

IAWJ Biennial Conference: President's Addresses

Justice Susan Glazebrook¹

Opening address

Tēnā koutou, Tēnā koutou, Tēnā tatou katoa. As is customary in my country, I greet all distinguished guests in te reo Māori, the language of the indigenous people of Aotearoa | New Zealand. Welcome to this wonderful conference in this beautiful city and thank you to our generous hosts.

I would particularly like to pay my respects to His Majesty the King and to acknowledge the President-Delegate of the High Council of the Judicial Authority, the President of the Public Ministry, the Minister of Justice and all my fellow judicial and legal speakers at the opening. Thanks to all those who have generously supported this conference. I also acknowledge the support of his Excellency, the Ambassador of the United States. And I recognise the President Elect of the IAWJ, Justice Binta Nyako; our two Vice Presidents, Judge Mina Sougrati and Justice Margarita Luna Ramos; our Secretary Treasurer, Judge Robyn Tupman; our Executive Director, Christie Jones; the chair of the IAWJ board of managerial trustees, Judge Ann Walsh Bradley and the other members of the international board of the IAWJ.

I am honoured to speak in my capacity as President of the International Association of Women Judges, or IAWJ as we call it for short, at this opening of our 16th biennial conference. The IAWJ is an organisation of over 6,000 judges from some 100 jurisdictions. We strive to promote gender equality, the rule of law and access to justice.² This conference is our flagship event and a time for us to reflect, to learn from each other and to plan for the future.

This is the first time we have met in person as an organisation since our biennial conference in 2018 in Buenos Aires. Our last biennial in 2021 in Auckland unfortunately had to be held mostly virtually. The New Zealand Association was devastated we were not able to host you in person but you are warmly invited to visit us in New Zealand on another occasion.

¹ President of the IAWJ 2021-2023. These speeches were given at the 16th IAWJ Biennial Conference held in Marrakesh, Morocco, 12–14 May 2023.

² For more information visit <www.iawj.org>.

These last few years have not been easy. From COVID-19, to the devastating fall of Kabul, to the war in Ukraine and other global conflicts that continue to persist, to the continuing threats to the rule of law and judicial independence around the world, to natural disasters, to climate change. There is no doubt that the world is in a state of flux.

This conference will provide the opportunity to take stock, to learn from and support each other, to mourn our losses but also to celebrate our wins. I am very much looking forward to our discussions over the next three days and to catching up with old friends but also making many new ones.

I finish by again thanking our Moroccan hosts for the warmth of their welcome and for their generosity and commitment to our shared goals. I also thank the many people, both in Morocco and around the world, who have made this conference possible. We are absolutely delighted to be here.

Closing address

Tēnā koutou, tēnā koutou, tēnā tatou katoa.

Greetings to you all.

Ngā mihi nui ki ngā kaiwhakawā wahine katoa o te ao.

Special greetings to all the women judges of the world.

Today is Mother's Day in my country and in some other countries around the world and so happy Mother's Day to all.

I am privileged today to be wearing this korowai, a Māori feather cloak. I want to take a moment to explain its significance. The korowai is a traditional woven Māori cloak. It is worn as mantle of prestige and honour. The word korowai is symbolic of leadership and includes the obligation to care for the people and environment. I am grateful to my colleague, Judge Mary O'Dwyer, for allowing me to wear this taonga (treasure). It was given to her as a retirement gift by the New Zealand Law Society | Te Kāhui Ture o Aotearoa in association with the iwi (the tribe) Taranaki Whānui. It was given in gratitude for Judge O'Dwyer's years of service and contribution to family law in Aotearoa New Zealand. This korowai is named Te

Manu Hōmiromiro, a small, determined native New Zealand bird. In wearing this korowai today I connect the spirit and culture of Aotearoa New Zealand with you all.

Over the last few days you have all been sharing with each other in your many interactions the spirit and culture of your countries. I have been privileged to meet so many of you (and to have our moments together immortalised in so many photos). I have had to send my husband out to the Medina this morning to buy another bag to transport the many gifts you have so generously given me.

I do, however, regret the absence from this conference of our colleagues from Chinese Taipei, Kosovo and Timor L'Este. One of the criteria for selecting a biennial conference venue is that all our members should be able to attend if they wish to do so. Unfortunately, that promise to our members has not been fulfilled because the visa issues for those three jurisdictions were not able to be resolved in time. I apologise unreservedly to our members in Chinese Taipei, Kosovo and Timor L'Este.

This is the first time since the wonderful conference in Buenos Aires in 2018 that we have been able to meet in person as an association. At the opening the joy at being together again was obvious. The American Ambassador was so impressed with the enthusiasm and energy in the room that he said it should be bottled.

It is a testament to the IAWJ that it was able to adapt and grow during COVID-19. The solution to not being able to meet in person was to meet virtually and to try and replicate in person meetings as much as possible. Our 15th biennial conference was held in Auckland, New Zealand, partly in person and partly virtually and it was very successful, although technically complicated mostly because of the need for interpretation. We also ran a series of webinars including on the International Day of Women Judges,³ both for the inaugural day in 2022 and the second one in 2023. And some of the regions did manage to get together for regional conferences. You have heard too during the sessions how the IAWJ programs had to

³ *International Day of Women Judges A/RES/75/274 (2021)*. The United Nations resolution, designating 10 March as the International Day of Women Judges, was co-sponsored by 72 states and adopted by consensus. The resolution affirmed that “active participation of women, on equal terms with men, at all levels of decision-making is essential to the achievement of equality, sustainable development, peace and democracy”.

adapt to the restrictions on COVID-19 but still managed to run successfully and in some ways more successfully in the virtual environment as they were able to be more inclusive.⁴

But there is no doubt that is good to be back together again in this beautiful city. What a wonderful conference this has been so far. The topics we have discussed have been important, the presentations have all been of high quality and I have learnt so much. Thanks to all our speakers and moderators and to Anne Goldstein for her work in putting the program together and for coming to Morocco, despite her injury, to make sure everything ran to plan. Thanks are also due to our executive director, Christie Jones, and her wonderful executive office team for going beyond the call of duty, not only at this conference but more generally in their work for the IAWJ. And last, but by no means least, thanks to our generous Moroccan hosts and sponsors.

We honoured the Board members last night but I would like to acknowledge them again today and in particular those whose terms have finished. You have been a joy to work with and thank you for your contribution. I would also like to particularly mention two of the Board members who at the last minute were unable to attend because of family health issues: our immediate Past President, Vanessa Ruiz, and our secretary treasurer, Robyn Tupman. We missed you and our thoughts are with you and your respective family members.

My Presidency has been dominated by the situation in Afghanistan and the fall of Kabul to the Taliban in August 2021. I am very pleased that we were able to rescue so many of our colleagues but am saddened that 50 remain in increasing danger in Afghanistan and some 50 more in some bordering countries. We will not give up and the work will continue.⁵

⁴ Susan Glazebrook “A history of the International Association of Women Judges programmes – then and now” (International Association of Women Judges Canadian Chapter/Association Internationale des Femmes Judges Chapitre Canadien, Yellowknife, Canada, 20-23 June 2022) at [10] (available on <www.courtsofnz.govt.nz>).

⁵ Susan Glazebrook “Bolch Prize Keynote Address” (Duke School of Law, Durham, 1 March 2023) available on the Courts of New Zealand website: <www.courtsofnz.govt.nz>. See also David F Levi et al “Leaving Afghanistan” (2021) 105 *Judicature International* 30; Mehdi J Hakimi “The Judiciary and the Rule of Law in Afghanistan” (2021) 105 *Judicature International* 24 and Susan Glazebrook and Sosan Bakshi “Bolch Prize Honors ‘Swift, Breathtaking’ Effort to Aid Afghanistan’s Courageous Women Judges” (2023) 107 *Judicature International* 6.

The IAWJ was humbled earlier this year to be recognised as the recipient of the 2023 Bolch Prize for the Rule of Law for its work rescuing the women judges from Afghanistan.⁶ A number of the committee members and our partners and supporters and one of the Afghan judges now settled in the United States were able to travel to Duke University to accept the prize. It was the first time some of us had met in person but our shared experiences meant that we were meeting as old friends.

In my opening remarks I said that there is no doubt that the last few years have not been easy. I referenced COVID-19, the war in Ukraine and other global conflicts, natural disasters and climate change. I also spoke about the continuing threats to the rule of law and judicial independence around the world and during the last few days we have heard first-hand about some of these challenges. I said that there is no doubt that the world is in a state of flux. This highlights the importance of organisations like the IAWJ. Together we can work out how best to meet the challenges that will inevitably arise in our court systems and for the availability of access to justice more generally. We must be ever vigilant to challenges to the rule of law and keep striving for a world where gender equality, respect for human rights and inclusive justice systems are the norm.

It is worth stressing that the burden of many of the challenges over the last few years have fallen disproportionately on women and children and other vulnerable groups. COVID-19 has highlighted the inequalities and divisions in our societies. Women were almost twice as vulnerable to job loss during the pandemic compared to men.⁷ They also suffered a disproportionate burden at home with school and childcare closures. They make up some 70 per cent of health workers and therefore shouldered a large part of the burden of caring for

⁶ The Bolch Prize for the Rule of Law is awarded annually to an individual or organization who has demonstrated extraordinary dedication to the rule of law and advancing rule of law principles around the world: see Duke University “Bolch Prize for the Rule of Law” <www.judicialstudies.duke.edu/bolchprize>. A link to this acceptance speech given on 1 March 2023 can be found on the Duke University’s School of Law YouTube channel: <www.youtube.com/watch?v=IKG3Db-8Pco>.

⁷ In New Zealand, see Statistics New Zealand | Tatauranga Aotearoa “COVID-19’s impact on women and work” (press release, 4 November 2020) and globally United Nations Development Program “COVID-19 Global Gender Response Tracker” United Nations Development Program <www.data.undp.org/gendertracker>.

COVID-19 victims, with a heightened risk of infection.⁸ They also made up a large proportion of workers in essential services, again increasing the risk of catching COVID-19.⁹

COVID-19 also exacerbated the threat for those living in situations of intimate partner violence.¹⁰ Experience around the world has been that family violence spiked with every stay at home order. This is unsurprising because victims are with their abusers 24 hours a day and this can amplify the daily stressors that may trigger violence.

COVID-19 lockdowns also caused impediments to victims in accessing justice. Many hearings had to be cancelled, creating massive backlogs.¹¹ While many jurisdictions moved to online hearings, these came with their own challenges.¹² For example, in the case of family violence hearings, the parties may be appearing in their own homes and there is the possibility of duress from those hidden offsite from the camera.¹³

COVID-19 has also put us as judges under stress not just professionally but personally. Some of you will have been directly affected by losing family members, friends and colleagues. Some of you or your family members will have had your lives forever altered by long-term sickness. My thoughts are with you. We all had to adapt during COVID-19 to keep our courts running and this has tested our resilience. Other challenges are to come.

The effects of climate change are already being felt around the world, posing threats to our way of life, our health, our safety and our security. But its effects are not spread evenly. The poorest regions of the world and those groups who are already vulnerable and marginalised, including women and children, will experience the greatest impacts. Climate change is not gender neutral.¹⁴ It is also going to put a higher burden on our children.

⁸ World Health Organization “Value gender and equity in the global health workforce” <www.who.int>.

⁹ Campbell Robertson and Robert Gebeloff “How Millions of Women Became the Most Essential Workers in America” New York Times (online ed, New York, 22 September 2021).

¹⁰ UN Women “The Shadow Pandemic: Violence against women during COVID-19” UN Women <www.unwomen.org>.

¹¹ See, for example, Global Access to Justice Project “Impact of COVID-19 on Justice Systems” <www.globalaccesstojustice.com>.

¹² European Commission for the Efficiency of Justice Declaration “Lessons Learnt and Challenges Faced by the Judiciary During and After the Covid-19 Pandemic” CEPEJ (2020)8rev.

¹³ David K Li “Virtual court hearing takes turn after prosecutor spots assault suspect in victim’s home” NBC (12 March 2021) <www.nbc.com>.

¹⁴ See Susan Glazebrook “Climate Change is Not Gender Neutral” available on the Courts of New Zealand website: <www.courtsofnewzealand.govt.nz> at 1.

Litigants are increasingly attempting to utilise the courts to correct what they see as failures of the political branches to tackle climate change. They are also increasingly trying to hold those they say are responsible for climate change to account. Many of these litigants are individuals who have traditionally been excluded from political processes, like youth and indigenous people. This climate litigation raises important questions about the judicial role and the ability of the justice system to respond to climate change and to give redress.¹⁵

Technology will also pose challenges as well as opportunities.¹⁶ We will have to consider and deal with the effect of AI and applications like ChatGPT. To what extent will these tools overtake the work of lawyers and judges?¹⁷ To what extent will they improve access to justice?¹⁸ How accurate are they? And what dangers do they pose? One obvious risk is that they will increase inequalities and biases already present.¹⁹ These are all questions we will have to answer in the future.

I would like to finish by again thanking everyone involved with this wonderful conference and to announce the venue of the next biennial conference. I am delighted to announce that this will take place on dates still to be decided in Cape Town South Africa. Thanks to the South African Association for the willingness to host us.²⁰

¹⁵ For more on this, see Susan Glazebrook “Climate Change and the Courts: Balancing Stewardship and Restraint” (Duke School of Law, Durham, 28 February 2023) available on <www.courtsofnewzealand.govt.nz>.

¹⁶ Thomson Reuters “2023 State of the Courts Report: Moving toward modernization” Thomson Reuters (16 February 2023) <www.thomsonreuters.com> and United Nations Development Program “A ‘new possible’ for justice after COVID-19: towards digital, open and inclusive courts” (press release, 14 January 2023).

¹⁷ Zoe Hunter “How AI, ChatGPT, could impact the legal sector” New Zealand Herald (online ed, Auckland, 15 May 2023).

¹⁸ Hassan Kanu “Artificial intelligence poised to hinder, not help, access to justice” Reuters (26 April 2013) <www.reuters.com>.

¹⁹ See Scott Van Voorhis “ChatGPT: Did Big Tech Set Up the World for an AI Bias Disaster?” Harvard Business School (7 March 2023) <www.hbswk.edu>.

²⁰ I also acknowledge our wonderful association in Botswana for the wonderful work they do and for their support of the IAWJ.