



New Zealand Association of Women Judges

Report from the International Association of Women Judges Conference London 2 – 5 May 2012

The Conference titled "Keeping Safe – Keeping Well" was attended by: Justice Susan Glazebrook, (Court of Appeal, Committee Member); Justice Helen Winkelmann, Chief Judge of the High Court and also a presenter at the conference; Justice Judith Potter, Judges Nicola Mathers, President NZAWJ; Annis Somerville, Past President NZAWJ; Mary O'Dwyer, Secretary NZAWJ; Philipa Cunningham, District Court Auckland; Francis Eivers, District Court Manukau;; Anne Kiernan, District Court Auckland; and Allison Sinclair, District Court Auckland.

David Kiernan, Michael Reed QC, Martin Wiseman and Judge Peter Rollo attended as accompanying persons, as did many other spouses and partners from other countries. Sadly, Peter's father died in New Zealand while he and Annis were in London.

From the commencement of the formal opening ceremony with the roll call of representatives from 48 countries covering over 600 members to the magnificent dinner held at the London Guild Hall, it was a stimulating and thoroughly enjoyable few days (despite the weather).

Prior to the commencement of the conference, the family court judges were fortunate to be invited by Lord Justice Thorpe to visit the Royal Courts of Justice.



Six of us were also fortunate to be able to spend a morning at Holloway Prison. We were introduced to one of the Governors, a number of the prison officers, training staff, and inmates. What was apparent from all of the people working in the prison was their dedication and focus on the rehabilitative needs of the women prisoners.

Some of the judges were able to go on a tour of the Old Bailey and Michael Reed toured Lincoln's Inn and highly recommends a visit to this beautiful Inns of Court.



The conference itself was held in Church House, a beautiful building set in a court yard alongside Westminster School. The original Church House was founded in 1887 and built to commemorate the Golden Jubilee of Queen Victoria. In 1931, plans were prepared to erect a new church house in its place that was more in keeping with the needs of the time. However, because of the world recession, plans were put in abeyance



until 1937. The current building was designed by the renowned architect, Sir Herbert Baker, and Her Majesty Queen Mary laid the foundation stone in June 1937. It took until 1940 to complete and was officially opened by His Majesty King George VI on 10 June 1940. When Winston Churchill was Prime Minister the building was refurbished for use by the two houses of parliament during the war. It certainly was an excellent venue for the conference.

The official opening ceremony was introduced by Baroness Hale, the only female member of the Supreme Court of the United Kingdom and the then president of the IAWJ. Other speeches of welcome were given by the Lord Chancellor, the Right Honourable Kenneth Clarke QC MP, the Lord Chief Justice of England and Wales, Lord Judge, the Deputy Secretary General of the Commonwealth Secretariat, Ms M Masire-Mwanba, the Vice President of the Law Society of England and Wales, Ms L Scott-Moncrieff and the President of the Supreme Court, Lord Phillips.



Then followed a plenary session on judicial leadership with Justice Winkelmann and Chief Justices from Argentina, Australia, Canada, Ghana and Jamaica comprising the panel.

The second day commenced with a plenary session entitled "Incarcerated Women". The session considered issues surrounding the

incarceration of women ranging from the likelihood of a history of abuse to drug and alcohol problems and implications for the children of primary carers in prison. In particular Dame Anne Owers, formally Her Majesty's Chief Inspector of Prisons, gave a powerful address.

The next session, entitled "Human Trafficking and Forced Marriage" dealt with how we as judges should be able to recognize human trafficking and consider whether, in particular, trafficked sex workers should be treated as victims rather than offenders.

The last plenary session of the day "Naming, Shaming, and Ending Sextortion" dealt with sexual exploitation and corruption by figures in a position of authority. The panel comprised judges from Tanzania, the Philippines and Bosnia and Herzegovina.

That evening we were welcomed to Temple Church (of the Da Vinci Code fame) and for anyone who has never visited the church, it is an absolute must see. We were entertained to a recital by the organist and choir of the Temple Church and regaled with the history of the church by the Master of the Temple. It was a very memorable and special evening.



A number of us then went to the West End and spent a very pleasant evening at Joe Allen's restaurant.

The following day commenced with two parallel sessions. One, on judicial health and safety and the other, on woman and girls as armed combatants. In the former session, tribute was given to Judge Jill Wainwright who sadly died of cancer at Easter 2011. She was a District Judge and was instrumental in the UKAWJ's conference bid. In

relation to the latter session amongst other things we heard very distressing accounts of evidence presented to the International Criminal Court for Sierra Leone.

The next plenary session was entitled "Services for Victims of Sexual Violence" where we heard from a judge from the International Tribunal for Rwanda, Baroness Stern, formally Secretary General of Penal Reform International, a Court of Appeal judge from Norway and the Director of the National Judicial Education Programme in America. A chilling comment in relation to domestic abuse was made that "an abuser who subjects their partner to sexual violence is 7 times more likely to kill than those using physical violence only".

The regional meeting was held at the end of the day. I am pleased to advise that Justice Susan Glazebrook and Justice Peggy Hsu (Chinese Taipei) were unanimously elected to the board as regional representatives. I am also delighted to report that the meeting unanimously approved the holding of a regional conference in Auckland in May 2013. The dates have now been confirmed as May 10 – 12. Further details will be circulated shortly.

Women Work and Health and Violence and the Problem-Solving Court were the last two sessions for the day with an additional session explaining the Feminist Judgment Writing Project, which set out to rewrite judgments in well known decisions from a feminist's point of view, sometimes reaching the same result, sometimes not.

That evening the New Zealand contingent was invited to a champagne reception at 7 Bedford Row Barristers' Chambers. Of the 69 members of chambers, 18 are QCs and 25% are women. Our hosts entertained and looked after us extremely well.

From there, some of us went to Somerset House where we ate at Tom's Kitchen. Others went to the theatre.

The only plenary session on Friday was entitled Human Rights. Navanethem Pillay, the United Nations High Commissioner for Human Rights gave a riveting address on the work which she and her office are doing to promote human rights of women and children throughout the world.

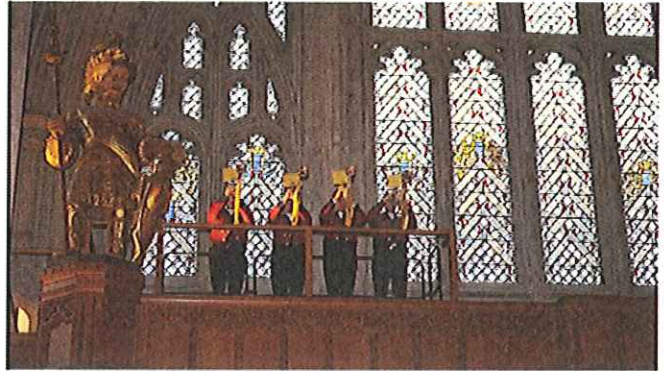


The formal part of the conference ended with Lady Hale and the members of the UKAWJ handing over the banner to Justice Eusebia Munuo and the Tanzanian Women Judges Association who are hosting the next IAWJ Conference in Arusha in 2014. The sight of the Tanzanian judges in their national dress singing their national anthem was very moving.





That evening we attended the gala dinner at the City of London Guild Hall, an occasion which will remain long in our memories. We were greeted by trumpet fanfares and entertained by operatic arias from a soprano and mezzo-soprano. The company was wonderful, the food delicious and the venue quite extraordinary.



For those of us who have attended previous conferences it was time to catch up with old friends, make new friends and appreciate that as women judges we can make a difference. To quote Lady Hale “We are not just an association of women judges - we are an association of judges who believe in the equal rights of women. And there are many men who believe this just as passionately as any woman.”

“It has been said that our role is to ‘Mind the Gap’ - the gap between the law in the books and what actually happens to and for the victims on the ground.”

We are all very grateful for the support at all of the benches in assisting us to attend the conference. Reports from the sessions are attached and the papers will be available through the website, www.iawj.org. See you in Arusha, Tanzania 6 - 9 May 2014.



Nicola Mathers
President

Visit to the Royal Courts of Justice Family Division

On 2 May the Family Court Judges comprising Judges Annis Somerville, Mary O'Dwyer and Frances Eivers visited the Royal Courts of Justice to attend a hearing in the Family Division of the High Court. We observed Mrs Justice Baron who was presiding over a three day child abduction hearing. We were escorted to Mrs Justice Baron's chambers by Victoria Miller who was lawyer to the Head of the International Family Justice. Unfortunately the Court of Appeal was not sitting on the Monday and Tuesday, the days prior to the International Woman Judges Conference when we were available to. We met with Mrs Justice Baron prior to the Court case commencing for that day and she spoke about the case with us.

We did make the comment that it was usual for us to deal with a Hague Convention case in half a day whereas she had the luxury of having a three day case. We were appreciative of Mrs Justice Baron's willingness to talk with us and share the unusual circumstances of this particular case.

We sat in the back of the closed Court and observed cross-examination of a psychologist. We were able to discuss that evidence with Mrs Justice Baron during the lunch break.

The Family Court in New Zealand deal with such cases whereas they are dealt with in the High Court in the UK in the first instance. Mrs Justice Baron used her own computer to take down her notes and she commented that she preferred to give an oral decision at the end of each hearing. We were grateful for the opportunity to have a discussion with Mrs Justice Baron and to have the opportunity to observe a case while we were in London.

It was reassuring to notice that our Family Courts were similar. We concluded that the Family Court of New Zealand has a high standard equivalent to that of the Family Division of the High Court in London.

Visit to HM Prison and Young Offenders Institution, Holloway, London
by Anne Kiernan

On 2 May 2012, in advance of the IAWJ Conference in London, seven New Zealand delegates visited Holloway Prison in North London. Our guides were the Communications Manager Shelley Knight and Prison Officer Dean Barrow. Mr Barrow has an interest in the history of this famous prison and we were fortunate to see historical documents and various items of interest laid out for our perusal on the governors' table in the prison boardroom. Mr Barrow had also compiled a short history of Holloway which is attached to this report.

Holloway Prison is the largest women's prison in Europe and can hold over 700 women. At the time of our visit it held 560 women. There is a staff of 300. Holloway is what is known in England as a local prison and therefore takes women serving time on remand as well as sentenced prisoners. The average length of stay, we heard, was 45 days. However there are prisoners who are serving life sentences there as well as those who are on remand from the local court.

In the past well-known residents have included Ruth Ellis (the last woman hanged in England in 1955), Myra Hindley (the moors murderer) and Christine Keeler (of the Profumo affair). Today, the prisoners reflect multicultural London in the 21st century. We learned that there are up to 70 nationalities at any time in the prison and 40% of the prisoners are non-English speaking. 40% also are prisoners on remand rather than sentenced prisoners and it is for those particular prisoners that short stays of course are the rule. For comparison with New Zealand, we have 550 women prison beds in this country in our three women prisons at Auckland Regional Womens Correctional Facility in Wiri, Christchurch Women's Prison and Arohata in Wellington.

During our visit to Holloway we were walked around some areas of the prison and able to see double prisoner rooms as well as dormitory style accommodation. The fabric of the prison is old and most comparable to Mt Eden or Mt Crawford, our oldest New Zealand prisons. We visited a self care unit and a unit for special needs prisoners, saw some of the exercise areas, and spoke to the education director and a tutor in the training area. Education in prison in terms of prisoners attending courses is an important part of the daily regime for sentenced prisoners. Remand prisoners cannot be directed to do any courses. Sentenced prisoners are required to enrol.

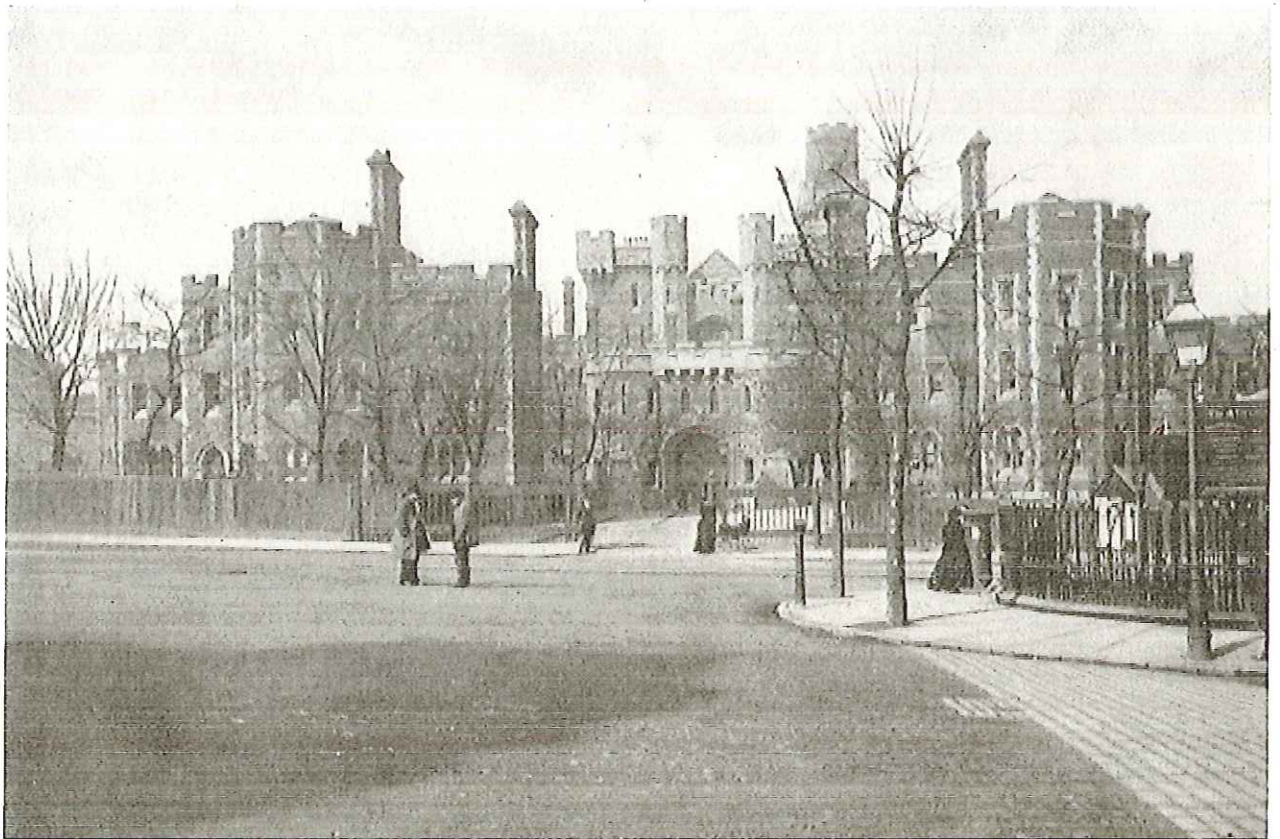
The education director, who has been working in the prison for over 20 years, told us that ideally she would like to have each prisoner for four months so that courses could be properly completed. As things stand with many short stay prisoners enormous challenges exist. As in New Zealand, basic literacy courses are on the curriculum as well as ESOL courses, which are particularly important in this prison.

There is a mother and baby unit with 30 rooms where mothers can have a baby with them for nine months. Each prisoner, we learned, is entitled to a statutory visit of one hour every two weeks, though application can be made for more frequent visits. Exercise outside is permitted for half an hour each day and one hour on each weekend day. We also learned that the most commonly used drug of choice amongst prisoners is heroin.

At the end of our tour we were able to speak to one of the prison governors. We all came away very grateful for the opportunity to visit this famous prison, and impressed by the organisation and the commitment of the staff. A BBC documentary is currently being made in Holloway and in the men's prison Pentonville, just down the road, and this will air in Spring 2013. We were promised a copy of it.



A Brief History of H.M. Prison Holloway



Officer Dean Barrow

A need for a new Prison 1852

In 1848 there was a growing need for prison spaces within the capital. The Alderman and the Court of Common Council came together to discuss as to where a new Prison could be built. The place chosen was a site that was previously purchased by the Corporation of London as a possible burial ground. The burial ground was originally purchased in preparation for a tuberculosis and cholera epidemic which never materialised. The site was situated in the Borough of Islington within the Holloway area.

Work began on the new 'House of Correction' in 1846 and was completed in 1852. It had a capacity for 400 inmates of which 96 were assigned for women. In 1888 the prison was further enlarged by extending B and C wings which increased the capacity to 949 inmates.

A new era as a women's Prison

With the closure of Newgate Prison in 1902 a designated women's prison for the London and Home Counties area was in desperate need. It was then that Holloway was designated exclusively a prison for women.

Further building work also enlarged the accommodation when a new Wing was built to accommodate a further 101 Prisoners. This wing known at the time as DX Wing became synonymous with the Suffragette Movement as this was where the Suffragettes were housed.

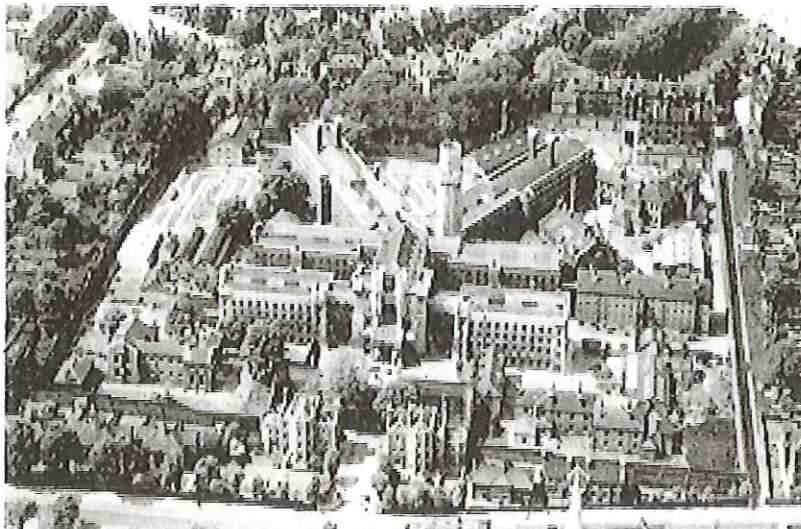


DX Wing shown being demolished in 1976.

In 1908 Holloway began to accept youths sentenced to 'Borstal Training', where the emphasis on their regime was 'educational rather than 'punitive'.

In the 1930s, the prison was found to be inadequate and following the 1938 Criminal Justice Act a proposal was made to rebuild it on a new site at Heathrow. The proposal was reconsidered in the 1960s with the appointment of the Advisory Council on the

Penal System in 1966. The Council, whose findings were published in 1968 (the Radzinowicz Report), concluded that the existing prison should be demolished and a new one built on the site. A comprehensive photographic record of the buildings was made by RCHME in August 1970 prior to demolition commencing. HMP Holloway was built between 1970 and 1983¹.



Aerial View of Holloway in 1947

Holloway at War

With the outbreak of World War 2 on September 3rd 1939 Holloway was partly evacuated. All those who had less than three months to serve were released the following day. All those still under trial or awaiting sentencing stayed put, whilst the vast majority of staff and prisoners were sent to HM Prison Aylesbury.

Those Staff who remained behind received training for Air Raid Precaution Duties (ARP). There are many accounts of disgruntled staff having to sleep within the prison in the event of an Air Raid Alert. When the sirens sounded, these Staff had to unlock the Prisoners and lead them to the basement level of the Wings. Unfortunately the staff rooms had no locks and so when they returned after the all clear had sounded many found that their personal items had been stolen by the prisoners.

Holloway prison remained operational right throughout the Blitz in 1940-1941. On May 10 1941 (ironically the last night of the Blitz), the end of C Wing received a direct hit. Luckily there were no fatalities (unlike at HMP Pentonville which received a direct hit causing a number of deaths), but there was extensive damage done to the gabled end of the Wing. The Prison would come under attack further throughout the remaining war years when minor raids and V1 and V2 missiles would strike close to the prison.

It was also during the war years when Holloway began to fill with those detained under Regulation 18B (Threat to National Security). The most notable detainee was Diana Mosley (Nee Mitford) who was permitted by Winston Churchill to be joined by her husband, the British Union of Facists leader, Sir Oswald Mosley. The Mosleys were imprisoned in a house within the perimetre of the prison and were (due to their

¹ Molly Cutpurse (Author) 2012

aristocratic roots) permitted to have serving Prisoners, mostly those convicted of prostitution, as their servants. Towards the end of the war the Moseleys were released under house arrest to a farm, where it was noted that Oswald Mosley had named a cow after the Chief Principal Officer at Holloway.

A site of execution

When Holloway became exclusively a female prison after the closure of Newgate in 1902, it was designated a 'Hanging Prison'. An execution shed which housed the gallows was constructed at the end of B-Wing. The first execution to occur at Holloway was a double hanging which took place on 03 February 1903. Amelia Sachs and Annie Walters were convicted together of the murder of a baby that they promised to home for its mother for a fee. Sachs and Waters were thought to have murdered more than 100 babies.

The next execution caused a national outcry when Edith Thompson was found guilty along with her lover of the murder of her husband. Edith Thompson was convicted purely on circumstantial evidence and was sentenced to death at the Old Bailey on December the 11th 1922. It was claimed that Thompson was sentenced to death largely because of her morals rather than any firm evidence against her. Edith reportedly had to be dragged to the scaffold, where the execution was so upsetting that the Executioner committed suicide a number of years later. Edith's lover Frederick Bywaters was executed the same day at HM Prison Pentonville.



Edith Thompson and her lover Frederick Bywaters who were both executed for the Murder of Edith's husband on 09 January 1923.

In the 1930s it was decided along with most other prisons to house the execution chamber next to the condemned cells. The gallows were moved to E-Wing where the next execution took place on 15 December 1954. Styllou Christofi was convicted of the murder of her daughter in law. Christofi was tried at the Old Bailey where she was found guilty and sentenced to death. There was very little mention of Christofi's case within the media and her subsequent appeal dismissal passed with no mention at all.



Styllou Christofi, executed on 15 December 1954.

The next execution attracted a blaze of publicity, where the death penalty itself was brought under question. Ruth Ellis, an attractive model and night club owner hit the headlines when she shot her unfaithful lover outside a public house in Hampstead on Easter Sunday 1955. At her subsequent trial Ellis pleaded not guilty and insisted on taking the stand. Her fate was sealed when the prosecution posed a question to her : *"Mrs. Ellis when you shot David Blakely at close range, what did you intend to do to him?"* Ellis replied: *"it was obvious that when I shot him I intended to kill him."* Ellis was found guilty and sentenced to hang. There was a media frenzy over the case, whereby petitions and protests were sent to the Home Secretary. Ellis decided not to appeal and her execution proceeded on the morning of July 13th 1955.

Unlike Christofi there was a mass demonstration outside the prison gates. Even Albert Pierrepoint the executioner, when asked by a reporter how he could have facilitated the execution, noted that he was not asked that question eight months ago when he had hanged Christofi. Ellis was the last female executed in the United Kingdom and ten years later the death penalty was suspended for murder and was eventually abolished for all crimes in 1998. All in all over 40 women were received into Holloway's condemned cell however only five had their sentence carried out.

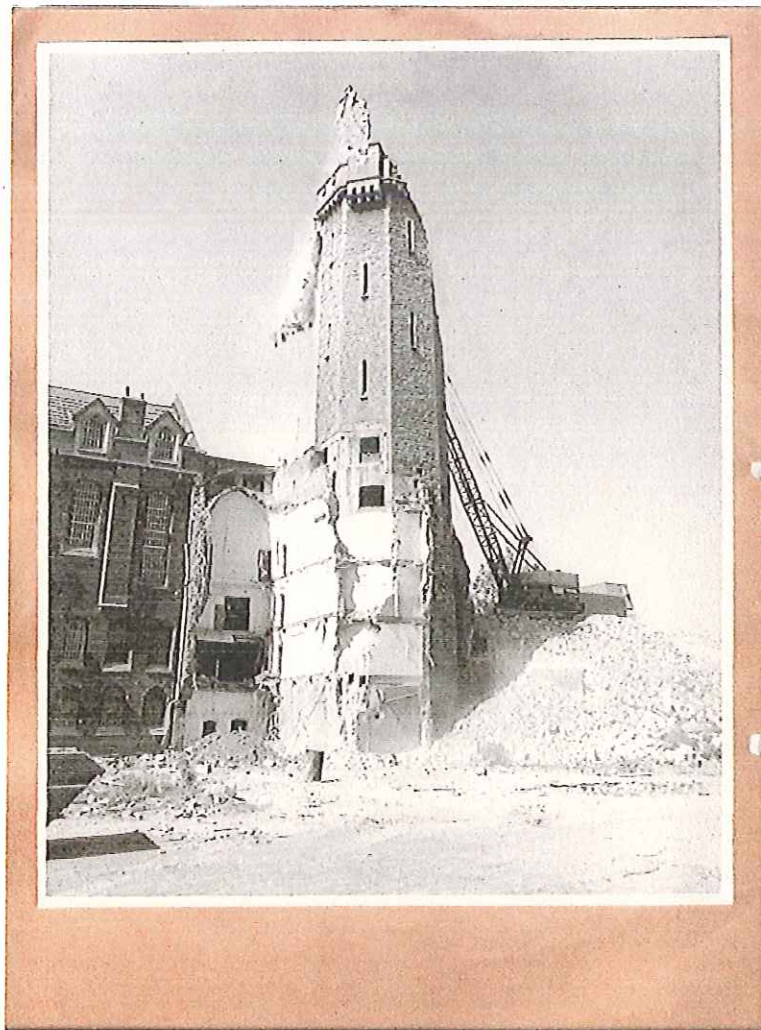


Ruth Ellis the last woman to hang in the UK.

A new Prison, a new vision.

In 1971 work began on the rebuilding of the new prison. Despite protests from the local community and a Victorian preservation group, the government gave the go ahead to send in the bulldozers. The prison was pulled down wing by wing and as each new wing was built the prisoners moved across. The design of the new Prison resembled that of a hospital, indeed the new prison was built along the theory of 'women were mad and not bad.' With the increased activities of the IRA and the hijacking of Flight 219 from Amsterdam to New York by Leila Kahled in the early 1970s, the government realised that women were just as capable as their male counterparts of terrorist activities and violent crimes. When Leila Kahled touched down at Heathrow there was no women's prison capable of holding her – Holloway would have been the receiving high security prison, however due to its new design it was totally unsuitable. Kahled had to be detained at Paddington Green high security police station until her deportation.

The new layout at Holloway became a major contention amongst the staff that worked there. The blind corners in the cells and corridors made it dangerous and difficult to police. The building work was finally completed in 1984.



The last remnants of Holloway under demolition 1976.

The new Prison saw many challenges throughout the 1980s. A seven week strike in 1988 over the implementation of 'Fresh Start' by the Prison Service saw relations between managers and officers at breaking point. Staff were concerned at the reduction in officers on the landings which was thought to be dangerous for staff and prisoners alike. For seven weeks officers remained on the picket line, while managers staffed the landings and kept the prison running.

Holloway today



Prisoners on route to activities 2008.

Today the Prison functions in a variety of different roles. It still remains a closed Prison primarily for those remanded into custody by the courts, but also houses a Substance Misuse Unit, a Life Sentenced Prisoner Unit, a Mental Health Assessment Unit and a Mother and Babies Unit. Young Offender's who were previously housed separately from the main population are now mixed.

Holloway is Western Europe's largest Women's Prison and can hold up to 570 Prisoners. Today Holloway strives to Promote Positive Change in those who are detained here.

Holloway works especially close with other agencies such as:

HIBISCUS who help our Foreign National population

CARATs that provide services to drug users

The Poppy Project who offer support to women who have been trafficked into the UK

The UKBA who assists in advice and guidance of those detained under immigration law

CFAB who help with Foreign Nationals with child issues both in the UK and abroad

St Mungo's who help Prisoners find accommodation upon release

Job Centre plus, who advise about state benefits.

The Samaritans, who train prisoners as listeners to other prisoners who are need.

Women in Prison, who offer support and advice for those who have experienced domestic violence

Alcoholics Anonymous

Narcotics Anonymous

Multi Faith Chaplains who minister to the different religious needs of our population

Holloway has a multi disciplinary approach to those who have been identified as requiring support as suicide or self harm risks. At every step of the ACCT process the prisoner is involved in her care plan and is regularly consulted about different decisions that would affect her care.

Given Holloway's extensive history, it has firmly remained within the British psyche for over 150 years. With the current economic problems faced by all public sector workers and the threat of privatisation or closure constantly hanging over its head, Holloway amazingly still manages to function effectively.

Notable past prisoners

Oscar Wilde – imprisoned under Sodomy Laws in the late 19th Century

Anne Miller Fraser – Sufferegette

Constance Markeivicz – Sufferegette

Diana Moseley – (one of the Mitford Sisters) imprisoned under Regulation 18B

Myra Hindley – One of the Notorious Moors Murderers – sentenced to life in 1966 and died in prison in 2001.

Christine Keeler – Remanded for Perjury during the 'Profumo Affair'

Cynthia Payne – Famous Madam who ran Brothels which entertained high ranking officials

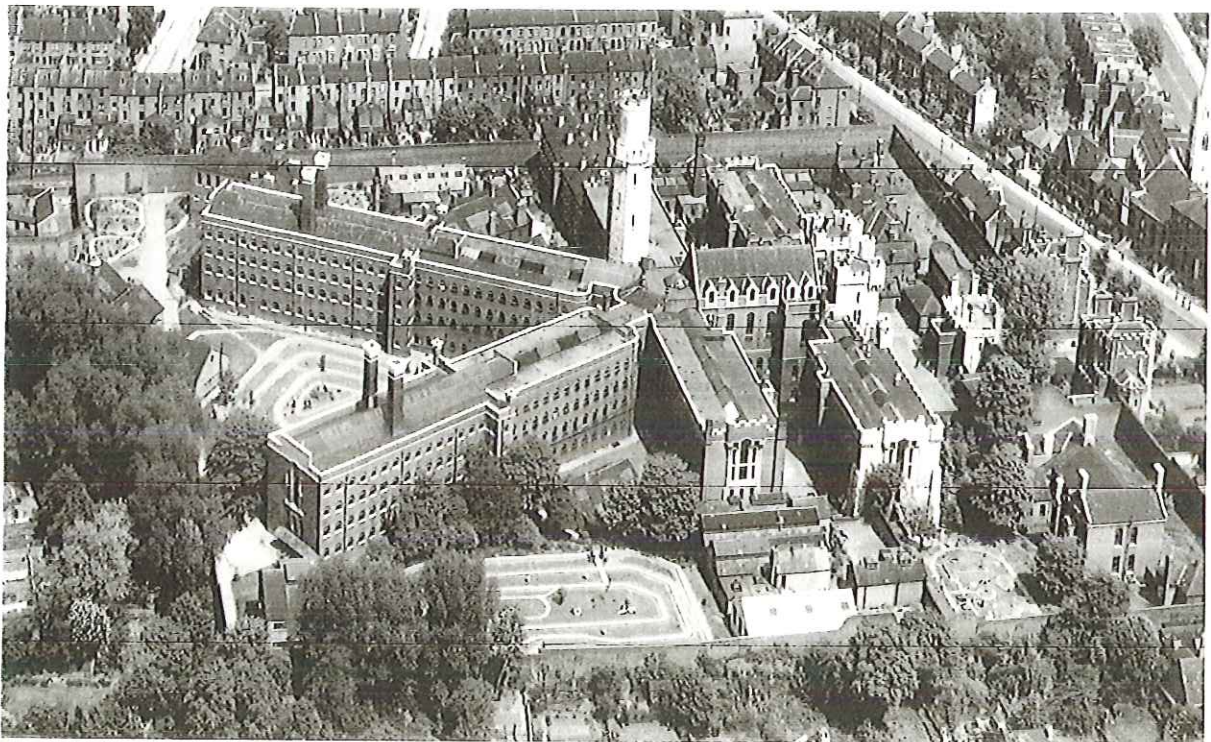
Ethel Le Neve – Lover of Dr Crippen who was held on remand until her acquittal of murder in 1910.

Francoise Dior – Nazi Synagogue arsonist

Oswald Mosley – British Union of Facists, held under regulation 18B in 1940-1942



Holloway Staff vehicular entrance 2011.



Holloway 1947.

JUDICIAL LEADERSHIP

The first plenary session of the conference was on judicial leadership. A panel including Justice Winkelmann and Justices from Australia, Argentina, Jamaica, Canada, Ghana were asked to comment on various topics including their goals as judicial leaders, the operation of their respective courts, relations with the media and whether they considered there should be a mandated number of woman judges in their respective jurisdictions. The Judges shared similar aspirations and spoke of particular challenges that they faced. None of the Judges were in favour of any quota system for the appointment of women to the judiciary. All panellists took the view that while there needed to be greater gender equality on the Bench this should be achieved on a merit basis.

Incarcerated Women
by Anne Kiernan

This opening session of the IAWJ Conference was presented by four women with very different perspectives, from very different countries and legal systems. The presenters were:

Dame Anne Owers, now Chair of Christian Aid, formerly Her Majesty's Chief Inspector of Prisons
The Hon Justice Gita Mittal, Delhi High Court, India
The Hon Lady Justice Murugi Mugo, Judge of the High Court, Kenya
The Hon Judge Petra Newton, Ontario Court of Justice

What was apparent from each of these presentations was that when a woman is imprisoned the effect of that incarceration flows on to her family and particularly to her children. Challenges facing incarcerated women also were similar and included congestion, nutrition, loneliness, violence, diminished self-esteem, health and well-being, and maternal care.

In developing countries such as India and Africa emotional stress due to separation from families, for whom often women are the primary provider, is an important issue. Other factors that impinge upon both imprisonment and rehabilitation are legal "bottle-necks", self incrimination, social and family obligations, discrimination, stereotyping, stigmatization, poverty, others.

Guidelines have been set out in all the countries we heard about to ensure that women's health, and particularly issues regarding pregnancy and childbirth, are properly and humanely addressed. From the material the Conference was shown there have obviously been great strides in prison reform and in prison programmes for rehabilitation of women.

Justice Mittal gave examples of particular prisoners in India, and also spoke of the experience of Aung San Suu Kyi in Burma, and the fate of political prisoners. She quoted from Aung San Suu Kyi:

"Be free. Nobody can imprison your mind. They can imprison your body, but they cannot imprison your mind. We must always remember this. Free your mind."

Some of the papers presented are available on the IAWJ website.