

Opening Remarks by the Representative of the Commonwealth Magistrates' and Judges' Association

*Nicola Padfield**

Madam Chairman, Chief Justice of Guyana, Honourable Chancellor, Honourable Chief Justices, Honourable Judges, Ladies and Gentlemen:

It is a great honour to speak here on behalf of the Commonwealth Magistrates' and Judges' Association (CMJA), especially on behalf of our President, the Honourable Chief Justice Kipling Douglas. We are delighted to be involved with this important colloquium, and pay tribute to the work of Eleni Stamiris and her team at the Gender and Youth Affairs Division of the Commonwealth Secretariat. I come in the place of our Secretary-General, Vivienne Chin, who is sadly unable to be here, but sends her best wishes.

The Commonwealth Magistrates' and Judges' Association was set up more than 25 years ago:

- to advance the administration of law by promoting the independence of the judiciary;
- to advance education in law, the administration of justice, the treatment of offenders and the prevention of crime within the Commonwealth; and
- to disseminate information and literature on all matters of interest concerning the legal process within the various countries of the Commonwealth.

From the beginning, the Association has concerned itself with the rights of women. Allow me to read, briefly, from the Proclamation adopted by unanimous vote at the end of the Association's 1994 Triennial Meeting held at Victoria Falls in 1994:

"The Rule of Law, which is the essential foundation of a just and responsive system of government, requires settled and just laws, fairly administered without fear or favour, for its observance and advancement. Such laws must offer protection to individual citizens and their rights, and especially to the rights of those who belong to minorities or are otherwise disadvantaged as well as opportunities for personal and national social and economic development."

* Representative of the Commonwealth Magistrates' and Judges' Association (CMJA) at the Georgetown Colloquium.

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The rule of law can only be observed if there is a strong and independent judiciary which is sufficiently equipped and prepared to apply such laws.

The CMJA wishes to be fully involved in assessing the status of women and in disseminating information in this area. In 1994, the CMJA set up the Women's Section of the CMJA. Mrs Justice Patricia Macaulay of Sierra Leone (on temporary secondment to the judiciary of The Gambia) was elected as chair of that section.

The CMJA seeks to achieve its objectives in a number of ways. First, by taking part in the discussions with inter-governmental organisations, non-governmental and national judicial bodies. Since the late 1970s, throughout the 1980s and into the 1990s, Commonwealth judicial officers have participated in human rights initiatives. The CMJA was an official observer at the Commonwealth Ministerial Meeting on Gender in Beijing 1995. The association has been fully involved in judicial colloquia in the current series: Victoria Falls in 1994;¹ Beijing 1995;² Hong Kong 1996.³ The *Victoria Falls Declaration* was approved and reaffirmed by the Triennial Conference of the Association, itself in Victoria Falls in 1994.⁴ At our next biennial conference in Cape Town in October of this year we will be building on the sure foundations to be established this week here in Guyana. I hope that several of you will be able to attend this.

Another way CMJA seeks to achieve its objectives is by training conferences. These have been organised in many different countries over the years, and several years ago the Association produced a training manual which may be adopted by judiciaries in different countries.⁵ Since 1994 the Commonwealth Judicial Education Institute has been the main training arm of the CMJA, and gender issues have been a central part of programmes established in many different countries. Specifically, the seminars help to identify gender bias in courts and the attitudes of those concerned with the courts, including magistrates and judges, counsel and court administrators. The

¹ See Commonwealth Secretariat, *Report of the Commonwealth Judicial Colloquium on Promoting the Human Rights of Women*, Victoria Falls, Zimbabwe, August 1994.

² Also held at the Non-Governmental Organisations Forum at the United Nations Fourth World Conference of Women, Beijing, *supra* at note 2.

³ See Asia/Pacific Regional Judicial Colloquium Hong Kong, 20–22 May 1996, proceedings published in A Byrnes, J Connors, Lum Bik, (eds) *Advancing the Human Rights of Women: Using International Human Rights Standards in Domestic Litigation* (London: Commonwealth Secretariat, 1997).

⁴ *Victoria Falls Declaration on the Promotion of the Human Rights of Women in the Commonwealth Secretariat, Report of the Commonwealth Judicial Colloquium on Promoting the Human Rights of Women*, Victoria Falls, Zimbabwe, August 1994 (London, Commonwealth Secretariat, 1995) at 8. Reproduced in this volume.

⁵ Commonwealth Training Manual, (CMJA and CLEA), available from the CMJA.

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perception of gender bias is also discussed in open fora. An effective tool is the use of case studies and hypothetical examples.

A final way in which the CMJA can achieve its aims is through the pages of the *Commonwealth Judicial Journal*, which is distributed to the judiciary throughout the Commonwealth every six months, and by the Association's *Newsletter* which is also sent out twice a year.

I have edited the *Commonwealth Judicial Journal* for the best part of ten years, and hope that you all have the opportunity to read it. For example, the articles in the last issue by Sir John Muria, Chief Justice of the Solomon Islands on women's human rights in the South Pacific and by Justice Mokgoro of the Constitutional Court of South Africa are particularly relevant to us at this Colloquium.⁶ We are especially interested to learn of ways in which you think we can better serve the needs of the judiciary through the pages of the journal.

On behalf of the CMJA, let me end by saying how grateful we are to all those who have worked so hard in setting up the colloquium and for the wonderful Guyanese welcome we have received.

We look forward to our role in promoting and developing a Commonwealth Programme for Action on the Promotion of the Human Rights of Women and the Girl-Child.

⁶ *Commonwealth Judicial Journal* December 1996.