

CMJA NEWS

The Newsletter of the Commonwealth Magistrates' and Judges' Association

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April 2014

EDITORIAL

Since the last CMJA News was published, the CMJA has continued to work on preparations for the next Conference being held in **Livingstone, Zambia from 7-11 September 2014**.

The theme for this year's conference is "**Judicial Independence: The Challenges of the Modern Era**".

PLEASE REGISTER NOW at www.cmja.org or request a copy of the registration form from the Secretariat (info@cmja.org) to avoid disappointment. The CMJA has also been preparing for the next Triennial Conference which will be taking place in September 2015 in New Zealand all going well. Further details will follow in due course on this.

We will be saying goodbye to Ratha Lehall on 30 April 2014. Ratha has been working as the CMJA's Executive and Admin. Officer during Temi Akinwotu's maternity leave. She has been working extremely hard to ensure that membership payments are paid on time. Those who attended the Jersey Conference will have met her as she managed the registration and CMJA stand for us.

Judicial independence issues have continued to focus our attention recently in particular in Sri Lanka and Nauru (see below). We have also continued to monitor developments in other parts of the Commonwealth in particular in relation to the compliance of Commonwealth jurisdictions with the Commonwealth fundamental values.

The CMJA together with the Commonwealth Lawyers Association (CLA) and Commonwealth Legal Education Association (CLEA) published their report on "**Judicial Appointments Commissions: A model clause for Constitutions**" in December 2013. This report was circulated by email to Member Associations and Chief Justices and is available on the CMJA's website or on request from the CMJA Secretariat.

In the meantime the CMJA has continued to work on the implementation of the Commonwealth (Latimer House) Principles. 2013 marked the 15th anniversary of the Latimer House Guidelines on Parliamentary Supremacy and Judicial Independence for the Commonwealth which, as regular readers know, led to the formulation of the Commonwealth (Latimer House) Principles on the Three Branches of Government – adopted in 2003, 10 years ago. As previously reported, in February 2013, the CMJA together with the CLA, CLEA and Commonwealth Parliamentary Association (CPA) were commissioned by the Commonwealth Secretariat, to draft a Latimer House Dialogue Toolkit. As Secretary General of the CMJA, Dr Karen Brewer was appointed as Project Manager for the Toolkit as well as taking on some of the duties of the Project Programme Director. The Latimer House Working Group has now submitted the Toolkit to the Commonwealth Secretariat and it is hoped that this will form the basis of future workshops between the three branches of governments in countries which have experienced problems in implementing the Commonwealth (Latimer House) Principles.

The Latimer House Working Group (composed of representatives from the CMJA, CLA, CLEA and Commonwealth Parliamentary Association as well as the Commonwealth Secretariat) have produced a report on the status of implementation of the Commonwealth (Latimer House) Principles for consideration by the Commonwealth Law Ministers at their meeting in Gabarone, Botswana in early May 2014. The paper will be presented by Mr Colin Nicholls QC, a member of the Working Group. The CMJA Regional Vice President for East, Central and Southern Africa, Justice Charles Mkandawire, will be representing the CMJA as an observer at the meeting and will report on CMJA activities.

In February we were also very pleased to support the Women Judges Association of Malawi's recognition of

the Chief Justice of Malawi in February 2014. Justice Anastazia Msosa is the first female Chief Justice of Malawi and she has been, in President Joyce Banda's words: "an inspiration to women and young girls in Malawi". She was the first woman Chief legal aid advocate, first chairperson of the Malawi Electoral Commission, first woman Registrar, first woman High Court Judge. The CMJA's message of congratulations was read at the celebrations of her achievements on 23 February 2014.

Since the beginning of the year we have lost three of our supporters. In early February we were informed of the sudden passing of Justice Sriskandarajah, the President of the Court of Appeal of Sri Lanka, who has been a regular participant in the CMJA Conferences for a number of years. On 22 February we were also informed that Sir Richard Ground KT, OBE, QC, former Chief Justice of Bermuda and Turks and Caicos has passed away after a long illness. Sir Richard was a great supporter of the CMJA's work and activities and hosted the CMJA's Regional and Gender Conference in Bermuda in 2007. Condolences have been sent to their families on behalf of the Council, CMJA Secretariat and Membership. We were also very sad to hear of the passing of Lady Enid Ralphs, the first women Chair of the Magistrates' Association of England and Wales. She had been a member of the CMA and then the CMJA.

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COMMONWEALTH DAY MESSAGE

from Her Majesty The Queen, Head of the Commonwealth

In July this year, the opening of the 20th Commonwealth Games will be marked by the arrival in Glasgow of the baton that started its journey from Buckingham Palace five months ago.

Many of us are following closely the news of the baton relay as it passes through the 70 countries and territories whose teams will gather for the Games. The images bring vividly to life what we mean by the Commonwealth family: it is wonderful to see the warmth, shared endeavour and goodwill as the baton is passed through the hands of many thousands of people.

Affinities of history and inheritance from the past are strong, yet we are bound together by a sense that the Commonwealth is a powerful influence of good for the future. People of all ages from different cultures are weaving an ever-growing network of links which connect us in our diversity and our common purpose. It is this unity that is expressed in this year's theme: 'Team Commonwealth'.



While national teams will be concentrating on the competition in August, Team Commonwealth will have a longer focus, working together to achieve a more enduring success.

Experiences of life differ widely throughout the Commonwealth, and we each make contributions from sometimes very different viewpoints. But we are committed to the same goals. Together we offer each other encouragement and draw strength from this mutual support.

The understanding that we belong together, and are able, through teamwork, to achieve far more than we could do alone, has always been at the heart of our approach. For all of us this is now captured in the Commonwealth

Charter which sets out the values and principles which guide and motivate us.

This year, more children and young people are participating in Commonwealth Day celebrations. Advances in technology enable us to reach a greater number of young people in schools, on-line using the 'Commonwealth Class' initiative, and through events in local communities where the Commonwealth flag is being raised.

I am delighted that in this, the year of 'Team Commonwealth', we will be working to build a brighter, united future in which every one of us can play a part and share in its rewards.

10 March 2014

JUDICIAL INDEPENDENCE AND HUMAN RIGHTS ISSUES

THE GAMBIA

Although the Gambia is no longer a member of the Commonwealth, President Jammeh having withdrawn his country in early October 2013, we have kept a watching brief on developments in the judiciary there. In August 2013, Justice Mabel Agyemang, a Ghanaian judge who had been working there since 2004, was appointed Chief Justice of the Gambia following the sacking of the former Chief Justice, Justice Wowo on bribery charges in August 2013 [Justice Wowo was convicted of bribery and sentenced to 2 years in prison in January 2014]. In February 2014, Justice Agyemang was sacked it is alleged due to her decision not

to preside over an appeal on a death sentence case. She allegedly also asked other judges not to preside. President Jammeh re-introduced the death penalty in 1995 though no executions took place until September 2012 as a moratorium had been put in place. However, in 2012 nine persons were executed. Following international pressure the President had agreed to a further moratorium but has not ruled out death sentences being imposed and carried out in the future. As for the sacking of previous Chief Justices, the President ignored due process (which requires a tribunal to be set up to investigate reasons for the removal of the Chief Justice). A new acting chief justice from Nigeria, Justice Emmanuel Fagbenle has been appointed.

FIJI

The Constitutional Commission chaired by Prof Yash Ghai, produced the long awaited draft Constitution for Fiji, following wide-spread consultations

across Fiji in December 2012 which was welcomed by leaders of political parties on 1 January 2013 (<http://pidp.org/pireport/2013/January/01-01-02.htm>) as it put in place procedures to ensure the rights of individuals, the reduction of corruption and the role of the military in governments. However the government has rejected the constitution which cost \$500,000 in NZ Aid to produce. Having rejected the Commission draft, the government Fiji decided to redraft the Constitution. The redrafted constitution was promulgated in September 2013. Whilst the Constitution includes a Bill of Rights, a number of political rights have been curtailed such as the right to assembly, association on the basis of national security. The new constitution provides for the continued role of the military in governance, an issue which continues to concern the international community. In addition, February 2013 decree on "Political Parties Registration, Conduct, Funding and Disclosure Decree," the PM

gave political parties very little time to register if they wanted to stand in the next elections. These elections are due to take place by 30 September 2014 but concern has been expressed that the new electoral system, which abandons the previous regional election system in favour of a national-wide proportional representation system, may prove to be unwieldy to manage.

In the meantime, the Commonwealth Ministerial Action Group, at its meeting in March 2014, agreed to reduce the suspension of the Fiji government from full suspension to suspension from the Councils of the Commonwealth pending the elections due in September.

KENYA

Vetting of Judges

The Board has now completed its 10th round of vetting since its establishment in February 2011. It has vetted 154 judicial officers including 8 Judges of the Court of Appeal, 44 judges of the High Court. It has also vetted 101 magistrates. To date 25 judicial officers have been found unsuitable for their functions. However, a number have appealed the decision of the board. It has yet to consider 215 magistrates and 2 judges to vet before the end of its term of office.

ICC cases

Despite reports in 2013 that a number of African countries, including Kenya, would be withdrawing from the Rome Statute establishing the International Criminal Court, the African Union summit in September 2013 did not pass any resolution to this effect. In the meantime prosecutions against the President and Vice President of Kenya for crimes against humanity arising out of the violence in 2007-2008 have continued. Attempts by the Kenya government to get the ICC to postpone its prosecutions until after the President and Vice President's term in office were not successful in November 2013 and both the President and Vice President have been required to attend the hearings in The Hague. The following report appeared in Legalbrief Africa on 11 February 2014

"The International Criminal Court (ICC) has its hands full with the trials of

two African heavyweights now in the balance. Legalbrief reports that the ICC will convene another critical meeting at The Hague to discuss the future of the case against Kenya's President Uhuru Kenyatta.

Victims of Kenya's post-election conflict have been waiting for justice and compensation for six years now, but the courts in Kenya have prosecuted only a handful of low-level perpetrators. As the court currently considers whether to pursue its long-postponed trial of Kenyatta, and whether to reprimand the Kenyan Government for obstructionism, it's increasingly clear that the July 2009 unsealing of the envelope containing the names of the main suspects has opened the proverbial Pandora's box. Fergal Gaynor, the legal representative of the victims in the Kenyatta case, says his clients had hoped for better luck in the international court. Gaynor is quoted in the report as saying: 'They have very little faith in local courts and believe that judges and prosecutors are easily bribed. This is one of the reasons why they had expected that the ICC would be better able to overcome efforts to interfere with justice than the domestic court could be.'

On 24 March, the Daily Nation reported that Vice President William Ruto would have to attend the ICC hearings against him when the court resumed after Easter.

MAURITIUS

In a case similar to the Fiji Citizen's Constitutional Forum case reported last year in which Rev Yabaki was convicted to pay Fiji \$20,000 and three months imprisonment (commuted for 12 months) for re-publishing extracts from a report on the lack of independence in the judiciary produced by the Law Society of England and Wales, the Privy Council is currently considering an appeal where the appellant was convicted of "scandalising the court" and contempt of court for reproducing articles and an interview which concerned allegations made that the former Chief Justice of Mauritius had acted unlawfully and in excess of his powers in his conduct of a civil dispute involving a company. An editorial in the same issue of the paper repeated some of the allegations and suggested that the Chief Justice

was required to defend his integrity. The DPP instituted criminal contempt proceedings against the appellant and he was found guilty after a hearing by two judges of the Supreme Court of Mauritius and sentenced to three months in prison. The Appellant is appealing on the grounds that it is restricting his right to freedom of expression amongst other things.

NAURU

The CMJA was approached in relation to the developments in mid-January in Nauru. The Resident Magistrate, Australian, Peter Law was removed from office and summarily deported from Nauru. The Chief Justice of Nauru, also an Australian, issued an injunction against this action pending an enquiry into the allegations of misconduct of the Resident Magistrate. However the authorities ignored the injunction and promptly cancelled the Chief Justice's visa for entry to Nauru thus leaving Nauru without any professionally qualified judiciary. The Nauru Secretary of Justice has now launched an investigation into its allegations. The deportation and refusal to allow the Chief Justice has been seen in many quarters as politically motivated. Statements at the time were issued by LawAsia, International Commission of Jurists (ICJ), a joint statement by CMJA, CLA and CLEA and a joint statement by the Law Council of Australia and Bar Association of Australia. On 7 March 2014, Chief Justices of the Pacific meeting in Auckland issued the following statement:

"We, the Undersigned Chief Justices of the Pacific Island Countries, gathered here in Auckland, wish to record our deep concern at the recent events occurring in Nauru whereby the visa of the Chief Justice Geoffrey Eames was cancelled and the Resident Magistrate Peter Law was deported in defiance of court orders to the contrary.

We believe these events give rise to serious concerns about judicial independence and the operation of the Rule of Law in Nauru.

Hon. Chief Justice, Patu Sapolu, Samoa; Hon Chief Justice Vincent Lunabek, Vanuatu; Hon. Chief Justice Arthur Ngiraklsong, Palau; Hon. Chief Justice Sir Albert Palmer, Solomon

Islands; Hon Chief Justice Sir John Muria, Kiribati; Rt Hon. Chief Justice, Dame Sian Elias GNZM, Tokelau and New Zealand, Hon. Chief Justice Martin Yinung, FSM, Hon. Chief Justice Carl Ingram, Marshall Islands; Lord Chief Justice Michael Scott, Tonga, Hon. Chief Justice Tom Weston, Cook Islands and Hon. Deputy Chief Justice Gibbs Salika, Papua New Guinea"

To date no statement has been issued by the Commonwealth Secretariat on this blatant breach of the Commonwealth fundamental values. We have been informed that the Commonwealth Secretariat are awaiting the full facts and the completion of the investigation by the Secretary of Justice of Nauru. On 13 March 2014, the Justice Geoffrey Eames resigned as Chief Justice of Nauru stating that *"Given the government's failure to concede that the actions against the Resident Magistrate and myself constituted breaches of the rule of law, it is clear that my relationship with the government is such that I could no longer perform the duties of Chief Justice even if my visa was restored. I could not be assured that the separation of powers and the independence of the judiciary would be respected."* He goes on to state the reasons behind his resignation. These can be viewed in detail on the CMJA's website.

SOUTH AFRICA

Following the introduction of the Superior Courts Act in South Africa which provides for the Chief Justice to become Head of the Judiciary, the Chief Justice Mogoeng Mogoeng has made it clear that he will not tolerate bodies of judicial officers operating as though the Chief Justice's constitutional responsibilities did not exist.

The CMJA has continued to monitor the progress of the controversial Traditional Courts Bill. According to Legalbrief Africa of 10 February 2014, *"The African National Congress Women's League, the opposition and civil society appear to have won the battle against the Traditional Courts Bill – for now, according to a **Sunday Times** report. It quotes ANC Chief Whip Stone Sizani as saying the party had prioritised nine pieces of legislation to pilot through*

*Parliament before the election – and the Traditional Courts Bill would not be among them. The report notes women's empowerment groups have fought against the Bill, which **extends the power of traditional courts and traditional leaders in rural areas.** The main argument against the Bill is that it creates a parallel system of justice without the right of appeal to a Magistrate's Court. And because women are not allowed to attend many traditional courts and are not allowed to speak in some of the courts they may attend, those opposing the Bill say it discriminates against women."*

SRI LANKA

Impeachment of former Chief Justice

In September 2013 the CLA issued an amicus brief in relation to the application by the Attorney General of Sri Lanka for leave to appeal the Court of Appeal judgement finding the impeachment of former CJ of Sri Lanka' unconstitutional. In February 2014, the Supreme Court ruled that the Court of Appeal had no writ jurisdiction over Parliament and overturned the Supreme Court ruling that the Parliamentary Select Committee had no legal power or authority to make a finding adversely affecting the legal rights of a Judge. Whilst this is a setback in the process in Sri Lanka, it does not mean that the process used by the PSC to impeach the Chief Justice was not flawed.

Despite international pressure on the Commonwealth Secretariat to change the venue of the Commonwealth Heads of Government Meeting (CHOGM) from Sri Lanka and the boycotting of the CHOGM by Canada, India and Mauritius. The ICJ and IBHRI¹ had planned to hold a meeting just prior to the CHOGM to launch their report on Sri Lanka. However, at the ultimate hour the Sri Lankan government cancelled the visas of the speakers (which included the current and first UN Special Rapporteurs on the Independence of Judges and Lawyers). In the end the event took place in Bangkok, Thailand. See report on : <http://www.ibanet.org/Article/Detail.aspx?ArticleUid=fa914669-a8fe-4539-a37c-f9c03199eece>. Lawyers continue to campaign for the restoration of judicial independence in Sri Lanka.

The President of Sri Lanka has assumed the Chairmanship of the Commonwealth for the next two year.

Mauritius, who had offered to host the next CHOGM in 2015 withdrew its invitation and Malta has stepped in to offer to host the next meeting.

Human Rights

In a separate initiative the IBAHRI has urged the UN Human Rights Council (UNHRC) to establish an independent and international inquiry into alleged war crimes and past violations of human rights law in Sri Lanka as called for by the United Nations (UN) High Commissioner for Human Rights, Navi Pillay, in a recently published report. The Report "Promoting reconciliation and accountability in Sri Lanka" includes recommendations to the Sri Lankan Government and to the UNHRC, ahead of its 25th Session, 3–28 March 2014, in Geneva, Switzerland, where it is due to consider a resolution on Sri Lanka. Her key recommendations to the Government of Sri Lanka include:

- 'arrest, prosecute and punish perpetrators of attacks on minority communities, media and human rights defenders, and ensure protection of victims';
- 'undertake independent and credible criminal and forensic investigations with international assistance into all alleged violations of human rights and humanitarian law, including recently discovered mass graves'; and
- 'establish a truth-seeking mechanism and national reparations policy in accordance with international standards as an integral part of a more comprehensive and inclusive approach to transitional justice.'

On 27 March 2014, the UN Human Rights Council passed a resolution calling on the Human Rights Commissioner to open an international investigation into Human Rights abuses in Sri Lanka: Resolution A/HRC/25/L.1/Rev.1. (see: http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/25/L.1/Rev.1)

SWAZILAND

On 17 and 18 March 2014, prominent Human Rights Lawyer Thulani Maseko and Editor in Chief of the Nation, Mr. Bheki Makhubu were arrested on the basis of a warrant issued by Chief Justice Michael Ramodibedi, on charges of “scandalising the judiciary” and “contempt of court” following the publication of articles criticising the judicial system questioning the circumstances surrounding the arrest of government vehicle inspector, Bhantshana Vincent Gwebu and criticizing the lack of impartiality of the Swazi judicial system. The lawyers representing the two defendants issued an application on 4 April challenging the Chief Justice action in arresting them as unconstitutional. On 6th April, Justice Dlamini set aside the arrest warrants and charges against both men.

UGANDA

The Secretariat has continued to follow developments in Uganda following the President's decision to re-appoint Justice Ben Odoki as Chief Justice, ignoring the recommendation of the JSC on the issue. MP Gerald Karuhanga challenged this appointment in court. The Constitutional Court was due to hear the case but lawyers for the MP (which includes former Justice, George Kanyeihamba) challenged the composition of the constitutional court which included the current Acting Chief Justice Steven Kavuma and another judge who was appointed by Ben Odoki as they refused to recuse themselves. The case has now been referred to the Supreme Court

ZAMBIA

We continue to monitor the situation in Zambia. Two of the three suspended judges (Musonda, Mutuna and Kajimanga) from 2012 have continued to challenge the composition of the tribunal set up to hear their case. They

won their case in October 2013 when the High Court of Ndola found the Malawian judge in contempt of court. However the government of Zambia is currently appealing this decision in the Supreme Court. Justice Musonda resigned in June 2013.

The case against the Acting Chief Justice (i.e.: challenging her right to sit without Parliamentary consent) continues though it is unclear who will be sitting on this case as a number of judges have already recused themselves.

In the meantime controversy has arisen over the release of the new draft constitution. Zambia has been seeking a new constitution for a number of years. Despite a draft being finalised by the Constitutional Committee in December 2013, the government has not released this to public consultation although a version has been allegedly leaked to the press- see <http://thinkafricapress.com/zambia/how-much-can-new-constitution-really-change>

THE PACIFIC JUDICIAL EDUCATION CONFERENCE



The 21st Pacific Judicial Conference took place in Auckland, New Zealand from 9-12 March 2014. Sheriff Douglas Allan, Chairman of the CMJA Steering Committee and Dr Karen Brewer, CMJA Secretary General attended part of the Conference. The theme for the Conference was “Access to Justice”. The participants including representatives from Commonwealth Pacific countries, Brunei as well as representatives the judiciary in Palau, Guam, Nouvelle Calédonie, Tahiti, the Federated States of Micronesia and the Republic of the Marshall Islands.

Following the traditional ceremonial Maori welcome, the Powhiri, the delegates discussed the regional

challenges in public access to justice. Many of the smaller jurisdictions face similar problems with the lack of resources allocated by governments to the judiciary and the lack of capacity in relation to case management and training of judicial officers, staff and lawyers in the region. A number of jurisdictions have introduced systems of mediation, some, like Samoa, have introduced pre-court or pre-hearing mediation as a matter of course. Also discussed were issues relating to unrepresented litigants in court. Justice Marilyn Warren from the Supreme Court of Victoria, Australia outlined her experience with unrepresented litigants and vexatious litigants as well. Justice Kandakasi of Papua New Guinea outlined the work being done in ADR in PNG as did Chief Judge Tydingco-Gatewood spoke on the experience of ADR in Guam.

The Conference also dealt with issues relating to Youth and Juvenile justice, with presentations by Judge Andrew Becroft, the Principle Court Judge of New Zealand and Judge Heemi Taumaunu of the District Court of New Zealand who spoke about the particular problems facing the Maori youth and of the initiative to

hold youth courts in the marae (the traditional meeting place of the Maori) and incorporate Maori language and protocols. These rangatahi Courts have now been set up in different areas of the North Island and have lead, according to a recent report “to enhanced engagement with young people and their families and an increased level of respect for the legitimacy of the justice systems”. The Rangatahi Courts not only monitor the performance of Family Group Conference Plans but also provide a forum for young Maori to learn about their culture.

Also discussed during the Conference were issues relating to Domestic Violence in the Pacific. In some Pacific countries the police have received information that between 40-60% of women have suffered abuse within the home. Police forces within the Pacific and including New Zealand have started to work together to combat such violence.

The role of written constitutions in safeguarding human rights and customary law was also discussed at the Conference. Like the United Kingdom but unlike its Pacific neighbours, New Zealand does not

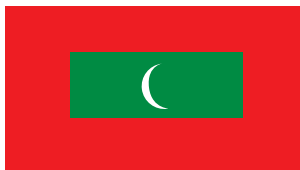
have a written constitution. Professor Jennifer Corrin pointed out the disparities between constitutional provisions setting out the human rights obligations of countries and the actual customary practices which are still practiced across the Pacific. Other topics discussed included the Pacific judicial education and there were presentations by the Pacific Judicial Education Programme at the Conference.

The idea of a Regional Court for the Pacific has been mooted for many years and Justice John Logan of Queensland gave a paper on the reasons why an Appellate Court in the Pacific is now essential and would assist in eliminating poverty and assist in ensuring shared prosperity across the region.

Those participating in the Conference included representatives from non-

Commonwealth jurisdictions such as Nouvelle-Caledonie and Tahiti as well as representatives from Palau, the Federated States of Micronesia, Guam, and the Marshall Islands which provided a diverse views of how to deal with the topics under discussion.

JUDICIAL EDUCATION



The following is the report produced by the CMJA Director of Programmes following the training he undertook in the Maldives in January this year.

In her May 2013 report the UN Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul wrote: *“the lack or inadequacy of education available to actors of the justice system in the Maldives is extremely troublesome”*. On 20 and 21 January 2014 in conjunction with the Chief Justice of Maldives, both the CMJA and the Commonwealth Secretariat organised a judicial seminar for judicial officers in the Maldives. The topics under discussion included criminal procedure, criminal sentencing and judicial independence. Twenty judges from Malé attended the seminar. Judges from the Supreme Court, High Court, Criminal Court, Drugs Court and Juvenile Court were represented. The seminar presenters were Deputy Chief Magistrate Ray Rinaudo of Brisbane, Queensland and our Director of Programmes, Judge Shamim Qureshi (England and Wales), and Mark Guthrie, of The Commonwealth. The Chief Justice referred to the Commonwealth and CMJA as being the judiciary’s partners and gave thanks for their help in organising the seminar.

The presentations were received with genuine interest and relevant questions were asked. The law applied in Maldives is a mixture of Islamic and common law. Indeed some the judges have studied law in Islamic jurisdictions whilst others have studied in common law jurisdictions. In order to make the presentations relevant, the presenters referred to both Islamic and English common law. There is currently no criminal procedure code and no penal code. In December 2013 a new penal code was one vote short of being enacted by the People’s Majlis.

Generally the Commonwealth team was warmly received by the judiciary and made to feel very welcome. Outside of the seminar room informal discussions were held in a convivial atmosphere.

The Department of Judicial Administration which reports to the Chief Justice was our working partner in the organisation of the seminar. It worked with a high level of efficiency and ensured that all preparations were made in a timely manner for a successful event.

The Commonwealth Team is due to undertake a second training in the Maldives in April 2013.

The CMJA has also been cooperating with the Commonwealth Secretariat on training of judicial officers in Guyana which took place in March 2014.

RESOLUTION ON ACCESS TO JUSTICE FOR CHILDREN

At the 28th Session of the Human Rights Council held in March 2014, the Council for the first time discussed the rights of access to justice of children.

Access to justice for children is at the core of children’s rights; it is “not just a fundamental right by itself but also a prerequisite for the protection and promotion of all the other human rights”, said the UN Deputy High Commissioner for Human Rights, Flavia Pansieri, in her opening statement to the Council.

Not only is access limited because of the lack of understanding by children but the financial costs of accessing justice can be prohibitive. Victims must have access to forms of redress.

Nikhil Roy of Penal Reform International (PRI) spoke of the need for safe, accessible and child-friendly complaints mechanisms for children deprived of their liberty or in institutional care. The presentation drew out the ways that these mechanisms can be designed to address the particular vulnerabilities of such children who often have little recourse to justice and few avenues of complaint. Information, advice, confidentiality and effective remedies all featured as ways of guaranteeing that these vulnerable children can access justice/

At the end of the Session the Human Rights Council took a Resolution on Access to Justice: Resolution: A/HRC/25/L.10 can be found at: http://www.ipji.org/fileadmin/data/documents/temporary/HRC25-x_AccessToJustice_2014_EN.pdf

NEW MEMBERS SINCE NOVEMBER 2013

AUSTRALIA

Justice John Lyons
Justice Francois Kunc
Judge Susan Gibb

CANADA

Judge Chris Cleaveley
Justice of the Peace Milan Then
Mr Justice Callum MacLeod
Mr Justice Graeme Mew

ENGLAND & WALES

Sir Rabinder Singh
Lord John Thomas
Major (Retired) J P Baker
Sir Ross Frederick Cranston
Sir Michael Supperstone
The Hon. Mrs Justice Sarah Asplin
The Hon Mr Justice Jeremy Cooke
Mr Justice George Leggatt
Sir Mark Turner

KENYA

Dr Scholastica Omondi

MALAYSIA

Datuk Francis T.N. Yapp

NIGERIA

Mr Musa Mohammed Dalhatu
Magistrate George Ejike
Mrs Caroline Oghuma
Ms Sarah Avoh

SRI LANKA

Mr Karunathilaka Nabadhowa Vithanage

DIARY OF EVENTS

2014

17 June 2014 – One day Conference: “The Legal and Judicial Legacy of Empire” London, UK
organised jointly by the CMJA, CLEA, Institute of Commonwealth Studies. To be held at Senate House, London – Details to follow on www.cmja.org

5-9 May 2014

“Consolidating Human Rights and the Rule of Law in the Commonwealth”
Commonwealth Law Ministers Meeting, Gabarone, Botswana (by invitation only)

7-11 September 2014

“Judicial Independence: The Challenges of the Modern Era”
CMJA Conference, Livingstone, Zambia
more details are available from: www.cmja.org

2015

13-18 September 2015

Note the Dates in your Diary

CMJA TRIENNIAL CONFERENCE, Wellington, New Zealand.
More details to follow in due course from www.cmja.org

FEEDBACK / CONTRIBUTIONS

We welcome feedback and contributions. Please send these to:

CMJA,
Uganda House
58-59 Trafalgar Square
London WC2N 5DX

Tel: 0207 976 1007
Fax: 0207 976 2394
Email: info@cmja.org

CMJA SEEKS FUNDRAISING VOLUNTEER

The role:

- Developing a firm understanding of both CMJA's programmes and the charity's work as a whole;
- Research funding opportunities and decision makers behind grant giving organisations;
- Providing research briefs to the Executive Committee on current and prospective donors and where require draft grant proposals for the Association;
- Liaise with the Secretary General and Treasurer and participate actively in discussions / brainstorm around strategy and direction.

Who you are:

- Passionate about the rule of law, good governance and human rights;
- Previous experience in fundraising for a charity or organisation on a national and/or international basis;
- Meticulous, well-organised, and a stickler for details;
- Takes initiative and is comfortable setting and working to own deadlines;
- PC literate with good spread sheet skills.

Must be able to devote at least 8 hours a month on the issue and must be based in the UK. Must have access to a computer and the internet.

Please send a brief CV and supporting cover letter to the Secretary General of explaining how you can assist the CMJA. Closing Date 31 May 2014.

Commonwealth Magistrates' and Judges' Association

Annual Conference



“Judicial Independence: The Challenges of the Modern Era”

**7-11 September 2014
Livingstone, Zambia**

REGISTRATION IS NOW OPEN!

The next CMJA Conference being held at the Zambezi Sun, on the banks of the Zambezi, a stone's throw from the world famous Victoria Falls.

The Brochure and further details are available from the CMJA's website: www.cmja.org or by contacting the CMJA Secretariat at info@cmja.org

Register early as there are limited spaces for this conference and these will be allocated on a first come, first served basis. Kindly send you Conference registration form to jo.twyman@btinternet.com.

Hotel Booking forms should be sent directly to the Hotel to zambia.reservations@zm.suninternational.com (and copied to cmja@judiciary.gov.zm)

We look forward to welcoming you to Zambia

Dr Karen Brewer, CMJA Secretary General