



New Zealand Association of Women Judges

**REPORT
AGM / CONFERENCE NOVEMBER 2019**

The NZAWJ AGM/Conference was held over the weekend of 8 – 10 November 2019. This year the conference was held in Wellington for the first time and we offered a variety of events to provide education and discussion concerning issues affecting women in the justice system internationally and in New Zealand.

Film night – “The Judge”



Judge Kholoud al-Faqih

On Friday 8 November, 20 members were able to join for a screening of “The Judge” at Jan Kelly’s home, coming from Auckland, Wellington, Christchurch and other parts. We are very grateful to Jan for hosting this event.

“The Judge” is a highly acclaimed documentary film about the challenges and achievements of Judge Kholoud al-Faqih, the first woman judge to sit in the Shari’a Court in Palestine. The

film traces Kholoud's professional and personal experiences, the barriers she faced to being appointed to the Shari'a Court, and her tireless fight for justice for women in her country and the Middle East. Kholoud speaks directly in the film of her passion for resolving family disputes in the Shari'a Court and cases involving family violence, property and custody of children. The film shows Kholoud's humility and good humour and the respect she gains from the people who come to her Court. It also shows the significant resistance to her position when there is a change of judicial leadership. The film shows Kholoud returning to administrative duties, what she and her family go through as she fights on, with courage and optimism.



The film led to a lively discussion about the issues affecting women and Judges in Palestine and the lack of equality for women under the law. The film shows women of optimism and courage

We are very grateful to IJS for the loan of the film and hope to show it to our members on other occasions before too long.

AGM / Conference – Saturday 9 November

The AGM / Conference was held at Rydges Hotel, Wellington on 9 November 2019. It was followed by a dinner at the Wellington Club. Our guests including Judges Robyn Tupman (IAWJ Regional Director from Australia), Julia Whaipooti, Senior Advisor at the Office of the Children's Commissioner, and Clementine Flatley, Programme Facilitator at Department of Corrections, Rimutaka Prison.



Arohata Women's Prison

E rere ana ki te Pae Hou – women rising above a new horizon

The highlight of the day was our visit to Arohata where we were able to mingle with women residents and staff and enjoy a full programme including a tour of the prison to see first-hand the programmes the prison delivers.

37 Judges joined this visit from the District Court and Higher Courts, including Julia Whaipooti as our guest. We were welcomed by Viv Whelan, the Prison Director of Wellington Prisons and her team. In their mihi whakatau we were welcomed with beautiful performance of waiata and kapa haka from the wāhine. Carrie Wainwright responded on our behalf and outlined the goals of NZAWJ and our interest in the issues affecting women in prison. After the mihi whakatau we were nourished by wonderful kai that had been made by the women residents.

Before having a guided tour of the prison, we learnt about the unique history of Arohata and the new women's strategy for prisoners, E rere ana ki te Pae Hou – "women rising above a new horizon". The rehabilitation models in Arohata are built on that goal.

Viv Whelan spoke to us about women's path into prison through trauma, victimisation, unhealthy relationships, mental health and poverty. The new strategy recognises those paths and that women respond differently to treatment.

We learnt that over 63% of women in prison in Aotearoa are Māori and cultural issues are at the heart of understanding needs.

Arohata has New Zealand's only Drug Treatment Unit for women. It is a specialist 24-week residential programme, including group and individual therapy. We were able to visit the drug treatment unit where we spoke with women prisoners directly. We heard many stories from women about their struggles and their pathways to drug use and addiction. The women spoke positively about the drug treatment programme at Arohata delivered over a three-month period with individual and group therapy sessions as important elements. Many said that community programmes were very hard to get.

Several women spoke about the disconnection from their children, and anxiety for the children they are separated from. Anxiety and apprehension about what support would be available to them on release was a repeated theme. The women prisoners spoke positively about social workers in prison who they can get support from in connection with their children and families on the outside.

We saw first-hand the emphasis on learning skills, supporting women to gain qualifications, and life skills whilst in prison. Women are economically disadvantaged, often more so than men when they come into prison with limited employment opportunities available on release. The programme director of the education department told us that women prisoners are desperately keen to learn and if possible, qualify for a NZQA programme.

Arohata has a programme for teaching hospitality and barista trades with some women on release going into job opportunities supported by Arohata. The release to work initiative can be a challenge at Arohata because women often come to Arohata from some distance. We learnt that these are areas that Arohata is working on at present.

We learnt about the Te Ara Maori Unit, Mirimiri Te Aroha (Nurture with love) that has been established at Arohata. The aim of the unit is to encourage rehabilitation through cultural immersion.

The mother and baby unit for Arohata is at its upper site in Rimutaka Prison. The upper site was developed because the old prison at Arohata does not have the capacity to house all women prisoners in this region or provide a mother and baby unit. We weren't able to see the unit but heard about it.

At the end of the tour, we all gathered for a hui and discussion in the main meeting room. That provided an opportunity to feedback some of our experiences to the prison staff and to the Director. It was interesting to see the emphasis on caring for women prisoners and focussing women on looking after themselves. Viv Whelan spoke about how women prisoners are used to looking after their children, their parents and their partner, but often not about looking after themselves. She emphasised the importance of helping women to understand the trauma they had experienced so they could build their own strength.

We left the prison with a much greater awareness of the culture in Arohata, the challenges facing women in prison, and the commitment of prison staff to the women residents there.



The AGM

In the afternoon our members attended the meeting to hear our speakers, Julia Whaipooti and Clementine Flatley. Julia gave a challenging presentation reflecting on the visit to Arohata prison and Māori prison statistics. She challenged us to ask why New Zealand has the highest incarceration rates of indigenous women in the world. She spoke about the language used and the importance of not describing women prisoners as part of a “muster” which, she argued, reinforces gender stereotypes. She challenged us to humanise the process of sentencing, to know more about women facing imprisonment through our Courts and to employ much greater use of s 27 Sentencing Act reports. She challenged us also to look for solutions that need to be “led for and by Māori” and where possible find a community sentence to avoid dislocation and separation of families.

Clementine Flatley spoke to us about her work as the Department for Corrections Programme Facilitator in Wellington. Clementine has a performing arts and theatre background together with sociology and law. Following a master's degree in London in applied theatre in criminal justice, she worked in rehabilitation programmes for people in prison. Her emphasis is with youth offenders – 18 – 25 years old. She described the rehabilitation programme that she is working with in Rimutaka Prison, developing

communication skills for prisoners through theatre techniques. Clementine impressed us with having a very positive and optimistic approach to her work with prisoners and the great respect she has for offenders as individuals

Reports

A copy of the President's report, the Treasurer's report, and the 2020 conference reports are attached.

In reflecting on the year, we welcomed our new members and the progress achieved in new appointments. By 2019, 34% of all Judges are women - an increase of 3% since 2017. We welcome the focus on greater diversity on the Bench, including cultural and social diversity. We welcomed Helen Winkelmann as our new Chief Justice, and Heemi Taumaunu as the new Chief District Court Judge. We recognized the appointment of Justice Doogue to the higher courts and the achievement of Carolyn Henwood in her award as Distinguished Alumni at Victoria University.



I thank the executive committee for their hardwork throughout the year and all our members for supporting the work of the Association, keeping its spirit strong. Without the support of the membership, we would not be able to continue our education work, our support for Pacific Island women judges, and our achievement in hosting the 2020 IAWJ Biennial Conference this year.

2020 Conference Report

Susan Glazebrook presented a report on development of the IAWJ Biennial Conference in Auckland in May 2020. She gave a summary of how the programme is developing, budget issues, and the sponsorship that had been secured and the impressive range of keynote and other fascinating speakers from around the world.

We discussed how NZAWJ members could support the conference through attending and supporting its other functions.

The Weaving Project

Carrie Wainwright gave a report on the weaving project of online learning with Verinor Hetet for women prisoners. The initial pilot through corrections has been completed. The future of the project may be through the Hetet's work with Te Kura (the Correspondence School) proposing weaving as an opportunity for a self-directed learning. We encouraged Carrie to keep in touch with the developments and report back.

AWLA Women Law Students Moot

Anne reported on the AWLA women law students moot. She suggested this is an opportunity for women lawyers to gain experience and confidence appearing in moots before women judges and senior lawyers. She recommended that the Executive explore the possibility of encouraging a national approach in conjunction with women lawyer's associations. The suggestion was well received.

Other business

We paid tribute to Coral Shaw who is retiring as Patron of our Association. Coral was a founding member of the NZAWJ and over the years has given great encouragement to our growth and our projects. We will express our appreciation to Coral in a personal way.

In other business we discussed possible extensions to our membership and a process for deciding on our name in te Reo. We agreed the name should not be a literal translation but should reflect the goals and values of NZAWJ. We will work with our Maori judges to achieve that.



Dinner

We were entertained by two talented young opera singers and their pianist from Wellington School of Music. The dinner was thoroughly enjoyable. It was a relaxing opportunity to reconnect with colleagues who sit in other parts of New Zealand and to strength collegiality across the Benches.





Lunch at Eastbourne

On a very wet Sunday an enthusiastic group took the ferry to Eastbourne where we were hosted by Susan Glazebrook and her husband Greg to a delicious lunch. Thank you, Susan and Greg for your warm hospitality.

NZAWJ Executive Committee Members 2020:

Judge Mathers
Judge Bouchier
Judge Farish
Justice French (Treasurer)
Justice Glazebrook
Judge Harland (Secretary)
Justice Hinton
Judge Otene
Judge Partridge
Judge Wainwright
Judge O'Dwyer (President)



2019 President's Annual Report for the New Zealand Association of Women Judges

Ngā mihi nui ki ngā wahine mā

Welcome to all our members who have attended this AGM held for the first time in Te Whanganui-a-Tara. It is wonderful to be able to host you in Wellington – the coolest little capital in the world.

We have received apologies from the Chief Justice, Dame Helen Winkelmann, who has extended warm support to this meeting and the Association for our work. We have also received apologies from the former Chief Justice, Dame Sian Elias, who is enjoying well-earned family time. Judge Coral Shaw has expressed her apologies for being unable to attend. Her work on the Royal Commission understandably prevents her from being here today. We acknowledge the apologies of many members who can't be with us today.

Our thoughts go to those members who have lost loved ones this year or have been challenged with ill-health. We can't mention each one of you, but we are mindful of your loss. One of the greatest strengths of this Association is personal support for each other. Staying in touch, making time in our busy schedules to connect with each other and provide support when we are unwell or have a bereavement is an important value of this Association.

Mā tē hau tōrua. The winds of change have brought us a new Chief Justice, Helen Winkelmann, and a new Chief District Court Judge, Heemi Taumaunu. With such dynamic leadership we will see a strong commitment to improving access to justice and developing transformative justice in our mainstream courts. I ask our Association to support the Chief Justice and Chief District Court Judge in all the challenges that lie ahead.

We have many new members to welcome since our last AGM. We welcome to the District Court Judges Gabrielle Wagner, Lope Ginnen, La-Verne King and Claire Bennett. To the Māori Land Court, Judge Terena Wara. To the Environment Court we welcome Judge Melanie Dickie. To the High Court we welcome Justice Cheryl Gwyn and Justice Tracey Walker.

These appointments are progress towards increasing gender diversity in the judiciary. We now have 91 women judges across all benches. This represents 34% of all judges, an increase from 31% in 2017. If we need to justify striving for equality and greater diversity we can recall the words of Lady Hale, President of the UK Supreme Court when she said:

Do women make different decisions from men? To which the answer is, having women on the court improves the quality of decision making...It improves the quality of debate, it makes certain things much more difficult to say and do, counters sub-conscious biases, we all have them ... and just from time to time, having a woman's voice on a decision makes a difference.

It is timely to recognise the achievements of our members. Carolyn Henwood will be honoured later this month as a Distinguished Alumni of Victoria University of Wellington. Carolyn was the first woman judge of the District Court in Wellington, is a champion of youth justice, and of the Arts, particularly theatre, and is a founder of Circa Theatre in Wellington. Our warm congratulations go to Carolyn for this well-deserved award.

We also acknowledge and welcome the appointments of the former Chief District Court Judge, Jan-Marie Doogue to the High Court and Judge Jacqui Moran as Principal Family Court Judge.

There are many achievements of our individual members that go unrecognised and unnoticed. We acknowledge the achievements of every Judge in doing our core work well.

In this year since our 2018 AGM, much of our efforts have been focused around the arrangements for the 2020 Conference. It is all consuming. Susan Glazebrook will report on the progress of the 2020 Conference preparations. I would like to recognise the enormous contribution of Susan and the team in her Chambers. Susan's leadership is remarkable for its commitment and energy. There are also many people involved as committee members and on an individual basis behind the scenes who are deserving of recognition.

In April this year, Catriona Doyle, Lynne Harrison and Christina Cook represented our Association with Susan Glazebrook at the IAWJ Regional Conference in the Philippines. I sent all our members a copy of their delightful report. They represented us so well in that lovely place. The photographs spoke of the warmth that our New Zealand representatives conveyed to our sister Judges in the Philippines and I have no doubt that friendship bonds have been created that will lead to interesting initiatives in the future.

One of our Association's core goals is to strengthen relationships with women Judges in the Pacific and support their development. We have worked on this goal from the outset. We are delighted to welcome the first woman Judge to the Supreme Court in Vanuatu, Justice Viran Trief, and the appointment of Sister Bernadette Mee Eberi as the Chief Magistrate of Kiribati.

We continue to raise money to bring Pacific Island Judges and Magistrates to conferences in New Zealand and elsewhere, and support Pacific Island women Judges and Magistrates when they visit New Zealand for educational purposes. We strengthened these goals in Buenos Aires with the number of Judges and Magistrates from the Pacific that we could support in collaboration with the Judicial Pacific Participation Fund (JPPF). This has proved to be an important platform for further growth. We are anticipating a future development of Pacific Island Judges forming their own Association within the IAWJ. Much must be done to achieve this, but this would be a significant development. Steps are being taken along the way to support this by our Association in conjunction with the JPPF fund and others.

Our sister Judges in the Pacific face great challenges. In many ways they are isolated, taking on huge challenges alone. We can help them through friendship, sharing our experiences of the challenges in our Courts in the areas they are interested in -- family violence, alcohol and drug issues, vulnerable witnesses, cases involving children, and many other areas. Our communities are different, but the legal issues remarkably similar. Wherever you can, reach out to a sister Judge in the Pacific to provide mentoring support and collegial friendship.

We have other projects underway. Some in their infancy, some facing challenges. I hope we will have a report from Carrie Wainwright on the weaving project in prisons and on our fledgling mentoring programme. It's a little bit like Mainland cheese – good things take time.

We need to recognise that there are many things that we would like to do, but we should also take time to acknowledge the importance of performing our core judicial roles to the best of our abilities, and the daily challenges that this can bring. What we do achieve in this Association is remarkable. Hosting the 2020 IAWJ Biennial Conference is a great honour and privilege. The fact that we have been able to achieve this speaks volumes about your ongoing commitment and support. It is also a wonderful platform from which to continue to grow our Association's potential.

Kia kaha wahine mā

Mary O'Dwyer

President NZAWJ

TREASURER'S REPORT FOR YEAR ENDED

31 MARCH 2019

The accounts have been circulated to the membership.

The Association operates two accounts with the ANZ – one a cheque account and the other a credit card account.

We opened the financial year with a bank balance of \$29,526.33 and ended with a balance of \$18,838.19.

Our main source of income remains the annual subscriptions and donations. These totalled 14,050.00, up on the previous year.

As in previous years, I do however renew my plea for prompter payment of annual levies. They should be made within a month of the notice going out. Having to chase up payments is a waste of everyone's time. It causes administrative problems both at our end and for the international association. Further, NZAWJ not only loses the use of the money but it also incurs additional bank charges through having to remit the money to the US in tranches, instead of one transaction.

Nicky Mathers continues her impressive jewellery sales record, with income of \$9,821.

The following resolutions are required at the November 2019 AGM:

1. Adoption of the 2018-2019 accounts.
2. Setting the subscription for the financial year 1 April 2020 to 31 March 2021.

I am not aware of any reason for increasing the levy so recommend there be no change i.e. \$110 for sitting Judges, \$80 for retired Judges. This includes \$US 25, which we transmit to IAWJ.

[If IAWJ were to increase its levy from the current \$US 25, then we might have to revisit our own subscriptions.]

Christine French
November 2019

Report on progress for the 2020 Biennial Conference

Susan Glazebrook

7 November 2019

[1] As you will know, the International Association of Women Judges will be holding its biennial conference in Auckland from 7-10 May 2020. This promises to be a very exciting event and we are very grateful to have a large measure of support from the Ministry of Justice, both financial and logistical.

[2] This support includes paying the registration fees of 53 New Zealand judges. This will be pro rated across those who registered an interest by the due date and who has actually registered by 20 November 2019.

Programme

Keynote speakers

[3] We have secured the following prestigious keynote speakers:

- (a) Baroness Brenda Hale is the current President of the Supreme Court of the United Kingdom and the first woman to hold this position. She also sits as a non-permanent judge on the Court of Final Appeal of Hong Kong. Lady Hale was the first woman to be appointed as a Law Commissioner.
- (b) Baroness Helena Kennedy is a leading barrister and expert in human rights law and author of *Eve was Shamed*. She is a member of the House of Lords.
- (c) The Rt Hon Helen Clark was the first elected female Prime Minister of New Zealand. She was the head of the United Nations Development Programme from 2009 to 2017.
- (d) Mary Robinson has been both the President of Ireland and the UN Commissioner for Human Rights. She established the Mary Robinson Foundation for Climate Justice in 2010.

- (e) Professor Larissa Behrendt is a Professor of Law at the University of Technology, Sydney. She specialises in indigenous legal issues and is also an award-winning author.

[4] We are excited that the Head of UN Women, Ms Phumzile Mlambo Ngcuka, has provisionally agreed to be a keynote speaker (subject to confirmation in January).

Judicial speakers

[5] We have had over 120 applications from IAWJ members to speak. The quality of applications is very high and we will be working through them over the next few weeks. The programme looks as though it will be amazing.

[6] We are hoping to have volunteers to liaise with the speakers from the various sessions, so if anyone would like to be in charge of a session please let me know.

Workshops

[7] We are looking at providing workshops in Wellington and Auckland (again at extra cost) after the conference. The Auckland one will be on AI and the Wellington one on vulnerable witnesses and issues related to sexual violence.

[8] We are also looking at having a panel discussion and dinner at Te Papa on the Wednesday after the conference.

Justice sector tours

[9] We are working hard on organising justice sector tours (including to prisons). These are provided at an extra cost. They will take place in Auckland both before and after the conference (Wednesday before and Monday after) and in Wellington on the Tuesday after the conference.

[10] These tours are now on the conference website. New Zealanders are welcome to register but we will save the majority of spaces for our foreign guests.

Tours

[11] On the conference website there are also pre and post conference tours available for IAWJ members and their accompanying persons who wish to spend more time in New Zealand.

[12] The pre-conference tour (26 April to 5 May 2020) will start in Wellington before travelling south to take in the best sites of the South Island of New Zealand including Blenheim, Christchurch and Queenstown, with the opportunity to visit the Supreme Court in Wellington.

[13] The post-conference tour has a 3 day (12-14 May) and 5 day (12-16 May) option. The shorter tour will commence in Auckland on the 12th May and take delegates north to explore the beautiful Bay of Islands. The tour will conclude at Auckland Airport on 14 May. The longer option will commence in Auckland on the 12th May and take delegates north to explore the beautiful Bay of Islands. Following this, delegates will then head south to explore Rotorua.

Pōwhiri

[14] There will be a pōwhiri at Orakei Marae on the Thursday afternoon (extra cost to cover transport/koha). There will also be a mihi whakatau on the Friday morning which will involve other iwi as well as Ngāti Whatua.

Timetable

[15] The current proposed timetable for the conference (including optional activities) is attached.

Registrations

[16] Registrations are going very well. The table below sets out registration numbers and dollars to date and provides a comparison to the last biennial conference that took place in Buenos Aires.

Registrations through LAWJ

	Auckland			Buenos Aires		
	Delegates	Accompanying persons	Dollars	Delegates	Accompanying persons	Dollars
July	13	4	14,150	10	2	7,300
August	17	6	19,082	12	0	8,100

September	30	7	26,025	11	5	8,750
October	28	3	23,108	31	12	25,030
Total	60	17	59,257	33	7	24,150

[17] The Buenos Aires figures had a total of 42 registrants in November. The big jump in registrations in Buenos Aires was in December (191 registrations and the end of earlybird) and in January with 152 registrations. Auckland's earlybird rate finishes at the end of January but we hope as many people as possible will register before the end of the year (to leave plenty of time for visas).

New Zealand registrations

[18] In Buenos Aires, as in New Zealand, local delegates do not register through the IAWJ. Total numbers registering in Argentina were 227. New Zealand registration has just opened and we have 60 registrations of judges and the profession.

Sponsorship

[19] We have launched a campaign for sponsorship among the New Zealand legal profession. This has been aimed primarily at providing scholarships for those who would not otherwise be able to attend. At present travel expenditure is unlikely to be covered (except in exceptional cases) because of difficulties of administration. Applications for scholarships close on 22 November.

[20] As at the beginning of October, we had raised NZD 69,575 (including GST) in sponsorship and \$6,650 in donations. In addition, USD 1,280 has been raised through the IAWJ site for scholarships.

[21] Thanks are due in particular to Carolyn Henwood for her tireless work on this. Carolyn also travelled to Los Angeles in October to promote the conference at the US Women Judges' conference there. As expected, she generated a lot of enthusiasm to come to New Zealand.