Michael Kirby, member of the Eminent Persons Group and Justice Desiree Bernard of the Caribbean Court of Justice as well as senior officials of law ministries around the Commonwealth.

The CMJA and CLA are cooperating on a joint project on judicial appointments (and judicial appointments commissions) with a view to providing a draft a model constitutional clause outlining pre-requisites for the composition of an independent Judicial Appointments Commission or mechanism and appropriate procedures which can be used in legislation to implement the clause and ensure continuing compliance with the statutory scheme. Currently we are looking at good and bad practice in the Commonwealth. If you wish to contribute information on practices around the Commonwealth, please contact the Secretary General at the address on the back page.

In this edition, Dr Karen Brewer reports on her attendance at the Commonwealth Law Conference in Hyderabad, India where she represented the CMJA and delivered a speech on Widows Rights. Karen and Jocelyn also attended the launch of the Commonwealth Human Rights Report in December 2010 which focused on the rights of disabled people.

As ever the CMJA has been lucky to have two interns since October from the Centre for Programmes Abroad (CAPA). In particular they have helped with the status of magistrates' project, the updating of the gender and human rights toolkit and other projects which would not be possible to undertake without their assistance.

The CMJA encourages Member Associations to send in their codes of ethics so as the repository is complete and up to date.

**WOMEN  
AGENTS OF  
CHANGE** !

## A MESSAGE FROM HER MAJESTY THE QUEEN, HEAD OF THE COMMONWEALTH

*Last week, on the 8th of March, we marked the hundredth anniversary of the first International Women's Day. The idea of having a women's day was first proposed against the backdrop of the rapid industrialisation of the early twentieth century. From small beginnings, this idea has grown to become a widely recognised way of celebrating women around the world.*

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*While some people use this day to acknowledge the love, admiration and respect for women, others use it to remember the great social and political strides made both by and for women in the last hundred years. There is no right or wrong approach.*

*In the Commonwealth, every year, 26 million girls are born; and this equates to one new baby girl arriving almost every second of every day. In the time it takes to hold the Commonwealth Observance Service at Westminster Abbey, nearly four thousand girls will have been born in Commonwealth lands. And every one of these births marks the start of a new life, a journey which begins with the hopes of parents, families and communities, and which is continued through the aspirations of those girls themselves.*

*This year, the Commonwealth celebrates the important role that women already play in every walk of life and in every Commonwealth country – from the richest to the poorest areas, across continents and oceans, from villages to places of international debate, in every culture and faith – recognising that women are ‘agents of change’ in so many ways: as mothers and sisters, teachers and doctors, artists and craftspeople, smallholders and entrepreneurs, and as leaders of our societies, unleashing the potential of those around them.*

*And also this year, the Commonwealth reflects on what more could be achieved if women were able to play an even larger role. For example, I am encouraged that last year the Commonwealth launched a global effort to train and support half a million more midwives worldwide.*

*In all this work the commendable goal is to create a greater opportunity for women as children and adults to pursue their hopes and dreams, to attain their goals, and to make best use of their talents and knowledge.*

*This year, and on Commonwealth Day especially, as governments continue to search for new ways to tackle these important challenges, let us all give a thought to the practical ways in which we, as individuals or as groups, can provide support to girls and women – so that everyone can have a chance of a fuller and more rewarding life, wherever they happen to be born.*

**Elizabeth R**  
**14 March 2011**

## JUDICIAL INDEPENDENCE ISSUES

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### TONGA

The aftermath of the Princess Ashika passenger ferry disaster where 74 people were drowned, continues to have a bearing on the Tongan judiciary and beyond. After giving evidence to the Royal Commission established to investigate the sinking of the Ferry, Lord Ramsay Dalgety QC was arrested, and in April 2010 he was indicted for perjury and placed under house arrest. Lord Dalgety, originally from Scotland, was made a Law Lord in Tonga in 2008 and was also the Secretary of the Shipping Company of Polynesia which purchased and ran the Princess Ashika ferry. On the 1 November 2010 the trial of Lord Dalgety collapsed when Justice Robert Shuster, quashed charges on the grounds that the indictment against Lord Dalgety was not signed and dated by the prosecutor. The Solicitor General, ‘Aminiasi Kefu, argued that to quash the unsigned indictment was a breach of process, and that at the time of Lord Dalgety’s arrest there was no rule in Tonga that indictments should be signed. ‘Aminiasi Kefu maintained that the practice direction issued by the Chief Justice 12 days before the trial, should not be retrospectively applied. However, Justice Shuster ruled that if the Crown wished to proceed, a fresh indictment needed to be issued and duly signed by the prosecutor. The Solicitor General indicated the Crown’s intention to appeal. In the meantime, Lord Dalgety was appointed Lord Chancellor, following the first democratically held parliamentary elections held on 25 November 2010.

During these elections, for the first time in Tonga’s history, 17 members (the majority of the 26 member Legislative Assembly) were democratically elected. The additional 9 members were elected by hereditary state members. The turnout was 89%, 146 candidates contested in the 17 constituencies spanning Tonga’s 176 islands. The Democratic Party won 12 of the 17 seats and the other 5 were won by independent candidates. Despite suggestions that the new Legislative Assembly would be led by a commoner, Lord Tu’ivankano was appointed Prime Minister by the King

on the recommendation of the Legislative Assembly on the 21 December 2010. The Legislative Assembly met for the first and only time to date on the 14 January 2011 to pass two bills: the Bill for an Act to Amend the Constitution and the Bill to Amend the Act on Authority over Higher Salaries.

The constitutional amendment bill was passed 20-0 and allows for changes to 28 clauses of the Tongan Constitution. The Bill allowed for the King to appoint an interim Attorney General and Lord Chancellor, who would then in turn sit on a panel to select applications for these two posts from which the King will select their replacements. The Minister of Justice is currently acting as Attorney General whilst Lord Dalgety was appointed as Lord Chancellor.

Section 8 of the Constitutional Amendment Act allows for the King to appoint an Attorney General. The amendment also gives the King powers to set the terms of the appointment and to dismiss the Attorney General. Section 12 gives the King the power to appoint the Privy Council which will act as his advisors. The Council will also act as an appellate chamber for hereditary estates and titles cases brought before the Land Court. The amendment also states that the Privy Council shall “regulate its own procedures”.

Section 25 of the Constitutional Amendment Act gives the King the power to dissolve the Legislative Assembly at will, and gives the King the power in the Privy Council to set the terms of appointment and to dismiss Judges in the Court of Appeal and the Supreme Court. An official opening is set for May 2011. The King returned to Tonga on the 8 February 2011 and his signature on both bills is awaited. Once they are gazetted they will pass into Tongan Law.

After 4 years, 2 months, and 15 days – on the 4 February 2011 the Prime Minister Lord Tu’ivakano’s announced that the Cabinet had officially lifted the State of Emergency regulations imposed by the former government after the riots of November 2006.

On the 7 February 2011 the manslaughter trial for the civilians killed in the sinking of the Princess Ashika ferry restarted. Four men and the

Shipping Corporation of Polynesia, which operated the ferry are each facing six charges.

## **PAKISTAN**

On the 3 November 2007 under the military rule of President Musharraf and in the wake of the sacking of the Chief Justice and proclamation of emergency measures, Pakistani judges were urged to sign Provisional Constitution Order (PCO) No 1 of 2007 which granted immunity to the President, the Prime Minister and all designated authorities.

By signing the PCO, members of the Pakistani judiciary agreed to the overriding authority of the President with regards the creation, amendment and repeal of laws.

Shortly after the PCO was released on the 3 November 2007, a seven judge panel issued a restraining order preventing judges from taking oath under the PCO. However, many Pakistani judges did take the oath. Those who didn't were dismissed from office.

On the 15 February 2008, the newly formed Supreme Court delivered a judgment in support of the 2007 PCO noting internal security concerns as the justification for the extra constitutional steps. The Supreme Court further barred the sacked judges from seeking recourse:

*“the learned Chief Justices and Judges of the superior courts, (Supreme Court of Pakistan, Federal Shariat Court and the High Courts), who have not been given, and who have not made, oath under the Oath of Office (Judges) Order, 2007 have ceased to hold their respective offices on the 3rd of November 2007. Their cases cannot be re-opened being hit by the doctrine of past and closed transaction.”*

Following the democratic elections in February 2008 and the restitution of the sacked judges to their former positions, the newly restored Pakistani Supreme Court ruled in July 2008 that those judges who had taken an oath under the PCO of November 2007 should be barred from practicing as

the basis of the binding oath to the military dictator was unconstitutional. On the 3 August 2009, Prime Minister Zadari signed an order preventing 76 judges from continuing to practice.

On the 2 February 2011 the Supreme Court ruled that nine PCO judges should face prosecution for being in contempt of court when they disobeyed the restraining order issued on the 3 November 2007. The contempt of court proceedings have been ongoing since May 2010. The Supreme Court have now indicted nine of the eleven judges originally on the list. Two judges will not face prosecution after they issued unconditional apologies. The court rejected a plea to prosecute officials and government officers. Two judges have launched an appeal against the decision of the Supreme Court.

In a separate development, the Anti-Terrorism Court in Rawalpindi issued an arrest warrant for Pervez Musharraf on the 2 February 2011, charging the former president with the murder of



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Benazir Bhutto. Anti-Terrorism Courts (ATCs) which hold closed sessions only, were initially established by the 1997 Anti-Terrorism Act signed by Nawaz Sharif though amended in 1998 and in 2002 when President Musharraf came to power. The definition of 'terrorism' (Article 4) remains in force, and consequently the *jurisdiction ratione materiae* of the Anti-Terrorism Court is very broad encapsulating anyone who can be seen to "*adversely affect harmony among different sections of the people.*" The latest amendment to the Act in 2010 allows for the use of confessional statements taken by military personnel to be used as evidence and to allow suspects to be held for up to 90 days without charge.

### **KENYA**

Following the Referendum on the new Constitution which was held in August 2010, controversy arose in January 2011 over the proposed nominees for the post of Chief Justice with the President and Prime Minister being at odds over the process to appoint the new Chief Justice. The Judicial Service Commission called on both to put the needs of Kenya first and on 22 February 2011 it was reported that the President withdrew the nominations he made for the posts of Chief Justice, Law Officers of the State and the Controller of Budget. The responsibility for the appointment of the Chief Justice is now in the hands of the Judicial Service Commission who will publicize the post and draw up the shortlist of candidates. The Public Service Commission will be responsible for the appointment of the Director of Public Prosecutions and Controller of Budget. The President and Prime Minister will consult on the position of the Attorney General. The High Court ruled that the process used by the President had been unconstitutional. The positions of Chief Justice and Deputy Chief Justice were advertised on 4 March 2011 and opened up to Commonwealth judges to apply.

Controversy has also surrounded the proposed trials of those who initiated the violent clashes which erupted after the elections in 2007. The President has asked the ICC to suspend the international warrants of the six suspected masterminds behind the clashes until the judiciary of Kenya has



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been reformed. This is backed by the AU. However at its meeting on 26 February 2011, the UN Security Council failed to discuss the issue which means that the ICC can in theory proceed with the warrants.

### **GAMBIA**

In the Gambia three former High Court Judges and two Judicial Officers have been removed from office and charged with theft and 'stealing by clerk or servant'. Although the charges were firstly heard in 2009, as a result of many adjournments the case continues. Similarly in 30 December 2010 former judge Moses Richards who was removed from office on the 27 April 2010 and is now in private practice, was arrested, denied bail and charged with giving false information about President Jammeh to one of his clients.

The Gambian Constitution protects judges from prosecution in article 123, which states that:

*"a judge or other person exercising power shall not be liable to any action or suit for any act or omission by him or her in good faith in the exercise of his or her judicial function."*

The Constitution only allows for the pre-retirement end to the tenure of

judges where there is an "*inability to perform the functions of his or her judicial office, whether arising from infirmity of body or mind, or for misconduct*" (Art 141(4)).

In instances where misconduct by a judge is suspected, the 2007 Constitution states that a special investigation must be brought, a panel appointed and a 2/3 majority vote in the Assembly be taken in favour of removal, before the tenure of any judge can be ended on the grounds of misconduct.

The Gambia Bar Association staged a walk out from courts between the 2 – 14 January 2011 as an expression of their dissatisfaction with what they described as the 'unreasonable and unjustified' arrest, detention and trial of Moses Richards. The Bar Association also called the strike in an effort to promote the rule of law and the improvement of the court system. On the 4 January 2011 the Gambia Bar Association called for the resignation of the Chief Justice and of Nigerian judges practicing in the Gambia, whom it alleges swore an oath of allegiance to President Jammeh rather than to the constitution.

## COMMONWEALTH LAW CONFERENCE, HYDERABAD



Dr Karen Brewer represented the CMJA at the Commonwealth Law Conference (CLC) held in Hyderabad, India from 5-9 February 2011. The theme of the Conference this year was: **“Emerging Economies and the Rule of Law: Challenges and Opportunities”**. The Conference attracted over 700 lawyers and judicial officers from around the Commonwealth. The Conference was opened by the Prime Minister of India, Dr Manmohan Singh, a great supporter of the Commonwealth. As readers will recall Dr Singh headed the Commonwealth Expert Group on Development and Democracy, which was established at the request of the Commonwealth Heads of Government Meeting (CHOGM) in Coolum in 2002 to explore *“how democracies might best be supported in alleviating poverty and promoting pro-poor development.”* His speech reflected the importance of the rule of law to the development of emerging economies. Stating that democracy and legal empowerment are kindred spirits, Dr. Manmohan Singh



emphasised the need to adopt legal empowerment measures to provide the poor the access to affordable legal services. He held up India as *“a shining example of constitutionalism and the rule of law”*. Mr Kamalesh Sharma, Commonwealth Secretary General also spoke at the Opening Ceremony. The Chief Justice of India, Justice S H Kapadia called on judges to adopt an approach that will enhance social welfare whilst not stepping on the toes of the legislature.

Other Speakers included the Chief Justice of Pakistan Justice Ifitkhar M. Chaudhry who spoke about the role of the judiciary in safeguarding the rule of law and in strengthening democratic institutions at the heart of economic development; Justice Sundershan Reddy, of the Supreme Court of India who spoke about the Expanding Frontiers of Public Law. Sir Sydney Kentridge QC spoke about the ideas and reality of the rule of law quoting examples from both South Africa and the UK.

The Conference discussed a wide variety of topics related to Constitutionalism, Human Rights and the Rule of Law (with presentations from lawyers on the frontline, issues relating to the Latimer House

processes, and the promotion of democracy, human rights and the rule of law as well as the position of refugees, labour rights etc...) issues relating to the legal and judicial professions (safeguarding the independence of the legal profession, judicial independence and accountability continuing legal education etc...). The Conference also focused on contemporary legal topics (such as trial by media, the death penalty, confronting corruption and economic crime, freedom of information, minority rights, sexual orientation and the law as well as access to justice).

Dr Karen Brewer presented a paper during the Session on Women’s Rights are Human Rights – Honour Crimes and Forced Marriages and spoke in particular about the situation of Widows across the Commonwealth.

The Commonwealth Legal Education Association ran the 12th Commonwealth Moot in parallel to the Conference and the CMJA would like to thank all the judicial officers and lawyers that were approached to assist in judging the moot which was won by the team from Sri Lanka.

### **REQUEST FOR CASE LAW ON WIDOWS RIGHTS**

Widows Rights International, (WRI) a UK-based charity, is a leading advocate for the rights of widows worldwide and the end to discrimination and the inhuman and degrading treatment suffered by many widows across the globe.

**If, as a magistrate or judge, you have dealt with cases affecting widows, please let the Secretary General have a copy of any decisions or judgements relating to such cases.**

At the CMJA conference held in Brighton, the Secretary General spoke about the challenges faced by widows around the world.

As part of its work to document the plight of widows, your Secretary General, on behalf of WRI is appealing for case law from around the Commonwealth on issues affecting widows, so please forward copies of any decisions or judgements to the CMJA.

## INTERNATIONAL WOMEN'S DAY

The 8 March 2011 marks the centenary of International Women's Day. On the 19 March 1911 more than 1 million men and women marched in Austria, Denmark, Germany and Switzerland calling for women's suffrage and improvements in working conditions. The idea of an international day was first unanimously endorsed by 100 women from 17 countries at the Second International Socialist meeting in Copenhagen in 1910 although the notion of a women's day had already been established by North American suffragettes in the early 1900s.

The day was changed to the 8 March in 1913 in a show of solidarity with the well organised Russian women's movement. In the wake of World War I the women of Russia campaigned for 'bread and peace' and convened the First All-Russian Congress in April 1910 on the (still very relevant) issue of 'the Struggle against the Trade in Women'. Throughout the century women's suffrage movements proliferated. Women gained the right to vote in New Zealand in 1893, Australia in 1901, parts of Canada in 1916, the UK in 1928, Sri Lanka in 1931, Jamaica in 1944 and Cameroon and Kenya in 1946. The last Commonwealth country to give women the vote was Namibia in 1989.

Over the past 100 years there have been significant moves across the Commonwealth towards the implementation of women's rights to equality and justice.

When the Universal Declaration on Human Rights was adopted by the United Nations General Assembly in 1948 its first articles stating that "*all human beings are born free and equal in dignity and rights*" became a central tenant of the international legal sphere.

In the same year The African National Congress Women's League was founded and became a prominent force for resistance to apartheid in South Africa. After decades of struggle for independence, on 16 April 1960, women from across Africa united in Accra, Ghana to hail the First All African Women's Conference. In her opening address Ama Nkrumah declared "*Who would have thought that in the year of 1960, it would be possible to even hold a conference of all Ghanaian women, much less of women of all Africa and women of African descent?*" (Evening News, Ghana, 19 July 1960).

In 1960 Shirley De Bois stated in an address before the Women's Association of the Socialist Students Organisations in Ghana that "*the advancement of Ghanaian women in recent years has been amazing and now with ten women Parliamentarians in Republican Ghana,*

*this country had achieved what took Europe centuries to accomplish.*" (Evening News, 14 July 1960).

In 1979 the United Nations General Assembly unanimously adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This was the outcome of thirty years of women's activism at the international level within the Commission on the Status of Women and beyond. At present all Commonwealth countries besides Nauru and Tonga have ratified CEDAW which not only lays down a bill of rights for women, but also a monitoring system and a plan of action by which those rights may be achieved.

In Belize international women's day became women's week and since last year has become women's month. During women's month in Belize the shops offer discounts to women, there is an extensive programme of events and award ceremonies as well as government and NGO sponsored awareness raising activities. In 2009 the Women's Department began to offer free legal clinics for women to give advice on family issues and gender based violence. There was such an overwhelming response that in 2010 a larger group of legal professionals volunteered to help both rural and urban women to know their rights and seek recourse.

On 8 March 2010 women from both the north and south of Sri Lanka marched on Jaffna to highlight the plight of missing and detained women. Street plays along the route informed women of their rights and banners and slogans demanded an end to violence against all women.

Women's access to justice in poor rural communities can be hard won but an example of women's agency in providing recourse for victims are the Nari Adalats in India. In rural Gujarat in 1995 women from both Hindu and Muslim religious backgrounds with no legal training created Nari Adalats, or 'women's courts' to adjudicate and dispense justice on cases of rape, divorce and child marriage. They have become so successful that there is now a network of over 60 courts which are supported by local judiciaries and have solved more than 25,000 cases, usually taking less than 2 weeks. Nari Adalats are run entirely by volunteers

### A Commonwealth Blessing for Girls

The following poem, written for Commonwealth Day was read at the Observance at Westminster Abbey on 14 March 2011

Here are the gifts we wish and the wishes  
we gift to new girls born, Antigua to Zambia,  
breathed blessings at cradles, from Canada  
to Trinidad, sent out by song, poetry, prayer  
to Bangladesh, Gambia, Jamaica, Kiribati, Tuvalu,  
to fall as rain on good crops or fill a cup  
with water, a toast to each bright daughter-  
health; the soul-wealth learning brings;  
friendship's dancing rings in Cameroon, Guyana,  
New Zealand, Pakistan; equality, a girl half  
of the whole of the harmed world, healer; the joy of choice;  
a boy-loud voice; her life a loved light in Britain,  
India, Malaysia; lastly we wish she gives  
back in return to us her blessings, her unique gifts.

Carol Ann Duffy CBE (b 1955)



and their fee of 51 rupees is waived for women who cannot afford it. Each case is recorded and investigated and after discussions between both parties, decisions are handed down by the women sitting and in the very small number of cases where there is a disagreement on the sentence cases are passed to local courts.

By March 2008 the Lagos State Judiciary in Nigeria was comprised mainly of women at every level, 128 out of the 184 judicial officers were women and 33 of the 51 high court judges were also female.

The African Women's Decade was launched in October 2010 in Kenya, the theme of the decade will be "**Grass roots approach to gender equality and women's empowerment**". In their joint communiqué the 252 civil society organisations and activists who took part urged governments to strengthen efforts to comply with CEDAW and the Protocol to the African Charter on Human and Peoples' Rights. The communiqué further highlighted the potential for "a revolution to happen for the women of Africa to realise their civil, political, economic, cultural and social rights".

Similarly the Asian Indigenous Women's Network is marking the 100th Anniversary of International Women's day by calling for renewed commitment by governments to realising the aims of both CEDAW and the UN Declaration on the Rights of Indigenous Peoples. The Asian Women's Network reiterated the demands of indigenous women in Beijing in 1995, for "life with dignity and free from threat and violence, self-determination and participation, our traditional knowledge and roles in sustainable development".

However in spite of many milestones and achievements in national constitutions and in the international legal sphere, the United Nations estimate that women make up 70% of the world's poor, 80% of the world's refugees and 66% of the world's illiterate. Furthermore depending on

where they live, between 30% and 90% experience violence of some kind in their lifetimes and long standing customs continue to prevent women from seeking justice where they have suffered discrimination, violent abuse, rape and dispossession.

At their 15th Session which concluded on 1 October 2010, the UN Human Rights Council called upon States to fulfil their obligations and commitments to revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice, taking into account that those laws violate their human right to be protected against discrimination. It was also decided to establish, for a period of three years, a Working Group of five independent experts on the issue of discrimination against women in law and practice.

This year the Commonwealth Day theme was be '**Women as Agents of Change**' which is in keeping with positive and celebratory nature of International Women's day in many parts of the world. The 8 March is a public holiday in many countries including Uganda, Zambia and Cameroon.

The CMJA played a pivotal role in drafting the Victoria Falls Proclamation on the Rights of Women in 1994 and was an official observer at the 1995 Beijing Fourth United Nations World Conference which affirmed that 'women's rights are human rights'. The accompanying Beijing Plan of Action makes 33 references to justice, calling on governments to provide all women with adequate access to courts and to ensure that women are properly represented in the judiciary.

The CMJA through its Gender Section continues to promote equal access to justice as well as assisting magistrates and judges by providing training tools. At the conference in Malaysia, the CMJA will hold a panel discussion on the issue of gender balance in the judiciary as well a keynote session on "*Women as Agents of Change – Can a diverse judiciary ensure its independence?*"

The CMJA Gender and Human Rights toolkit is available on CD Rom for use by paralegals, lawyers and judicial officers in the Commonwealth. The cost is £10.00 please contact [info@cmja.org](mailto:info@cmja.org) to order a copy.

## HUMAN RIGHTS IN THE COMMONWEALTH

### STATUS REPORT 2010

On the 8 December 2010, Dr Karen Brewer and Ms Jocelyn Tasker attended the Commonwealth Secretariat launch of their Report on Human Rights in Commonwealth. The report provides details of human rights treaties ratified or acceded to by all Commonwealth countries as well as information on the main human rights institutions and programmes in each jurisdiction. The 2010 Report places a special focus the rights of disabled persons. Mr Shuaib Chalken, the UN Special Rapporteur on Disability reminded guests that persons with disabilities make up the world's largest minority and urged the Commonwealth Secretariat to mainstream disability rights in all of its work.

The United Nations Convention on the Rights of Persons with Disabilities was opened for signatures on in March 2007. So far 23 Commonwealth countries have ratified the convention which seeks to ensure that persons with disabilities can participate fully in society as 'subjects' – rather than 'objects' of charity. The Convention guarantees disabled persons their rights on an equal footing with others.

The report also reviewed the current status of human rights institutions across the Commonwealth. In the past year Bangladesh and the Seychelles have established National Human Rights Commissions and Lesotho, Nigeria, Rwanda, the Seychelles and Uganda have ratified all eight of the main human rights conventions. Although all Commonwealth Countries have ratified the Convention on the Rights of the Child and almost a hundred percent have ratified the Women's Convention, there is still a long way to go. 17 members have not yet ratified the UN International Covenant on Economic, Social and Cultural Rights and only sixteen percent of countries have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

The Second Status Report on Human Rights in Commonwealth can be purchased for £10.00 from the Commonwealth Secretariat website <http://publications.thecommonwealth.org>

## COMMONWEALTH JUBILEE TIME CAPSULE



### The Commonwealth Jubilee Time Capsule: A people's history of the last 60 years

2012 marks the Diamond Jubilee of Her Majesty Queen Elizabeth II – that's 60 years also as Head of the Commonwealth. With your help, the Royal Commonwealth Society would like to build a unique time capsule to present to Her Majesty on her Diamond Jubilee. Pick a day from the last 60 years and tell us what happened in your family, community or country. You could interview someone, write a poem, do a drawing, take a photograph or make a film. There are 21,915 days in the last 60 years (from 6th February 1952 until 5th February 2012) and the Royal Commonwealth society are looking for stories for each of them. Please visit [www.jubileetimecapsule.org](http://www.jubileetimecapsule.org) to register.

## FIRST ANNUAL COMMONWEALTH CONFERENCE

In November 2010 the Commonwealth Foundation and the Commonwealth Scholarship Commission in the UK and the Institute for Commonwealth Studies, jointly hosted the first annual Commonwealth Conference. The impetus was to engage NGO's, academics and students in discussions of themes of relevance in the Commonwealth. The Commonwealth Conference is to be held in alternate years to the Commonwealth Heads of Government Meetings (CHOGMs) to allow the outcomes to be fed into the CHOGM. The theme for the first conference was Citizenship – the simple question being – 'would it work?' Discussions ranged from issues of education and the opportunities created by modern technology to ethnicity, gender, marginalised groups, political rights, migration and empowerment. Delegates concluded that citizenship, by its very nature, is a bottom up phenomenon and that in order to galvanise civic engagement, a strong guiding vision within the Commonwealth is now more necessary than ever.

## NEW MEMBERS

We are also pleased to welcome the following new individual members to the CMJA:

**Chief Magistrate Ikwemosi Awawu Abdulai**  
NIGERIA

**Mrs Salma Danbappa Ahmad**  
NIGERIA

**Mr David Antrum**  
AUSTRALIA

**Honourable Justice Abisoye Esther Ayo**  
NIGERIA

**Mrs Amie Bensouda**  
THE GAMBIA

**His Honour Judge Martin Cardinal**  
ENGLAND & WALES

**His Honour Judge Simon Andrew Carr**  
ENGLAND & WALES

**Mr John J. Cauchi**  
AUSTRALIA

**Honourable Justice Mojisola Dada**  
NIGERIA

**The Honourable Mr Justice Bernard Eder**  
ENGLAND & WALES

**Mr Roger Alan Harper**  
ENGLAND & WALES

**Mr Brian Higgins JP**  
ENGLAND & WALES

**Honourable Justice Josephine Efunkumbi Oyefeso**  
NIGERIA

**Magistrate Pareemala Devi Mauree**  
MAURITIUS

**Honourable Magistrate Marko Mochiwa**  
TANZANIA

**Honourable Justice Morenike Olasumbo Obadina**  
NIGERIA

**Honourable Justice Mufutau Olokoba**  
NIGERIA

**Mrs Olufolake Oshin**  
NIGERIA

**Mrs Taiye Osayanmon Omoruyi**  
NIGERIA

**Honourable Justice Adedayo Abisola Oyebanji**

NIGERIA

**The Right Honourable Sir Matthew Thorpe**  
ENGLAND & WALES

## CALENDAR OF EVENTS

27-29 April 2011  
Livingstone, Zambia

**IAWJ 6th Africa Regional Conference**  
Website: <http://www.iawj.org/caledet.asp?eventid=138>

18-21 July 2011  
Kuala Lumpur, Malaysia

**CMJA 2011 Conference "Judicial Independence- Diversity, Pluralism and Challenges in the Commonwealth"**  
Website: [www.cmja.org](http://www.cmja.org)

31 Oct-1 Nov. 2011  
Bordeaux, France

**"Judicial Training in a Globalised World"** – IOJT Conference  
Website: [http://iojt-bordeaux2011.org/index.html#home\\_en](http://iojt-bordeaux2011.org/index.html#home_en)

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The CMJA welcomes contributions to its newsletter in the form of letters or short articles.

Please contact us at the address below

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