



New Zealand Association of Women Judges

Report from the International Association of Women Judges Conference Washington 26 – 29 May 2016

The Conference entitled “Women Judges and the Rule of Law: Assessing the Past, Anticipating the Future” was the 13th Biennial Conference and a celebration of the 25th anniversary of the International Association of Women Judges (IAWJ). The Conference was described as a celebration of vision – an opportunity to reflect on the vision and dedication of women judges who began the IAWJ in 1991, and to look forward to the challenges for women judges of the future.

The New Zealand delegation included: Justice Susan Glazebrook (Supreme Court and Vice President NZAWJ), Justice Christine French (Court of Appeal, Treasurer), Judges Carolyn Henwood, Mary O’Dwyer (President NZAWJ, District Court, Wellington), Jane McMeeken (District Court, Christchurch), Claire Ryan (District Court, Auckland), Stephanie Milroy (Māori Land Court), Sarah Reeves (Māori Land Court), Melanie Harland (Environment Court, Hamilton), Nicola Mathers (District Court, Auckland, Past President).

Greg Kane, Simon Cunliffe, Michael Reed QC, and Audrey Ellis attended as accompanying persons.

The venue of the conference in Washington DC was a fitting choice for the 25th anniversary of the IAWJ. In 1989, 50 women judges from 42 countries met in Washington DC to consider forming a global association. That led to an inaugural meeting in 1991 when the IAWJ was formed. Membership today includes approximately 4,600 women judges from over 107 countries around the world.

From the formal opening ceremony on the second day of the conference that welcomed 890 judges and over 120 accompanying persons from 82 countries to the glittering dinner at the Washington Omni Shoreham Hotel, it was a stimulating festive and global event.

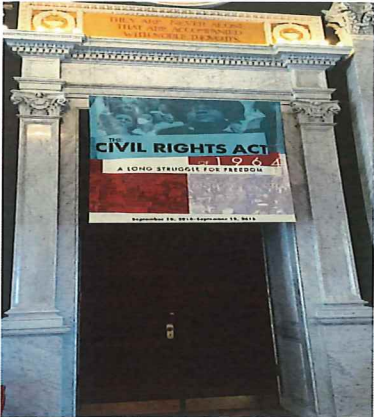
The first day of the conference began with registration and the opportunity to attend a guided tour of Washington’s historic monuments and courts. Washington is a city of politics and culture in a beautiful setting. A group of us had the opportunity to visit the United States Capitol and there see the remarkable architecture and beauty of the buildings that house some of the United States most treasured memories. From the beauty of the art and murals of Constantine Brumidi (1805 – 1880) to the treasure of the Guttenburg Bible (circa 1455), we were fascinated by art and learning.

Many of us found the exhibition commemorating the 50th anniversary of the American Civil Rights Act 1964 thought-provoking and moving. Amongst the many references was the story of Rosa Parks who played an important part in raising awareness of the condition of African-Americans and the civil rights struggle. Rosa Parks was opposed to segregation on the grounds of race. Her courage played an important part in the long struggle for freedom. She was imprisoned for refusing to give up her place on a bus to another passenger on the grounds of colour.

Rosa Parks now has a place of honour in the Hall of the US Capitol. To see her there was moving.



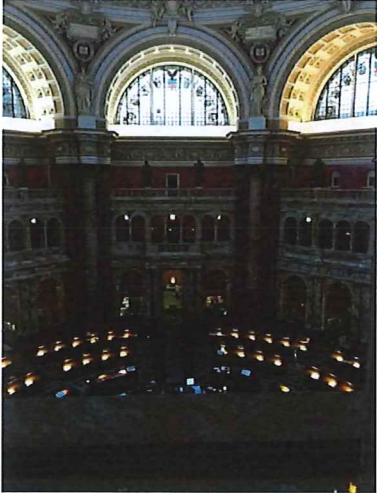
Rosa Parks



Civil Rights Banner



Justice Christine French at The White House



The Library of Congress



Judges at the Capitol

Day 2 of the Conference began with the official opening ceremony and the exciting roll call of nations. With 890 women judges from all over the world, the conference room at the Omni Shoreham Hotel was a blaze of colour. Many women were in traditional dress and as each nation was called, the delegates were given a warm welcome. There was a standing ovation for the sole woman judge from Syria (who is now in exile in London). We recognised the struggles that women judges face to be able to attend a Biennial conference from countries less privileged than New Zealand.

A welcoming address was given by the IAWJ president, Justice Teresita Leonardo de Castro (Chief Justice of the Supreme Court of the Philippines), Associate Justice Ruth Bader Ginsberg (US Supreme Court) and other leading judges of the IAWJ. Justice Teresita Leonardo de Castro urged all delegates to celebrate the great diversity of views and perspectives amongst women judges attending, gain from each other's experience and enrich our approach to our judicial lives.



Justice Ruth Bader Ginsberg has served on the US Supreme Court since 1993; she is 83 years old. She is known fondly in the US as the "*Notorious RBG*". In her welcome to the conference, she spoke of the great changes she had seen in her life in the representation of women in the legal profession and the judiciary. Whilst celebrating achievements, she spoke of the bleak side, the level of poverty and domestic violence being experienced by women and children in the US and other injustices. She said those problems pale in comparison to those that many of the brave women gathered at the conference encounter. She urged all of us attending the conference to remember the words of the first woman of the Supreme Court of the United States, Justice Sandra Day O'Connor, when she said:

For both men and women the first step in getting power is to become visible to others, and then to put on an impressive show ... As women achieve power, the barriers will fall. As society sees what woman can do, as women see what women can do, there will be more women out there doing things, and we'll all be better off for it.

It was a great start to the conference.

The stimulating opening was followed by a plenary session on the Equality's Frontiers. The panel involved women judges from the highest courts of the United Kingdom, Argentina, the Philippines, Zambia and the US. It was moderated by Professor Judith Resnik, Professor of Law at Yale Law School. The panellists spoke about the barriers past and present to judicial appointment and the barriers in the substantive law of equality in each country. During an informative discussion on the pros and cons of affirmative action, Dame Brenda Hale suggested that affirmative action may put the best women off. She argued that there was a duty on all able women to "*step up to the plate and do it!*"

Amongst other speakers, Justice Sonia Sotomayor noted that the US Constitution has not been effective in ensuring equality for women and that in the area of employment, welfare benefits, tax, and health care, women in the US are not equal. All the speakers at the panel were challenging and gave a fascinating insight into their personal perspective regarding the challenges for equality ahead.



Equality's Frontiers: Justice Sonia Sotomayor, Chief Justice Irene Mambilina and Lady Brenda Hale, Deputy President Supreme Court UK

The next session on International Human Rights and Humanitarian Law, brought together women judges working in countries ravaged by armed conflict and terrorism. We heard of the plight of those who are left behind (usually women and children) when communities are torn apart by genocide. We heard from judges working in Sarajero, Sierra Leone and Timor-Leste.

The following session took us to the conditions in the Middle East and North Africa. The focus of the session was on the problem of human trafficking in Jordan, the Middle East and North Africa. We heard of the situation of working conditions in Jordan where victims of trafficking were taken for labour in workforces against their will. The link between forced labour and trafficking for sexual exploitation is a real concern. We heard the concept of modern slavery, the term used to describe current means of denying basic human rights through human trafficking and sexual exploitation. In a fascinating session, judges from Jordan and the Middle East spoke of their experiences and the challenges in their countries.

That evening we were welcomed to the National Museum of Women in the Arts, in Washington DC. Justice Ruth Bader Ginsberg was our host. The Museum is a celebration of women artists with a permanent collection and special exhibitions.

Day 3 of the conference was an opportunity for contributions from the New Zealand judges. The Moot Court is a traditional Biennial event and on this occasion Justice Susan Glazebrook was a panellist. The topic involved applying international and African regional law to a child custody case that raised issues of discrimination for a woman in a same-sex relationship. The Moot Court gave a fascinating insight into cultural and religious influences in many jurisdictions and barriers based on sexual orientation.



Justice Susan Glazebrook

The plenary session on Restorative Justice was led and moderated by our own Carolyn Henwood. Carolyn led a lively and strong session on Restorative Justice, bringing together judges from diverse countries and cultures. Carolyn wowed the gathering with her presentation on the cultural background to restorative justice in New Zealand, the importance of Treaty principles underpinning restorative justice and the importance of the Family Group Conference model – “*New Zealand’s gift to the world*”. Carolyn was instrumental in inviting Chief Judge Kimberley Craven of Oglala Lakota Oyate Tribal Courts to be a panel member.



Judge Carolyn Henwood

Judge Craven spoke about restorative justice processes used traditionally by the American Indian tribes and how restorative justice techniques are now used in family and youth courts. The Lakota tribes have modelled their processes on the New Zealand Family Group Conference model and the strong relationship between New Zealand and the Lakota tribe was strengthened even more as a result of the restorative justice session.

At the end of the session the New Zealand judges sang the waiata, Purea Nei. The session was very well received by the conference.



**Judge Jane McMeeken with Chief Judge Kimberley Craven
of the Oglala Lakota Oyate Tribal Courts**

The major plenary session in the afternoon was entitled "*Courts in Crisis: Maintaining the Rule of Law in Emergency Situations*". Six experienced judges from around the world discussed their professional and personal experiences after natural and man-made disasters that had occurred in their countries, the lessons that they had learned and advice for the future.

Our own Jane McMeeken gave a moving and powerful presentation on the experiences of the Christchurch judges following the Christchurch earthquake in February 2011. Jane spoke about how frightening it was while the earthquake happened, the devastation immediately afterwards, and how judges had responded by finding ways to continue their courts in circumstances of extreme difficulty. She spoke about holding the Youth Court in her own

lounge, the development of portable courts in school gymnasiums, and the remarkable impact of holding the daily District Court criminal lists at the Ngā Hau e Whā Marae.

Jane's presentation was powerful and moving.



Judge Jane McMeeken

We are very proud of Jane, Carolyn and Susan for their particular contributions.

That evening there was a special event for the New Zealand judges through the wonderful hospitality of the New Zealand Embassy in Washington. Our host for the evening was Caroline Beresford, Deputy Chief of Mission at the Embassy. We experienced New Zealand hospitality and were able to express our thanks and friendship towards other countries of our region and to the IAWJ.

Our guests included the President, Justice Teresito De Castro, Justice Peggy Hsu (Taiwan), Chief Justice Diana Bryant (Australia), Justice Dana Fabe (Canada), Justice Gita Mittal (India), Dame Brenda Hale (UK Supreme Court), Professor Julian Farrand, Justice Petra Newton (Ontario, Canada), Judge Robyn Tupman (Sydney, Australia), Justice Vanessa Ruiz (United States), Lisa Davis (Executive Director of the IAWJ), Joan Winship (Retired Executive Director IAWJ), Justice Arline Pacht (Retired Judge, US and Founder of the IAWJ).



**Justice Teresita Leonardo de Castro, Justice Gita Mittal,
Judge Stephanie Milroy & daughter (Audrey Ellis)**

It was an evening where we were able to express our appreciation to the New Zealand Embassy and our guests.



The NZ Embassy group

On Sunday we were delighted to hear that Susan Glazebrook had been elected to the position of Vice President of the IAWJ underlining the well regarded contribution that Susan has made to the IAWJ and the New Zealand Association. At the Regional Meeting we spoke about the challenges in the Asia/Pacific region and our own association's commitment to supporting Pacific Island judges to attend at conferences in New Zealand and at the International Conference. Our region is very diverse, including New Zealand, Australia, Indonesia, the Philippines, India, Pakistan, Taiwan, China, the Pacific Islands, Afghanistan. For the first time there were women judges from Pakistan attending our Regional Meeting and a delegation from China. Two members were elected to represent the region at Board level, from Australia and the Philippines.

The business part of the conference was concluded with Chief Justice Teresita De Castro, President of the IAWJ and then handing over the banner to Justice Susana Medina De Rizzo, of the Superior Court of Justice in Argentina. Justice De Rizzo shared her vision to build bridges among judges everywhere in the world.

That evening we attended the Gala Dinner which was truly an "Oscars" event. There were awards honouring the founding, Arline Pacht, the former Executive Director Joan Winship and Judge Patricia Wald, a champion of human rights. There was music and dancing with cultural dancing by members from the Philippines and dance with the Latin American flavour, particularly the Tango.

The International Conference is a remarkable experience. To participate in an event with members from 82 countries is both humbling and uplifting. To see women judges from diverse cultures in leadership roles addressing inequality and human rights in various ways in their day-to-day work is inspiring. To quote Supreme Court Justice Ruth Bader Ginsberg:

I think that men and women, shoulder to shoulder, will work together to make this a better world. Just as I don't think that men are the superior sex, neither do I think that women are. I think that it is great that we are beginning to use the talents of all of the people, in all walks of life, and that we no longer have the closed doors that we once had.

We are very grateful for the support of the Heads of Bench in assisting us to attend the conference. Reports from the conference sessions are **attached** and various papers are available through the IAWJ website at www.IAWJ.org.

Mary O'Dwyer
District and Family Court Judge
President, NZAWJ

**U.S. Supreme Court Justice Ruth Bader Ginsburg's Remarks for
IAWJ Conference
May 27, 2016**

It is a special pleasure to welcome you to Washington, D.C. for IAWJ's 13th Biennial Conference. The Association's amazing growth is cause for celebration. I recall the launching of the National Association of Women Judges in the United States in 1979. At the 1989 annual Conference of that organization in this Capital City, through the prodigious effort of NAWJ founding member Arline Pacht, 54 judges from over 30 countries were in attendance. Their enthusiasm, Arline reported, was beyond her wildest expectation. She was determined to keep the spirit of international rapport engendered at that Conference vibrant. And her determination, widely applauded by Conference participants, sparked the birth of the IAWJ.

The International Association had its inaugural Conference, in conjunction with the NAWJ's 14th Annual Conference, in San Diego, California, in 1992. Fittingly, Arline Pacht was named first President. Eighty women from more than 32 countries attended. At this 13th IAWJ Conference, eighty has grown to 885 women, and countries represented, from 32 to 83. What accounts for that remarkable progress? Although different perspectives and experiences are reflected in this audience, we all share a zeal to make our systems of justice more user friendly, more attuned to women's needs and aspirations, more responsive to all of the people law exists (or should exist) to serve.

In my long life, I have seen great changes. When I entered law school, women were only 3% of the legal profession in the United States, no women were on the faculty of the law school I attended, only one woman had ever served on a U.S. federal appellate court. Today, about half the nation's law students are women, one-quarter of our federal judges are women, including three of the nine composing the U.S. Supreme Court bench. Women fill 20% of U.S. law school deanships and women serve as General Counsel to 21% of Fortune 500 companies. That is the bright side.

The bleak side, most people in poverty in this country are women and children, women's earnings are still notably less than the earnings of men with comparable education and experience, our workplaces do not adequately accommodate the demands of childbearing and childrearing, we have yet to devise effective ways to ward off sexual harassment at work, and domestic violence in our homes.

Yet our problems pale in comparison to those many of the brave women gathered here encounter. Women judges in troubled nations are striving to overcome corruption and ancient traditions that contribute to denial of the most basic human rights to women and girls. The intelligence and courage of so many of you inspire others in your country and elsewhere to follow in your way.

Women in positions of authority, and that includes members of this assemblage, can contribute importantly to repairing tears in our society and to the humanity of the decisions our courts make. As my dear colleague, first woman on the Supreme Court of the United States, Justice Sandra Day O'Connor, counseled:

"For both men and women the first step in getting power is to become visible to others, and then to put on an impressive show As women achieve power, the barriers will fall. As society sees what women can do, as women see what women can do, there will be more women out there doing things, and we'll all be better off for it."

You have an engaging, fully packed schedule from today through Sunday. May you enjoy the discussions and events and relish the opportunities to listen to, and learn from, each other.

Every good wish.

Report of Nicky Mathers
IAWJ Conference 2016

Equality 's Frontier

This session involved a frank and fascinating panel discussion between eminent women jurists, sitting on their respective highest courts, from round the world. They were Lady Brenda Hale, Deputy President Supreme Court United Kingdom, Justice Elena Highton de Nolasco, Supreme Court Argentina, Justice Teresita Leonardo de Castro, Supreme Court Philippines, Chief Justice Irene Mambilima, Supreme Court Zambia, and Associate Justice Sonia Sotomayor, Supreme Court United States, led by the moderator Professor Judith Resnik, Professor of Law at Yale Law School. What a stunning combination of women.

Each judge was very frank in accepting that being a woman was instrumental in their appointment and that had they not been a woman they might not have been appointed at the time. Obviously they hope, as do we all, that women will be appointed purely on merit and not have to rely upon their gender to gain appointments.

Some of the panel considered that their various appointment processes were improving but it was interesting to note that in the UK there is only one woman judge on the Supreme Court out of 12, with the last 15 appointments being men. In America the first Supreme Court Judge was appointed in 1981 with the next in 1982, then a further 18 years before panelist Associate Justice Sonia Sotomayor, and then only one year for the next. In Zambia there were no women judges on the High Court until 1980, that first woman is now the Chief Justice Irene Mambilima, and she is one of four women on the Supreme Court. The Constitutional Court is headed by a woman, as is the Court of Appeal.

In Argentina the first woman to be appointed to the Supreme Court was in 2004 and she is now the Deputy Chief Justice. She is the only woman out of five members.

Out of the 15 Supreme Court Judges in the Philippines three are women, one of whom is the Chief Justice. The ratio of male to female in the lower courts however is much greater and we were told there is no discrimination.

Lady Hale, in particular has been very outspoken about the appointment process in the United Kingdom and very critical of the fact that the last 15 appointments to her court have been "male, white and predominantly privately educated". She hopes that the six vacancies between September 2016 and December 2018 will achieve a more diverse court.

There was also concern from the panel that some judges were not putting themselves forward for higher office when they were clearly able to advance. There was also concern, as there is in New Zealand, that eligible women do not put their names forward to become judges in the first place.

Another important topic that was discussed was the general endeavour of the judges to improve situations, particularly for women and children, within the constraints of the various legal systems. In other words, there is a general gender attempt to advance their circumstances and try and prevent discrimination. This is particularly so in the area of domestic violence.

We were very fortunate indeed to have such a high calibre panel and for the most part, throughout the world, we face the same issues.

Report re Washington Conference: Judge Melanie Harland

New developments in international human rights and humanitarian law

The session was moderated by **Judge Sanji Mmasenono Monageng** from the Botswana International Criminal Court. The panellists comprised **Kathryne Bomberger**, the Director-General of the International Commission on Missing Persons, The Hague, **Judge Jacinta Correia da Costa** the Dili District Court, Timor-Leste, **Justice Shireen Avis Fisher** from the Special Court for Sierra Leone, Residual Mechanism, **Judge Melika Murtezic**, Municipal Court of Sarajevo, Bosnia-Herzegovina and **Justice Melissa Anne Perry** from the Federal Court of Australia. **Judge Patricia Whalan** (Retired) of the State Court of Bosnia-Herzegovina, Special Advisor to the War Crimes Chamber, was the co-ordinator of the session. Listening to these speakers was a very humbling experience given the seriousness of the issues with which they deal.

The session commenced with an overview of the International Convention on Missing Persons, which covers those who disappear during armed conflict, natural disasters, organised violence, terrorism or forced migration. The session highlighted the issues that arise for those left behind (predominantly women and children) and the impact on society as a whole. Kathryne Bomberger suggested that although focussing on missing persons was very important, the debate should move more towards considering how the rule of law can be reinstated in war-damaged societies.

Kathryne Bomberger and Judge Shireen Fisher spoke about forensic developments, particularly in the area of genetics that have enabled victims' rights to be addressed beyond the grave. Kathryne Bomberger used the former Yugoslavia as an example. She explained that overall 70 per cent of the missing had been accounted for and identified and almost 90 per cent of the victims of the Srebrenica massacre had been identified. Judge Melika Murtezic outlined the gruelling work undertaken by the War Crimes Chambers in Bosnia-Herzegovina (created in 2005) describing the identification of victims through the judicial process as a long and painful process for survivors. Judge Shireen Fisher stressed the opportunity women judges adjudicating these issues have to provide an environment that empowers witnesses to tell their stories in a gender-sensitive way, and to provide leadership by accurately naming crimes against committed against women and children during war as crimes against humanity.

Judge Melissa Anne Perry from Australia opened the debate about the use of automated weapons such as drones in modern warfare and highlighted the lack of international treaties specifically

Plenary session: Challenges for women Judges in the Middle East and North Africa

Report of Judge Stephanie Milroy

The reports at this session were concerned with improvement of working conditions in Jordan to help prevent human trafficking, and reports from the US Dept of State regarding human trafficking in Egypt, Jordan, Tunisia and Morocco.

In relation to Jordan victims of trafficking are taken for forced labour in the construction, garment, and agriculture sections and domestic work. The extent of trafficking for sexual exploitation is unknown although there is some evidence of forced or early marriages of Syrian refugee women and girls. Refugees who are working informally in Jordan are vulnerable to being trafficked. Jordan is fighting human trafficking and has ratified the UN Protocol to prevent, suppress and punish human trafficking, and has internal legislation to combat it. Jordan also has set up the National Anti-Trafficking Committee to coordinate implementation of their legislation and has provided shelters for the care and protection of trafficked persons. There are also other government established bodies that complaints can be made to regarding labour law violations.

The main concerns spoken of in this report concerning Jordan were the influx of migrant workers and refugees who face exploitative labour conditions including retention of passports, payment of low wages and long working hours. The number of prosecutions is low and the anti-trafficking system is still in its infancy and needs to continue to improve. There were a number of recommendations made to strengthen the anti-trafficking framework and provide better support for trafficked persons.

The US State Department report on human trafficking is a large report. Amongst other topics it addresses the prevention of human trafficking in global supply chains, child soldiers, the use of global law enforcement to obtain data on trafficking, and providing minimum standards for the elimination of trafficking as well as reference to the various international conventions to stop trafficking and sexual exploitation. Attached to the report are releases regarding modern slavery in armed conflicts, and how modern slavery may be eliminated. Human trafficking and sexual exploitation by international peacekeepers are also mentioned.

Some things we all should know about human trafficking are:

- 1) Human trafficking exists even in the US
- 2) Anyone can be a victim - and women are identified as victims of labour trafficking as well as sexual exploitation
- 3) Victims can move from being initial willing participants (often to be able to enter a country) and then later become trafficking victims
- 4) Migrant smuggling is different from human trafficking
- 5) Natural disasters can make people more vulnerable to human trafficking (as can war and political instability of course)
- 6) Industries that face particularly high environmental risks such as agriculture, fishing, logging and mining are prone to using forced labour
- 7) The ILO estimates illegal profits from forced labour in the private global economy amount to \$150 billion pa.

This session left us with the impression of how difficult the situation is in the Middle East and North Africa for vulnerable women due to political turmoil, and that measures need to be put in place to address this. We were also left in awe of the courage of women judges in this region given the challenges they face on a daily basis.

The Moot Court

Report from Judge Claire Ryan

The Moot Court on the conference's third day involved 7 judges, from France, Australia, U.S.A, Peru, New Zealand, Kenya and New Zealand ruling on the case of *Grace Ssali and Daughters v United Republic of Malaganda*, an imaginary appeal loosely based on the facts of *Atala Riffo and Daughters v Chile* (Inter-Am. Comm. HR, Case 12.502) in which a Chilean judge lost custody of her three daughters after she commenced living in a same sex relationship.

The Chilean Supreme Court ruled that her relationship placed her children's development at risk because of the impact such co-existence could cause for the psychological and emotional development of girls of such an age, the possible confusion of sexual roles, the replacement of the male parent with a female and the risk of isolation and discrimination because their family was significantly different from others.

Judge Atala took the case to the Inter-American Court of Human Rights which in 2012 held that laws and rulings which discriminate on the basis of sexual orientation are prohibited by the American Convention on Human Rights. It deemed sexual orientation a "suspect classification" and found that the Supreme Court's decision had discriminated against Judge Atala.

Argentinean Family Court Judge Monica Bravo Mayuli acted as counsel for Grace Ssali in the Moot Court. Professor Macarena Saez, Faculty Director, Center for Human Rights and Humanitarian Law, American University Washington College of Law, who had represented Judge Atala before the IACHR took on the more challenging task of representing Malanganda and making the very submissions she had once opposed!

By a 6-1 majority the Moot Court found in Grace Ssala's favour. Despite their different jurisprudential backgrounds, the Judges based their decisions on the best interests of the child in Article 3.1 of the U.N. Convention on the Rights of the Child and in relevant domestic legislation and/or case law, and most held that such interests were not compromised by the sexual orientation of the mother.

Judge Françoise Carnivet, Court of Cassation, France, focussed on Articles 8-12 of European Convention on Human Rights, including the right of people regardless of their sexual orientation to marry and raise a family. Judge Geri Ettinger, New South Wales Medical Tribunal, Australia explained the no-fault provisions of the Family Law Act 1975, the child's best interests in 60CA and case-law in which LGBT parents retained custody.

Judge Margaret McKeown, US Court of Appeals, 9th chartered state courts' "constitutional awakening" by striking down sodomy laws used against gay parents in custody cases, together with the Supreme Court's decisions of *Lawrence v Texas* 539 US 558 (2003) which overturned the sodomy laws in Texas and by extension, in 13 other states, and *Obergefell v. Hodges*, 576 U.S. ____ (2015), a 5-4 decision holding that the fundamental right to marry is guaranteed to same-sex couples by the 14th Amendment.

The arguments which succeeded in the Chilean court would not have been made in New Zealand, said Justice Susan Glazebrook of NZ's Supreme Court. S4 Care of Children Act 2004 promotes the welfare and best interests of the child, sex between men has been decriminalised since 1986 and LGBT people have the same legal rights as anyone else (including civil unions in 2005 and marriage since 19 August 2013.)

Peru is a traditional patriarchal society in which same sex marriage or cohabitation is prohibited so its Courts would be likely to follow the Supreme Court of Chile. However, Justice Janet Tello Gilardi of the Peruvian Supreme Court held that there are "stereotypes and prejudice that we have to eliminate."

Justice Eusebia Munuo, formerly of the Tanzanian Court of Appeals explored the tension between the recognised right of single mothers to protection and the equally present antipathy toward and legislation against homosexuality. She upheld the right to protection. Justice Roselyn Nambuye of Kenya Court of Appeals in her dissent noted that Kenya's Constitution upholds the traditional family unit and that the children's rights prevail over a parent's choice of lifestyle. She wryly observed that while the mother's lifestyle had attracted much scrutiny, the father's had not!

Restorative Justice

Plenary session at Washington conference 2106

Report of Judge Sarah Reeves

This session was moderated by our very own Judge Carolyn Henwood who had assembled judges from a diverse range of jurisdictions to speak about restorative justice experiences in their courts. Carolyn opened the session by firstly describing the principles of restorative justice and its international context. She referred to the New Zealand experience of restorative justice by firstly describing the Waitangi Tribunal process, then the Listening to Victims project, and lastly she talked about the family group conference process; its place in the youth justice system, its effect on youth imprisonment rates, and how it has been New Zealand's "gift to the world".

The first of the other speakers was Judge Nawal Al-Jawhari from Jordan. She described an alternative conflict resolution system used to resolve tribal or family feuds involving respected elders, which seeks to arrive at an agreed resolution which can be documented and brought to the court as a mitigation factor for related offences.

The second speaker Judge Lunel Gabayoyo from the Philippines spoke about how restorative justice has been integrated into their criminal justice system. Judges are directed to conduct dispute resolution conferences, ideally without lawyers, to arrive at an agreed outcome. Elders can be involved, and she reported a noticeable effect on re-offending.

The last speaker was Chief Judge Kimberley Craven from the Lakota tribal courts. She described how restorative justice processes were traditionally used by tribes. Nowadays over half of tribes have their own courts with inherent sovereignty within their borders over all criminal (except for 15 serious crimes), civil, youth and family, and traffic matters. Restorative justice is mainly used in the youth and family courts with the "circle" being used for young offenders as a healing process to divert young offenders from imprisonment.

The session ended with the NZ judges gathering around Carolyn on the conference stage to sing the waiata "Purea Nei" as a sign of our support for her and the kaupapa.

COURTS IN CRISIS: MAINTAINING THE RULE OF LAW IN EMERGENCY SITUATIONS

Report: Justice Christine French

In this session, six judges including our own Jane McMeeken shared their experiences of having to face a crisis or emergency situation and the response of their respective Courts. The situations discussed ranged from natural disasters (earthquakes in Christchurch and Nepal, hurricane in Texas) to the conduct of trials involving mass casualties and national outrage (terrorism in Kenya, the sinking of a Korean ferry boat).

The key message in relation to natural disasters was preparation, preparation, preparation. Speakers emphasised the need to have a plan to ensure that Courts are able to continue to function. The plan should be developed with input from all stakeholders and reviewed on a regular basis. Another key message was that even when a plan is in place, the unexpected will always happen and it is important to be flexible and able to improvise.

As regards the man-made disasters, the challenge for the Court was preserving fair trial rights while at the same time ensuring that the needs of victims were met and public confidence in the administration of justice was maintained. Communication with victims was pivotal.

The session was one of the most interesting and absorbing sessions in the conference, if not *the* most interesting. Jane did us proud and received universal acclaim for her presentation.