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Baroness Hale

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Her Honour Judge Hindley QC

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District Judge Stephenson

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**January 2007**

## **NEWS LETTER OF THE UK ASSOCIATION OF WOMEN JUDGES**

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### **ANNUAL CONFERENCE 2007**

**The Annual Conference this year is on Sunday 18 March and Monday 19 March 2007 again in Birmingham.**

This year we have changed the arrangements. Instead of beginning with an informal meal on the Sunday evening, we shall begin with a visit to the Think Tank at Millennium Point at noon. There will be an optional tour (it's a state of the art science Museum!). There will then be a buffet lunch followed by a panel/speaker session, and an informal restaurant meal in the evening. The Chief Executive of the IAWJ, Joan Winship may be able to join us and possibly the International President Hon. Graciela Dixon.

On the Monday we are back at the gloriously High Victorian Council House, beginning with coffee on arrival at 10am and beginning the conference at 10.30am. finishing with the AGM at 4 pm.

Enthused by the IAWJ conference in Sydney, we have looked this year for an international theme. And what better in this 200<sup>th</sup> anniversary of the abolition of the slave trade than to look at modern forms of slavery and the ways of combating it? We plan to look at national and international efforts to combat trafficking in people, including forced labour and forced marriages, and the sort of problems we may face as judges when we encounter it. The speakers are yet to be finalised, but we are delighted that Eleanor Sharpston QC, Advocate General at the European Court of Justice, Anne-Marie Hutcheson of Reunite and Glynn Rankin, Head of Legal Services of the UK Human Trafficking Agency are to be amongst our speakers.

Jill Wainwright is actively encouraging international colleagues to attend, several of whom have expressed a real interest, so this will be a useful opportunity to 'network' and make new friends.

### **THE WEBSITE**

We were delighted that Erica Stary completed **the website** in October 2006 together with the new logo. Our warm thanks to her for the time and effort that she put in, and continues to expend on maintaining it. We have also asked the Judicial

Communications Office to provide a link from the judiciary website and to think about other ways in which we can raise our profile with the rest of the judiciary.

Given the ever extending size of our membership please note that the website will be major source of advertising events and information. Can we therefore please encourage you to create the following in your favourites and check the site regularly?

<http://ukawj.org>

## **UPDATE ON ACTIVITIES OVER THE PAST YEAR**

### ***IAWJ***

The association has had a busy and interesting year. A major highlight was **the IAWJ International Conference in Sydney in May 2006**. Jill Wainwright has written a brief account which was in the District Judges' journal and now included at the end of this newsletter. Many of us commented that it was the best conference of any sort that we have attended.

The next International Conference is to be held in Panama in 2008. This may seem a distant and somewhat exotic location but having met Her Honour Graciela Dixon, President of the Supreme Court of Panama, and now President-elect of the International Association, we know that there will be a warm welcome to this fascinating country. We shall keep you posted as to details as they emerge.

We are delighted that Jill Wainwright has been elected to the Board of the IAWJ as a Regional representative for Europe and the Middle East, and she has been busy making contact with colleagues around the world including Mongolia! She is arranging for some of our International colleagues to come to the Annual Conference and AGM in Birmingham in March which happens to coincide with a full Board meeting of the AWJ in London. We are similarly delighted that Maureen Roddy is now our IAWJ liaison officer; Maureen has strong links with colleagues around the world, particularly Australia, through her family law work.

We would like to add that your committee is giving careful thought to putting in a bid to host the International Conference in the UK preferably in 2012. The Lord Chancellor, Lord Chief Justices and Lord President are suitably encouraging.

### ***ANNUAL CONFERENCE 2006***

Our **Annual Conference 2006** was extremely well received by the nearly 80 members who were able to attend. 'The Voice of the Child in the Justice System' was the subject of the address from Sir Mark Potter, President of The Family Division and the 2 other speakers, Sheriff Douglas Cusine and Anthony Douglas, Chief Executive, and Christine Smart, Children's Rights Director, CAF/CASS. The afternoon was a panel session about the new Judicial Appointments Commission with Baroness Prashar, Sir Colin Campbell, Sheriff Bruce Kerr, of the Judicial Appointments Board for Scotland and Her Honour Judge Gemma Coughlan, of the Judicial Appointments Commission for Northern Ireland.

## ***LONDON MEETING 2006***

In **September 2006** we had a very enjoyable **supper meeting** organised by our President at the Nuffield Foundation in Bedford Square in London. Laura Cox gave us a compelling account about the world of unequal pay, 'Prepare your daughter for working life- give her less pocket money than your son.'

## ***MANCHESTER MEETING 2007***

**Manchester** colleagues have produced another outstanding programme for their day conference on January 12 (which will be about to take place when you read this) with 4 outstanding speakers: our very own Laura Cox on Unequal Pay, Frances Crook on Women's Prisons, Professor Cooper on Work Life Balance and Meg Munn MP, Minister for Women and Equality.

## **GENERAL**

Note that Alison Hampton has now taken over the **Mentoring scheme** from Jill. You can contact Alison by email on the judicial Link.

As ever we are always pleased to receive suggestions for anything you think that we can do to assist women judges, further the aims of the Association, or help you personally. In the meantime the committee continues to respond to Consultation Papers, most recently in the form of a response by our President to the Paper, 'Return to Practice by Former Salaried Judges.'

Finally several members of the committee are coming to the end of their term of office and you may want to give some thought to **membership of the Committee** before the AGM on 19 March. Janet Case has offered her services as Treasurer taking over the job from Suzanne Stephenson who has shouldered this big responsibility since our inception.

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## **But why do we need an Association of Women Judges?**

This is the question we are most often asked. One is often tempted to give a facetious response to the (usually) male enquiry. 'Because most of us don't belong to The Athenaeum.' Or, '4000 members from 87 countries think it's a really good idea.'

The answer of course is far more subtle. If we needed a reminder of why our association exists then hearing the experiences of our international colleagues at the IAWJ Conference gave our own constitutional objectives a very real meaning. These accounts were powerful evidence of the role that women judges play in so many parts of the world where women are undervalued and whose basic human rights are ignored. How many of us would have had the courage repeatedly to uphold the cause of the Mothers of the Lost in the days of the Argentinean Military Junta and suffer

imprisonment without trial? One very brave woman judge, Justice Carmen Argibay did.

So here is a brief reminder of our objectives for the education of our more sceptical colleagues. This is followed by Alison Raeside's interesting reflection on the same topic.

'The Association is organised for the purpose of promoting greater understanding and better resolution of legal issues facing women and issues concerning women judges, and in particular:

1. To encourage co operation and collaboration among women judges;
2. to contribute to the understanding and resolution of legal issues facing women;
3. to increase understanding of the broad range of social, economic, psychological and cultural factors that influence women affected by the court system;
4. to increase understanding about women judges, their numbers, the processes by which they are selected, the barriers which may interfere with their selection, with a view to achieving a judiciary which more accurately reflects the population it serves;
5. to increase understanding of human rights law and the role of the judiciary in implementing that law to promote and protect the rights of women on an equal basis.'

### **Why an Association of Women Judges?**

We are all familiar with the experience of being the person in the group who is different. Perhaps the others have all known each other a long time, perhaps they all have a common background, perhaps you are the new boy in the playground. The immediate reaction of most people in that situation is to keep quiet, to watch the others, and try to avoid making a fool of yourself.

That situation is harder if you find yourself "the odd one out" at a meeting when there are important decisions to be made. You find that others approach things from a different perspective; they make assumptions about things that you don't agree with, or ignore factors which you feel are crucial. You agonise about whether to shut up and go along with it, or speak out and be thought of as being a nuisance or a bore.

Most women Judges are familiar with the situation of being in a minority; in spite of the increasing numbers of women entering the legal professions, fewer and fewer remain as the years pass, and it is not uncommon to find yourself the only woman in the room, or the department, or the syndicate, or on the committee. The numbers are stark in the judiciary. According to the DCA website the following statistics apply to women:

1 Lord of Appeal in Ordinary (8%)  
0 Heads of Division  
3 out of 37 Lord Justices of Appeal (8%)  
11 out of 104 High Court Judges (11%)  
74 out of 639 Circuit Judges (11%)  
97 out of 439 District Judges (22%)  
33 out of 139 District Judges (Magistrates) (23%)

The perspective that a woman brings to any situation is different to that of her colleagues. Equal, but different. When I hear the phrase “access to justice”, I think of a woman trying to get to Court by public transport in the rush hour with a pre-school child and a child in a buggy. When I hear that the waiting time in my court is 12 weeks for a First Appointment, I think of a husband and wife living in the same house when the marriage has broken down, and the stresses that brings on the family. When I hear about an application for contact being listed in 4 months, I try to envisage not seeing my children for 4 days, let alone 4 months. When I read about not wanting to “sacrifice merit” in order to attain a more diverse judiciary, my blood runs cold. These may not be the thoughts uppermost in other people’s minds, and they are not more valid than other people’s points of view, but they are equally valid.

The Association allows an opportunity for Judges (both full and part-time) to meet, and exchange views on a variety of topics of interest to us all. From these meetings we gain the confidence to realise that our experiences, concerns and perspectives are not unique, but are often shared by other women in a similar role to our own. This gives us the strength to be able to express our views in a situation where we find ourselves to be in a minority. The Association has contributed hugely to the debates about such matters as diversity in the judiciary and part-time working. Our AGM held in Birmingham each year has discussed wide-ranging issues relating to women in prisons, the family justice system, judicial appointments, human rights abroad and the work/life balance. On a personal note, finding myself with the dubious pleasure of being the first full-time Judge to ask for maternity leave, it was reassuring to know that I could call on the expertise of the Association, had I needed it, in my dealings with the DCA.

The Association is open to all Judges, both male and female. Many people have come with hesitation to a social event, knowing no-one, and have been very pleasantly surprised with the chat and the support. We look forward to meeting many new colleagues in Manchester in January, and in Birmingham in March.

Alison Raeside.

**INTERNATIONAL ASSOCIATION OF WOMEN  
JUDGES 8<sup>TH</sup> BIENNIAL CONFERENCE  
IN SYDNEY 3 -7<sup>TH</sup> MAY 2006**

One sheriff from Scotland, 5 District Judges from Birmingham, Exeter, Taunton, Doncaster and Leeds, resident magistrates and judges from Northern Ireland, 7 Circuit Judges and an Independent adjudicator together with UKAWJ president Baroness Hale attended the 8<sup>th</sup> International conference of the IAWJ in Sydney last month. The theme of judicial independence, incorporating gender, politics and religion was an inspirational theme for the 350+ delegates from over 40 countries.

The theme covered all areas relevant to maintaining judicial independence - from freedom from the more obvious sources of influence of politics, armed forces, and terrorism to government and administration interference and withdrawal of essential funds and facilities.

Apart from the immensely humbling experience of hearing from judges in Sri Lanka, Venezuela and other countries of their experiences of imprisonment for many months for no reason, threats to life, family and communities if they even opened the courts - there were very many interesting experiences recounted almost too numerous to mention.

Topics covered included:-  
Judging in Countries with Conflict or Transition  
Challenging Corruption  
Appointment and removal of judges  
The need for women judges  
Challenges of a society with cultural and lingual diversity  
Indigenous people and the law  
Religion tradition and judging  
International tribunals and  
Maintaining judicial independence

Keynote addresses were from the Governor of New South Wales, Her Excellency Professor Marie Cashir, The Honourable Dame Sian Elias, Chief Justice of New Zealand, the Right Honourable Baroness Hale of Richmond, Justice Graziela Dixon President of the Supreme Court of Panama, and the Chief Justices of Canada and Victoria - many of whom were the first women to hold these posts.

Outstanding contributions included the young East Timor judge- or Timor Este as it is now known - who told of the building of a judiciary and a justice system from absolutely nothing in a few years. Justice Rizvic from Bosnia and Herzegovina told of the reconciliation within the community and the constructive assistance that was given by the international communities which enabled this to happen. Judge Navi Pillay from South Africa who talked of her experiences as president of the International Criminal Tribunal for Rwanda, and Judge Siranee Tilakawardane from Sri Lanka shocked the audience with her account of the awful violence in her country, coping with 19 years of Civil war

- and how this was managed on a daily basis.

Another told of the difficulties when faced with a military coup and the stance taken by the judiciary when faced with a crumbling constitution.

The strongest delegation was perhaps not surprisingly from Australia - over 70 women judges. It was very pleasing to see nearly 20 in our own delegation from the UK AWJ from all levels of the bench. Other countries were as widely represented - the biggest otherwise being from Canada and USA. Coming from such a wide range of jurisdictions, the sharing of experiences dealing with everything from abusive litigants in person in a domestic setting to international war criminals who insisted on speaking for themselves - not necessarily a connection I had previously made - but it was fascinating to see how the methods of dealing with them were so similar. HHJ Estella Hindley QC was on that panel comparing the techniques for managing the Litigant in person. Resident Magistrate Bernie Kelly was also on a panel comparing her experiences as a result of her sittings in Northern Ireland - considering the security and religious issues which affected her.

Perhaps the most striking presentation came when discussing the disadvantages and problems for Australia's own Aboriginal population. Social and economic, poor health and lack of education all played their part in those societies, and a tragic tale of a young aboriginal girl who was assaulted and left in a coma by 2 aboriginal boys, found by 2 others whose first reaction instead of finding help, was to assault her again and leave her to die - leaving 1 dead and 4 seriously damaged lives within an already damaged community.

This year was the first time that the UKAWJ had such a significant presence at the international conference which is held bi-annually. As a result in the International Board of Directors of the IAWJ elections, a member of the UKAWJ was elected as one of 2 board members to represent Europe and the Middle East, the other board member being elected from Italy.

District Judge Jill Wainwright was so elected and has a mandate with fellow board members from Panama, South Korea, Pakistan, Italy and Canada to co-ordinate over the next 2 years the region, to encourage the formation of individual national associations where there are none, and hopefully to link in to the UKAWJ annual conference in such a way as to make this available to other members of the region who currently feel somewhat out on a limb. It is an immense task for 2 people - and the first step is to set up communications between judges in the countries within the region - so if any of you have any judicial contacts in other countries in Europe and/or the Middle East, then please contact the region board member.

Jill Wainwright

## **Committee Members**

Baroness Hale of Richmond  
President

Her Honour Judge Estella Hindley QC  
Secretary

District Judge Suzanne Stephenson  
Treasurer

District Judge Mathu Asokan  
Membership Secretary

District Judge Jill Wainwright  
Regional Representative for Europe &  
the Middle East on the board of the  
IAWJ

Her Honour Judge Alison Hampton

District Judge Alison Raeside

Her Honour Judge Maureen Roddy

Her Honour Judge Janet Case

Her Honour Judge Diane Eaglestone

Sheriff Susan Sinclair

Resident Magistrate Bernie Kelly

District Judge Katherine Marshall

District Judge Erica Stary

Mrs Justice Laura Cox