

SEPTEMBER 2024



LA ABOGADA



Australia's right to disconnect



Breaking the cycle of Child Abuse



FIDACON24 NOV 4-8 2024



Juvenile Justice (Italy)



Welcome to this quarter's issue of La Abogado we are pleased to have you!

As you turn the pages of this issue we invite you to breathe in the enormous strides women and FIDA are making throughout various countries. It takes on spark to get the fire burning, and as women if we continue to ignite the wick in each others candle we can shine brightly and continue to make strides that create generational growth.

Malala Yousafzai said *"There are two powers in the world; one is the sword and the other is the pen. There is a third power stronger than both, that of a woman"*, as you go through the pages of this issue may the words of the articles appeal to your strength, give you the confidence to push through the barriers and protect your mental health.

Let us continue to support the development of women and girls in law, and remember that your support can propel another womans success.

Happy reading!

Shatelia

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CLIMATE CHANGE: A PUSH FACTOR FOR MIGRATION AND THE NEED TO PROTECT THE HUMAN RIGHTS OF MIGRANT WOMEN.

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Introduction:

Migration dominates the front burner of international discussion due to the push factors and challenges migrants face. Addressing migration challenges and harnessing the opportunities are central to achieving sustainable development. There are social, economic, political, and environmental factors that fuel migration worldwide. According to the World Migration Report 2024, an estimated 281 million people migrated worldwide in 2022. Out of that number, an estimated 117 million were displaced persons globally, while 71.4 million were internally displaced. (IOM, UN 2024). According to Internal Displacement Monitoring Centre, (IDMC) Global Report on internal displacement, disasters accounted for 32.6 million internal displacements worldwide. (IDMC, 2022). The World Bank estimates that Latin America, Southeast Asia, and Sub-Saharan Africa are likely to generate 143 million climate migrants by 2050. (Podesta, 2019). The above statistics have serious implications for human rights and sustainable development. They draw attention to the need to address the push factors of migration and establish an international framework for the protection of the human rights of migrants from abuses.

The spate of armed conflicts, terrorism, poverty, unemployment, political instability, wars, climate change, and disasters, among other factors, has given rise to an increased number of displacements and consequently, migrants yearly. Amongst these factors, climate change remains a major push factor to migration. Low agricultural yields, drought, desertification, excessive flooding, and other extreme weather situations exacerbate migration to greener pastures and safe places. Among migrants, women are affected differently and bear the brunt of human rights abuses across the migration routes and in the host country. They face diverse forms of discrimination, sexual and gender-based violence, trafficking, loss of economic and financial support, uncertainty of acquiring legal stay in their host country, insecurity, and etcetera. Thus, discrimination and systemic inequalities pose barriers to the full expression of the talents and skills possessed by migrant women. This paper identifies some of the systemic discriminations and inequalities foisted on migrant women. It enumerates some international legal instruments that may be of help to FIDA branches in their bid to protect the human rights of migrant women within their communities. It emphasizes the need for equal and non-discriminatory treatment for migrants in compliance with international human rights obligations and instruments. In conclusion, a call is made to all stakeholders to dismantle systemic discriminatory policies and laws that fuel inequalities among migrants, rather than tap into their potentials.

A conceptual clarification on Migration:

At this point, it is important to conceptualize Migration. Migration is the movement of any person from one place of residence to another place that results in a long-term or permanent change. (Toney and Bailey, 2014). It may be from a person's place of birth to another location which may be internally or internationally. The United Nations Department of Economic and Social Affairs in its 1998 Recommendations on Statistics of International Migration, defined a migrant as any person living for more than 12 months outside their country of birth. (UNDESA, 1998). Migrants differ from persons with refugee status. The 1951 Geneva Convention on the status of refugees as amended by the 1967 protocol, did not recognise environmental migrants under refugee status. (UNHCR, 1951,1967). The main reason is that extreme weather manifestations that have led to the displacement of people in large numbers were not common incidents till recently. The discussion here will be mainly on the displacement of people arising from disasters and extreme weather events relating to climate change.

The Link between Migration and Climate Change:

The Inter-governmental Panel on Climate Change in its First Assessment Report 1990 posited that climate change will have a grave effect on migration. (IPCC, 1990). In its fourth assessment report in 2007, the IPCC noted that climate change would lead to a substantial rise in population movements that would have adverse consequences on public health, livelihoods, food security, and water. Extreme weather conditions like drought, flooding, hurricanes, desertification, and excessive rainfall, affect agricultural productivity and lead to low harvest and crop yield. (Sherbinin,2020). This has implications for food insecurity and health. This threat to livelihood is a push factor to migration for greener pastures.

Climate change is also viewed as a 'threat multiplier' that exacerbates existing sources of insecurity and conflict. A combination of natural disasters, poverty, and political crises, could culminate into complex emergencies. Migrants due to disaster or climate change effects do not come under the purview of refugees, however, some states have designed a term known as 'persons in need of protection', under which some countries like the United States of America, Finland, Canada, and Sweden, have granted temporary status to persons who were unable to return to their home country as a result of environmental disaster. (CCEMA,2010). The Conference of Parties (COP) 21 Paris in 2015, established a task force to develop recommendations for an integrated approach to address displacement relating to climate change. State Parties were to consider human rights obligations in dealing with migrants. (Katowice COP 24, 2018). Similarly, the Human Rights Committee of the United Nations advocates that states should offer migrants across international borders temporary protection or stay.

The intersection between Gender and climate change:

Many parts of the world are vulnerable to extreme weather conditions and adverse effects of climate change. Cross-border displacement and internal displacements have become regular occurrences in Sub-Saharan Africa, Asia, the Caribbean, Small Island States, and Low-Lying Coastal Cities. The weather conditions have inflicted dire consequences on its victims. Women and girls are mostly affected as they lose their means of livelihood. Women usually take care of the home, cook for the family, and care for the sick and aged family members. When they are internally displaced, their means of livelihood are cut short, yet they have to look for fuel to cook food and fetch water for family use. The displacement from their homes makes them susceptible to sexual and gender-based violence, trafficking, and lack of health care and hygiene facilities. Pregnant women and women with children are the worst hit. These have implications for health, economic, social, and cultural well-being. Women and girls are at risk of being left behind in climate-devastated environments, and if they decide to migrate, they face some risk factors – insecurity, exploitation, and discrimination. According to the United Nations, the gains of gender equality, over the years, are at the brink of collapse due to climate change. (UN Women, 2023). Climate change exacerbates gender inequalities and other challenges faced by women, persons with disabilities, the aged, and migrants with irregular status.

This has led to a greater risk of violence, societal exclusion, and vulnerabilities. (Bleeker and others, 2021). Sociocultural and intersectional discrimination against women and girls affects their resilience and adaptation to climate change impact. (Borras et. al., 2024). A gender perspective is often neglected in climate change policies even though migration is an adaptation strategy. (Ann-Kristin, 2016). The Paris Agreement adopted at the conference of Parties 21 to the United Nations Framework Convention on Climate Change 2015, came to the rescue by including gender perspectives as its operative part by acknowledging that adaptation action must follow a gendered-responsive approach. (COP 21, Article 7). It also stated in paragraph 2 that capacity-building should be gender-responsive to address the needs of men and women. The Fiftieth Ordinary Session of the Human Rights Council held from 13th June- 8th July 2022, addressed climate change as a phenomenon which increases women's human rights violations. It recognised that climate change induced migration exposes women to greater risk of violence.

Legal Framework for the Protection of Migrant Women:

Human rights protection for migrants is anchored on human dignity, the right against torture, inhuman and degrading treatment, the right to non-discrimination, the right to life, and etcetera. (UDHR, 1948). The essence of protection is to save lives and protect persons who need special protection. The international human rights framework on migration, though complex, will be streamlined in such a way that International Federation of Women Lawyers (FIDA) branches worldwide are able to navigate through them and assist women and girls affected by environmental displacement and migration. The International Covenant on Civil and Political Rights in Article 26 guarantees equality before the law and effective protection against discrimination on grounds of social origin or other status. (ICCPR, 1966). The ICCPR considers the obligation of states to promote universal respect for and observance of human rights and freedoms according to the charter of the United Nations. The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) in Article 2 mandates state parties to respect, protect and fulfil women's right to non-discrimination and enjoyment of equality. This is important to protect migrant women from all forms of discrimination in their host country including labour-related discrimination. Migrant domestic workers are vulnerable to physical, and sexual assault, sleep deprivation, and cruelty in the hands of their employers and they are not free to change such jobs as they may not have regular immigration status. The United Nations Committee on CEDAW, in its General Recommendation No. 26 on Women Migrant Workers, gives protection to women against all forms of work-related discrimination against migrant women who are victims of trafficking or do not have work permits or valid travel documents. It recognizes that state parties are entitled to protect their borders but, must comply with human rights treaties obligations to respect and protect, by promoting safe migration procedures for women during the migration cycle. The International Covenant on the Elimination of All Forms of Racial Discrimination (CERD, 1965) in articles 1 and 2 condemns racial discrimination in any form that will hinder the protection of human rights based on race. In its preamble, the CERD convinced that the existence of racial barriers is repugnant to the ideals of any human society, condemns all government policies that are based on racial superiority or hatred. David and Clodhna, argue that nationality and migration status exceptions must be interpreted narrowly in line with the purpose of the CERD and the European Union Race Equality Directive, to ensure that racial discrimination is eliminated. (David and Clodhna, 2024).

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CRMW) sets a world standard for migrants' access to fundamental human rights, in the labour market, health systems, court or in education.

. It aims to foster respect for migrants' human rights, guarantees equality of treatment, same working conditions for migrants and nationals, thereby eliminating the exploitation of migrant workers in the migration process. It is adjudged the most comprehensive international treaty on migration and human rights. (Ryszard et. al., 2010).

Article 7 of the CRMW protects migrants and their families from every form of discrimination regardless of their sex, race, colour, language, religion, political opinion, nationality, ethnic or social origin, age, economic position, property, marital status, birth or other status.

The United Nations Sustainable Development Goals in its Goal 10.7, advocates that states should facilitate safe, regular, and responsive migration and mobility of people by implementing well-managed migration policies. (SDG, 2015).

There are other United Nations efforts to cater for migrants. The UN High Commission for Refugees (UNHCR) in 2020 made legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters. There is also a Global Compact for Migration 2018; Global Compact for Safe Orderly and Regular Migration, which inter-governmental bodies negotiated and the agreed outcome, recognises climate change as a migration driver, and promotes gender-responsive governance policies to address them.

Conclusion and Recommendation:

The international community has recognized the challenges faced by migrants, especially women and girls, and is working hard to safeguard and protect the human rights of these vulnerable groups. The promotion of human dignity underscores the protection of migrant's human rights. The inter-connection between climate change, environmental migration, and gender leaves women and girls at the receiving end of high risks and vulnerabilities which reduce their adaptation and resilience to climate impact. The need to protect these highly vulnerable groups of people cannot be over emphasised.

Considering that international instruments are not automatically applicable in states, it is recommended that effort should be made by FIDA Country Branches to ensure that their state parties sign some of these instruments and invoke advocacy to ensure their domestication. Law Societies must pay attention to the legal needs of internally displaced persons and migrant women and children, to ensure that their human rights are promoted and protected. Legislative interventions may be made to harmonise local laws with international instruments, for the benefit of the vulnerable within our communities.

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II ASSOCIATION

I propose that we become partners
You with words
I with my verses
Let's commit crimes of love
And gain profits of dreams

I propose that we become partners
I with hugs
You with your kisses
And if we are caught red-handed
And they double our sentence
Let's not blame each other.

I propose that we become partners
Because in matters of love
Everything is good.

Born in the city of the Seven Rivers, Santiago de Cali, Colombia.
She is a sensitive woman and advocate for women's human rights. She is a lawyer, writer, poet, university professor, and journalist.
With six written works, she also writes essays, chronicles, speeches, and presentations.
Her book of legal poetry has been featured at various book fairs in Colombia and presented virtually abroad. She is invited this year to the Miami International Book Fair, November 2024.
She has received multiple awards as a poet and writer from the International Chamber of Writers & Artists of Spain.
Recognized by Successful Latin American Women as a poet. Awarded the Golden Owl by the University of Santiago de Cali, Colombia, as a poet. Winner of the César Vallejo Award for Human Rights Advocacy from Peru 2024. From the Unión Hispanomundial de Escritores (UHE) in Literature, 2024.



Dr. Maria Teresa

FIDA Colombia

I PRECLUDED

Our love has been precluded
You issued the judgment without evidence in my favor
Without a complaint
Without an answer
Without an appeal
Without a trial
Without arguments or defense
For you, the case was closed
Ruled without a trial
Not caring about my innocence
Without term
Without status
Without appraisal
Without conclusion or expert opinion
You declared it res judicata
Without content analysis
Without prejudice
Without conscience
And definitively you said
That it was not dismissed
Objection! - denied

And that love, without an admission date
One day you will have to repay
The lifting of the embargo of oblivion

EAST AFRICA'S WOMEN LAWYERS DISPLAY IMPECCABLE LEADERSHIP IN FIGHT FOR ACCOUNTABILITY AND GOOD GOVERNANCE



Two East African countries; Uganda and Kenya experienced online and offline protests against wasteful government expenditure, tax hikes, state corruption and general bad governance. In Kenya the tipping point was the Finance Bill of 2024, which proposed to increase taxes on items such as bread, mobile money transfers, cars, nappies, and sanitary towels. The rallying call to reject the Bill was embodied in the online hashtag #RejectFinanceBill2024. Peaceful protests were conducted over the months of June, July and August with the aftermaths flowing into August and likely to continue well into the rest of the year. In Uganda protests were triggered by reports of massive corruption within Parliament, including the award of large sums of money from the consolidated fund by Members of Parliament to themselves under the justification of “service awards”.

The protests organised under the hashtag #March2Parliament occurred in July, part of August and will also likely continue into the later part of the year. The wasteful expenditure by a few in Government positions, their abuse of office and misplaced priorities were visible to many frustrated citizens amid post covid poverty and alarming youth unemployment rates in both countries.

The resulting social and economic pressure gave way to citizen mobilising through protest, eliciting a similar response from the respective governments: The unlawful and excessive use of force, torture and unlawful detention, with enforced disappearance in some instances. In Kenya, some estimates put at fifty, the number of people killed in the #RejectFinanceBill2024 protests with over hundreds detained.

In Uganda although no deaths were recorded, over hundreds of protestors were arrested and detained.

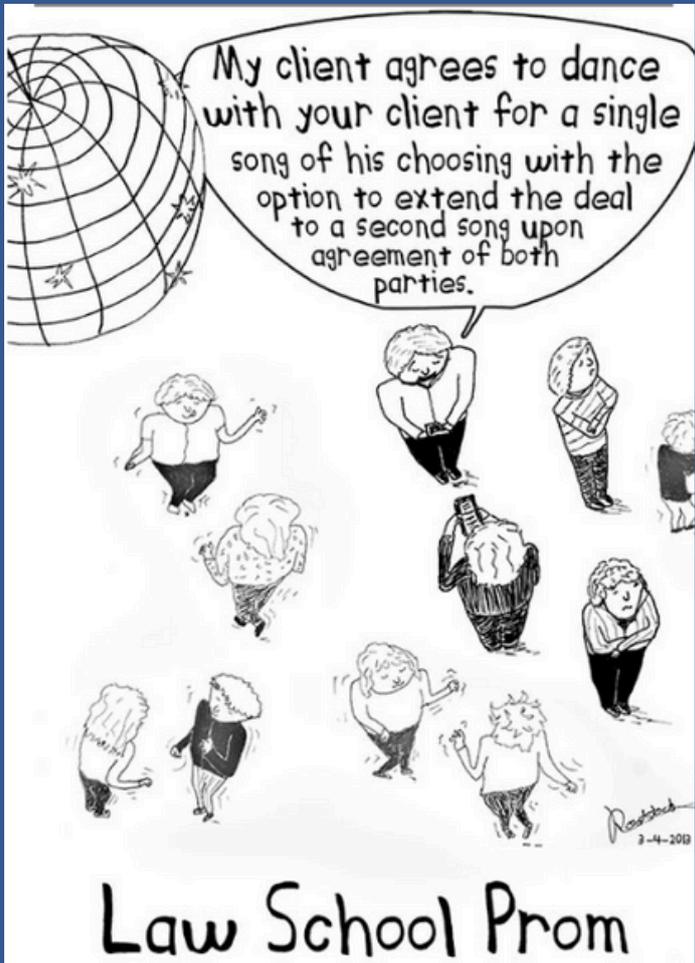
In both countries, female lawyers have been at the forefront of ensuring that the human rights of protesters and their loved ones are protected, that governments are held accountable for using excessive force and abusing their powers of arrest and detention, and that justice is realised for the victims. In Kenya, Faith Odhiambo who is the President of the Law Society of Kenya (LSK), Mrs. Anne Makori who is the Chairperson of Kenya’s Independent Policing Oversight Authority and Ms. Roseline Doreen Adhiambo Odhiambo – Odede who is the Chairperson of the Kenya National Commission on Human Rights were all firm and consistent in demanding that the Kenya Police Service use lawful means and methods of law enforcement and that peaceful protestors should not be arrested. They demanded and caused investigations into the police’s unlawful killings, the location of those arrested and detained and cases of enforced disappearance. Under the leadership of Faith Odhiambo, the LSK was able to secure conservatory orders of court requiring that all law enforcement officials in Kenya are identifiable when engaging with assemblies, demonstrations, picketers and petitioners. The LSK also challenged (albeit with limited success), the unlawful deployment of the Kenyan Defence Forces to quell the protests.

In Uganda, young women and men were instrumental in organising the online and offline peaceful protests. Young female lawyers were active in the physical protests with some being arrested and detained themselves. Others were active in documenting arrests and detentions including following up on cases which posed risks of enforced disappearance.

FIDA-Uganda also played a critical role in offering legal aid services and securing release on bond for those detained, especially women. They offered psycho social support such as counselling, and delivered hygiene packs with an array of essentials, including sanitary towels, to female detainees. FIDA-Uganda also gave legal advisory services to the women that were remanded to prison, informing them of their pre-trial rights, including those relating to bail.

These developments in Uganda and Kenya highlight the central role that women in general and women lawyers in particular play in advancing good governance in their countries. Governance and budgeting decisions fundamentally impact women's rights. They affect allocation of funds to sectors such as health, justice and education where specific rights of women and girls such as maternal health, sexual and reproductive rights, access to education, and access to justice among others can be significantly affected. Women's political participation including through popular and peaceful protest must be protected as it influences decision making processes about these rights. Similarly, women's demands for accountability and justice are important in countering impunity and state violence. As some critical feminist discourse suggests, the post-colonial state in many African countries embodies a patriarchal system of social-cultural domination which relies on coercive control and violence rather than democratic means to govern. It is important that women in general and women lawyers in particular pay attention to the interconnectedness between patriarchy, gender based violence and state violence and forge ways to address these challenges holistically as feminist and governance concerns.

Sylvie Namwase,
Author and editor
FIDA East & South Africa



The Turks and Caicos Islands (TCI) Women in Law is a fraternity which was created to empower women attorneys in the Turks and Caicos Islands by promoting equality, fostering relationships and addressing challenges faced by women in the TCI legal community.

The TCI Women in Law had its soft launch on 19 September 2023 and launched officially on 10 May 2024 with a dinner and night of prizes at the Royal Turks and Caicos Golf Club. This event, and the fraternity at large has garnered the support of many prominent women of the TCI society and legal community including Her Excellency the Governor of TCI Dileeni Daniel-Selvaratnam who herself is an attorney by profession, the Honourable Chief Justice Mabel Agyemang, the Honourable Attorney General Rhondalee Braithwaite-Knowles, and the President of the TCI Bar Council Mrs. Tremmaine Harvey.

With a mission to provide support and networking opportunities to women who work in the legal profession in Turks and Caicos Islands, the fraternity has already hosted a number of events including numerous coffee and croissant mornings and lunch lecture series with more planned events calendared for 2024.

Women in Law in TCI has been spearheaded by Sophie Stanbrook and the women attorneys of Stanbrook Prudhoe with support from the Turks and Caicos Islands Bar Association and other law firms on the island. The fraternity looks forward to the increased camaraderie within and support for women in the legal profession across the Turks and Caicos Islands.

PHOTO SPEAK

*Women In Law
Launch Turks &
Caicos*





Justice Marva Bishop

First female President of Jamaica Court of Appeal

Described by her colleagues as competent, brilliant minded, fair and a deliverer of sound and well-reasoned judgements the former senior prosecutor, who became an attorney in 1996, was sworn in as President of the Court of Appeal on July 18th 2024. The Governor General commended President McDonald Bishop on her judicial standard and practices stating “Her profound legal acumen, coupled with her unwavering dedication to justice, has earned her the respect and admiration of her peers, the legal community and the public at large.”

Honourable Justice McDonald Bishop’s accession started when she became Resident Magistrate in the year 2000, her work spoke for her, the quality and precision of the decisions she handed down led the Court of Appeal judges to recommend that she be placed on the Supreme Court, which happened in 2006.

At the Supreme Court she proved her capabilities to be extensive and brilliant, thus rising to Court of Appeal in 2014 and confirming her role as judge of appeal in 2015. The accolades of her achievements among her judicial colleagues are outstanding, she held the position of temporary Judge of the Grand Court of the Cayman Islands and holds a number of teaching positions. In 2017 she was conferred with the Order of Distinction (Commander Class) by the Government of Jamaica for her outstanding service to the judiciary and the legal profession.

Her rise to President of the Court of Appeal is momentous as she will be the first female to hold this position and is one of the longest serving judges.

Commenting on her appointment President McDonald Bishop said “You can rest assured that you have gotten it right, you have gotten it right because I’ve been mentored, molded and prepared through the love, support and prayers of so many for such a time as this.” She further stated “When I leave here today I must continue my labour for justice, for the benefit of all Jamaicans, even those who we may believe are guilty but the constitution must prevail at all times. I do it for the benefit of our country ‘Jamaica, land, we love’,”

We applaud you and your achievements President McDonald Bishop and wish you success in your tenure.

Editor -In-Chief

Let's Celebrate

FIDA International Congratulates FIDA
Nigeria on 60 years



OUR CHILDREN OUR LEGACY: BREAKING THE INTERGENERATIONAL CYCLE OF CHILD ABUSE



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Introduction

A Child is a human being in the early stages of life and development i.e. from birth to Adolescence. The United Nations Convention on the Rights of a child put it at anyone under the age of 18 years. Since a Child never asked to be born, they require support, nurture and guidance from Caregivers, Parents, family and Society. When this is not the case it becomes Child Abuse. Child abuse is an infringement of childrens' rights and unfortunately some cultures encourage these violations. Children deserve to grow up in a safe and loving environment with basic needs such as food, shelter and good health but unfortunately, many children do not get this. They are abused, neglected and maltreated. Four children experience child abuse or neglect in their lifetime.

<https://www.ncbi.nlm.nih.gov/books/NBK470337/>

Children can be abused by parents, relatives, nannies, teachers, neighbors, family friends, religious leaders, etc. Strangers abuse children as well but child abuse occurs more from the people the child knows.

As every other menace, if child abuse is not dealt with at the grass roots, it would grow into a big issue.

Children deserve to grow up in a safe environment but unfortunately, these children were deprived of it. This is child abuse.

Child Abuse

Wikipedia defines child abuse (also called child endangerment or child maltreatment) as a physical, sexual, emotional and/or psychological maltreatment or neglect of a child, especially by a parent or a caregiver.

https://en.wikipedia.org/wiki/Child_abuse
The abuser is usually a known person and it could be a parent, sibling, relative or family friend.

According to UNICEF's report, Six out of every 10 children experience some form of violence – one in four girls and 10 per cent of boys have been victims of sexual violence.

<https://www.unicef.org/nigeria/child-protection#:~:text=Six%20out%20of%20every%2010,received%20any%20form%20of%20support>

Nearly 3 in 4 children or 300 million children - aged 2-4 years regularly suffer physical punishment and/or psychological violence at the hands of parents and caregivers.

<https://www.who.int/news-room/fact-sheets/detail/child-maltreatment>

Types of child abuse

- Physical
- Sexual
- Emotional
- Neglect
- Medical
- Bullying
- Street begging
- Child trafficking and modern slavery
- Child hawking
- Child marriage



Physical Abuse

Over the years in Nigeria, several videos of nannies beating, flinging or stepping on babies and toddlers have surfaced the internet. This has created a fear from mothers looking out for help with their children. What exactly is physical abuse?

Physical abuse is deliberately hurting or injuring a child.

<https://www.devonscp.org.uk/child-abuse/physical-abuse/>

The act includes:

- flogging
- kicking
- slapping
- hair pulling
- shaking
- shoving
- biting
- scratching
- shoving
- throwing things at them
- withholding sleep or food
- burning
- poisoning
- stabbing
- suffocating

Symptoms of physical abuse

- Repeated Bruises and scars with unconvincing explanations.
- Backing away when touched.
- Wearing clothes not suitable for the weather e.g. long sleeves in summer to conceal marks.
- Crying or reluctant to go home or any other place the abuse will occur.
- Dental injuries like a torn lip.
- Broken or fractured bones.
- Always sleeping in class.

For babies and infants, the symptoms include: Crying more, bruises, etc.

Sexual abuse

Sexual abuse involves sexual activity with a child. It could be by an older child or an adult. There are two types of child sexual abuse: Touching and non-touching.

Touching involves having vaginal, oral, or anal sex with a child, playing sexual games, touching a child's genitals, making the child touch someone's genitals. Non touching involves exposing a person's genitals to a child, pornography, photographing a child in sexual poses, encouraging a child to watch or hear sexual acts either in person or on a video, and/or watching a child undress or use the bathroom.

<https://positivechildhoodalliancenc.org/resource-hub/about-child-sexual-abuse/#:~:text=WHAT%20IS%20CHILD%20SEXUAL%20ABUSE,child%2C%20that%20is%20sexual%20abuse.>

Emotional Abuse

Also known as psychological abuse, emotional child abuse is any type of abuse that involves the continual emotional mistreatment of a child. Emotional abuse can involve deliberately trying to scare, humiliate, isolate or ignore a child.

<https://www.nspcc.org.uk/what-is-child-abuse/types-of-abuse/emotional-abuse/>
Types of emotional abuse

- Name calling
- Insults
- Yelling
- Mocking
- Constant criticism
- Ignoring a child
- Isolation
- Manipulation



Symptoms of emotional abuse

Unlike physical abuse, emotional abuse is difficult to detect. The noticeable symptoms may include:

- Low self-esteem
- Finding it difficult to maintain relationships
- Aggressiveness
- Too friendly with strangers.

Neglect

Neglect is a form of abuse where the perpetrator, who is responsible for caring for someone who is unable to care for themselves, fails to do so.

<https://en.wikipedia.org/wiki/Neglect>

There are four types of neglect.

1. Physical neglect
2. Educational neglect
3. Emotional neglect
4. Medical neglect

<https://www.nspcc.org.uk/what-is-child-abuse/types-of-abuse/neglect/>

Street begging

Child beggars litter the streets of Lagos like flies on a piece of meat. On busy roads, children from age four upwards are seen walking side by side with pedestrians, pressing their faces and hands on car windows begging for money. A lot of them are so skilled in the act that they chip in praises for the road users they hope to get money from. Child arms begging is prohibited and punishable by the law. In Nigeria, under the Child's Right Act, 2003, a person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to imprisonment for a term of ten years.

Trafficking and modern slavery

Child trafficking is defined as the "recruitment, transportation, transfer, harbouring or receipt" of a child for the purpose of exploitation.

<https://www.ecpat.org.uk/faqs/what-is-child-trafficking>.

In Abuja, Nigeria, THE National Agency for the Prohibition of Trafficking in Persons (NAPTIP) discovered some mothers renting their less than a year-old children to traffickers to beg for alms for N3,000 a day for each child rented.

<https://www.vanguardngr.com/2023/03/moth>

Modern slavery

Modern slavery occurs if a child is treated as if they are 'owned' (like a piece of property) by someone or if they are made against their will to work somewhere and are unable to leave. Children are precious gifts from God and being responsible for them is germane so as to protect their innocence.

http://sites.southglos.gov.uk/safeguarding/wp-content/uploads/sites/221/2015/05/CYP-and-Modern-Slavery_Guidance-for-Professionals-June-2021.pdf

Bullying

Most people are ignorant of the fact that bullying is child abuse. When a child is bullied, the children will suffer emotionally. In actual fact some adults see it as discipline and claimed that was how they were raised and they turned out well but there is a world of difference between Discipline and bullying. And we must find the balance.

Child trafficking

Trafficking is where children and young people tricked, forced or persuaded to leave their homes and are moved or transported and then exploited, forced to work or sold.

<https://www.nspcc.org.uk/what-is-child-abuse/types-of-abuse/child-trafficking/>

Child trafficking doesn't just occur in underdeveloped and developing countries. It Occurs in developed countries as well.

Children are trafficked for:

- For street begging
- Sex slavery
- Child harvesting



What we can do

All hands must be on deck to create a better world for our Children because they are the future. In fact Childhood is everything! And the future is coming! What picture do you want to see...

1. The Society, Government and Policy makers must rise up to the occasion to save the Children.

In my home Country, Nigeria, Child rights are protected by various laws and international conventions including The Child Rights Act (2003). This Law is supposed to protect Children from abuse, exploitation and Violence and ensure their rights to education, health care and a safe environment...now how well has this Law fared? Do we have data to show its enforcement? The Government must show that Law breakers are being brought to book...The 2nd leg to this is eradication of Poverty, Cultural practices and bad Governance is also responsible for bad behaviors on the part of the Society. Our Leaders must show they care by giving us a better society...of course we cannot achieve a perfect society.

2.. Volunteer

A volunteer helps vulnerable kids. There are NGOs that exist to cater for the needs (physical, emotional, mental) of abused children. When you Volunteer. You see something and you say something that helps to prevent misbehaviors.

Volunteering is a way to provide support to the cause of these groups. Volunteering can also help in creating awareness of child abuse, provide emotional support to neglected children.

These organizations need and seek funds to cater for the needs of children and provide support to homes. As a volunteer, you could help raise funds to smash these goals. Join and NGO, Partner with an NGO or Create an NGO ...

3. Educate the community

Many are ignorant about what child abuse really is. For some, they are only aware of sexual abuse. Sensitizing parents, teachers, care givers, and community at would go a long way in curbing the menace because it would raise awareness, teach people the symptoms of child abuse and equip them with the right information so they can respond quickly and effectingly taking the right action to save an abuse child and protect children from abuse.

4. Educate the children

Children should be educated on how to protect themselves. They should taught the names of their private parts (and not play names like oranges, cutie of wee-wee). They should learn that their private parts are private and no one has the right to touch or play with them. They should be taught not to keep secrets.

5. Report abuse

This saves a child from continuous abuse and prevents other kids from being hurt by the abuser. Report abuse to the appropriate authorities (e.g. police) and ensure it is documented.

6. Listen to children

People should take children's words seriously. Parenting is no joke ...It must be an intentional venture. Don't push aside a child who is trying to get your attention or critiquing a child's confession. Listening to a child can save that child's life. Learn to ask the right questions.

7. Proper screening and monitoring of caregivers

Before employing the services of a teacher, nanny, child minders in your school or home ensure you do proper background checks. Do not dump your kids into the hands of a stranger and throw caution to the wind.

Install CCTV cameras, check on kids regularly and ask relevant questions. There was a parent in a particular school who whenever she picked her 4+ son in nursery 2, she would ask, 'Did anyone touch your penis today?' Parents need to ask the right questions and look for symptoms of abuse.

8. Take children away from abusive environments

A man once told the story of how he was abused by his father. His father yelled at him, pushed, hit and even asked him to commit suicide. Someone reported to an organization that specializes in cases like this but the 'organization' didn't do anything about it. His father found out and abused him the more. He ended up with more bruises and broken bones.

<https://www.quora.com/How-do-I-save-a-child-from-an-abusive-family>

9. Therapy for the abused

Abused children should undergo therapy so they don't continue the vicious cycle.

Abused children tend to bleed on others. They grow up to become parents abusing their kids like their parents did, men abusing boys and females sexually abusing. This cycle of dysfunctionality in family set up and structure must end!

10. Laws and policies.

As stated earlier, Laws should be put in place to protect children's rights. However, the laws should not just be written on paper. It should be purposefully carried out and not just be a toothless bulldog.

11. Look out for signs and symptoms

Victims are usually afraid of speaking up because their abusers threaten to harm them if they tell.

12. Schools should appoint a teacher to deal with child protection.

The designated teacher will be appropriately trained, understands safeguarding and child protection procedures and keeps written records of all reported by staff. This teacher reports suspected abuse and neglect to social care or police.

All staff should know the designated teacher and their role, and understand the signs of abuse to refer to the teacher.

<https://www.nidirect.gov.uk/articles/how-schools-can-protect-children-abuse>

13. Watch your words

Parents, teachers, nannies and anyone close to a child should be careful with the words they speak to that child. Negative words can hurt a child emotionally (emotional abuse).

14. Appropriate child discipline

Parents should give the appropriate discipline to their children. Lashing, hitting, shoving and any physical abuse should be avoided.

15. Poverty reduction initiatives

Financial hardship can encourage child abuse (like physical abuse and street hawking) and neglect. Providing jobs, food aid, low housing, can buffer the negative impact of poverty on child abuse.

16. Good governance as stated earlier.

Government should support NGOs and make it easy for them to thrive. Policies and funding are great ways to boost NGOs. The NGOs are not the Government hence they should not be saddled with the work / duties of the Government.

17. Free and compulsory education

The government should provide free primary and secondary school education and make it mandatory for every child to attend school. In this age and century, ignorance will definitely be a disease ... Education and continuous learning is a must.

Conclusion

Child abuse is punishable by the law. As prevention is better than cure, child abuse should be prevented and there are various ways to do that. Education, therapy for the abused adults, carrying out law and policies to the letter, free education, and poverty reduction initiatives are few ways to prevent child abuse. Watching out for signs and symptoms of abuse, reporting child abuse and taking away children from abusive environments are ways to deal with child abuse. If these measures are carried out faithfully, child abuse will reduce drastically.





**THE INTERNATIONAL FEDERATION OF WOMEN LAWYERS (FIDA)
CORDIALLY INVITES YOU TO OUR 38TH INTERNATIONAL TRIENNIAL CONVENTION IN CALI,
COLOMBIA.**

SCHEDULED FOR NOVEMBER 4TH – 8TH, 2024.

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**US\$400
UNTIL 20 SEP**

Exciting Preparations for Our World Convention

We are thrilled to share the progress of our dedicated efforts in organizing the upcoming World Convention, scheduled to take place from November 4 to 8, 2024. Our organizing team, comprising FIDA COLOMBIA and its specialized committees—digital, nominations, public relations, media and social networks, welcome, academic, and logistics—has been working with great enthusiasm and commitment.

We eagerly anticipate this significant event, which will be a landmark occasion for our region, our country, and our international organization of female lawyers. Stay tuned at fidacon24.com, for more updates as we approach this momentous gathering. See details and photos on next page.



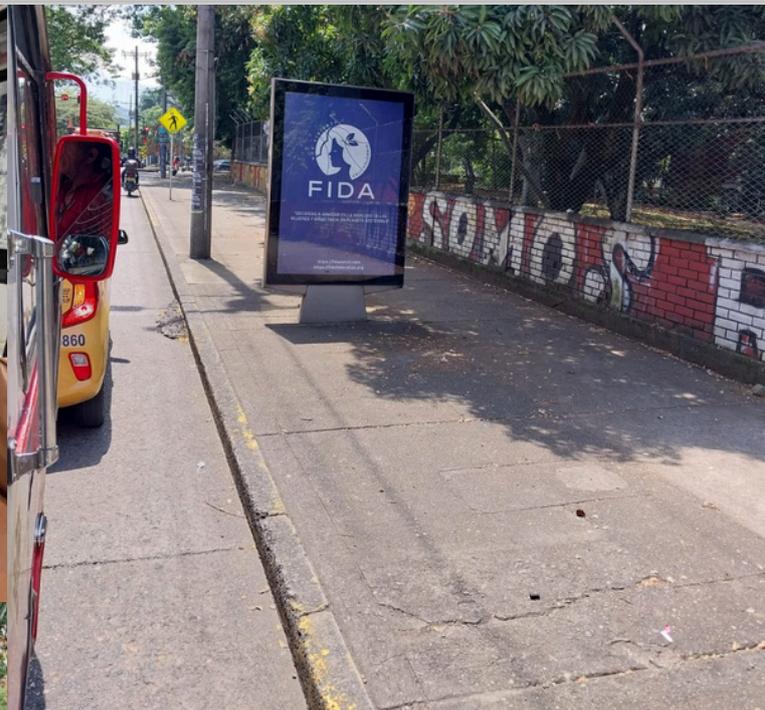
HOME - FIDACON24: International Federation of Women Lawyers...

The International Federation of Women Lawyers (FIDA) cordially invites you to our 38th Triennial...

 FIDACON24 / Sep 4

TIME	MONDAY 4	TUESDAY 5	WEDNESDAY 6	THURSDAY 7	FRIDAY 8			
09:00 a.m.	Registration Delegates Arrival	Panel 1 Tema: Rape within marriage Panelists: Kumudini Wickremasinghe (Sri Lanka) Silvana Vanadia (Italia) Moderator: María Cristina González	Sightseeing Day at Nashira Ecovillage	Panel 7 Tema: Legislation on Patients with Neurological Orphan Diseases Panelists: Carolina Ríos(Colombia) Richard Dolmetsch (USA) Moderator: Joyce Bowe	FIDA International Reports			
10:00 a.m.		Panel 2 Tema: Sustainable development and the 17 SDGs Panelists: Carmen Meza (Perú) Shahista Salimkhan Inamdar (India) Moderator: Sonia Londoño		Panel 8 Tema: The Gift Economy Panelists: Genevieve Vaughan (USA) Margarita Rosa Tirado(Colombia) Moderator: Alba Luz Pantoja		Resolutions of the 38th FIDA Convention		
10:30 a.m.		Lunch		Lunch			Lunch	
11:00 p.m.		Panel 3 Tema: Social enterprise: combining charity with business Panelists: Amina Agna(Nigeria) Anne Chen (Hong Kong) Moderator: Diana Vasco		Panel 9 Tema: Violence against women in the ranks Panelists: Diana Valderrama (Colombia) Diana Marcela Bustamante (Colombia) Moderator: Marta Barona				FIDA International Elections and Welcome to the New International President and Executive Committee
12:00 p.m.		Panel 4 Tema: Artificial intelligence and the role of women Panelists: HRH Olufunmi Olujede (USA) Moderator: Belkis Rivera		Panel 10 Tema: Femicide Panelists: Ifeyinwa Awagu (Nigeria) Chen Wenchi (Taiwan) Moderator: Gladys Ambuyah				
12:30 p.m.	Panel 5 Tema: Pension reform in comparative law Panelists: Andrea Chavarro (Colombia) Querín Jaramillo (Colombia) Moderator: Beryineted Grisales	Panel #11 Tema: Webcam models, legal status Panelists: Karena Caselles Hernández (Colombia) Ángela Cuevas De Dolmetsch (Colombia) Moderator: Ezimwa Okorof	Leisure time					
03:00 p.m.	Panel 6 Tema: New masculinities - Gobernación del Valle del Cauca Panelists: Laura Nyirinkindi (Uganda) Yurany Andrea Ordoñez (Colombia) Moderator: Leidy Rojas	Panel #12 Tema: Quota Law and Women's Participation in Government Panelists: Miriam Méndez (Colombia) K Santhakumari (India) Moderator: Ángela Mera		Leisure time				
05:00 p.m.	Opening Ceremony Carolina Ríos Villota World President FIDA Ángela Cuevas de Dolmetsch Honorary Life President FIDA	Cultural Event			Gala Dinner and Cultural Night -Folk Dance			
05:10 p.m.	Francia Elena Márquez Mina Vice President of Colombia Gloria Inés Ramírez Ríos Minister of Labour of Colombia Dilian Francisca Toro Guerrero Governor of Valle del Cauca Alejandro Eder Garcés Mayor Santiago de Cali Gessica Vallejo Valencia Mayoress Candelaria Valle del Cauca Ana Lucina Maldonado Garcia FIDA History 1944 - 2024	Book Launch by - María Teresa Aristizábal - Ángela Cuevas de Dolmetsch						
05:20 p.m.	Award Quota Law in Colombia	Refreshments						
05:30 p.m.	Opening Cocktail	Classical Music Concert François Dolmetsch						
05:40 p.m.								
05:50 p.m.								
7:00 p.m.								

■ Saturday, November 2, and Sunday, November 3: Delegates' Arrival



HORA	LUNES 4	MARTES 5	MIÉRCOLES 6	JUEVES 7	VIERNES 8			
09:00 a.m.	Llegada y registro de delegadas	Panel 1 Tema: La violación dentro del matrimonio Panelistas: Kumudini Wickremasinghe (Sri Lanka) Silvana Vanadia (Italia) Modera: María Cristina González	Día de visita a la Ecoaldea Nashira	Panel 7 Tema: Legislación sobre pacientes con enfermedades huérfanas neurológicas Panelistas: Carolina Ríos (Colombia) Richard Dolmetsch (USA) Modera: Joyce Bowe	FIDA Reportes Internacionales			
10:00 a.m.		Panel 2 Tema: El desarrollo sostenible y los 17 ODS Panelistas: Carmen Meza (Perú) Shahista Salimkhan Inamdar (India) Modera: Sonia Londoño		Panel 8 Tema: La Economía del Regalo Panelistas: Genevieve Vaughan (USA) Margarita Rosa Tirado (Colombia) Modera: Alba Luz Pantoja		Resoluciones 38ª Convención de FIDA		
10:30 a.m.		Lunch		Almuerzo			Almuerzo	
11:00 p.m.		Panel 3 Tema: Emprendimiento social: combina lo caritativo con lo empresarial Panelistas: Amina Agna (Nigeria) Anne Chen (Hong Kong) Modera: Diana Vasco		Panel 9 Tema: Violencia contra la mujer en las filas Panelistas: Diana Valderrama (Colombia) Diana Marcela Bustamante (Colombia) Moderator: Marta Barona				Elecciones de FIDA Internacional y bienvenida a la nueva Presidenta Internacional y Comité Ejecutivo.
12:00 p.m.		Panel 4 Tema: Inteligencia artificial y el rol de la mujer Panelista: HRH Olufunmi Olujede (USA) Modera: Belkis Rivera		Panel 10 Tema: Femicidio Panelistas: Ifeyinwa Awagu (Nigeria) Chen Wenchi (Taiwan) Modera: Gladys Ambuyah				
12:30 p.m.	Panel 5 Tema: Reforma de las pensiones en Derecho comparado Panelistas: Andrea Chavarro (Colombia) Querín Jaramillo (Colombia) Modera: Beryineted Grisales	Panel #11 Tema: Modelos webcam, situación jurídica Panelistas: Karena Caselles Hernández (Colombia) Ángela Cuevas De Dolmetsch (Colombia) Modera: Ezimwa Okorof	Tiempo Libre					
03:00 p.m.	Panel 6 Tema: Nuevas masculinidades. Gobernación del Valle del Cauca Panelistas: Laura Nyirinkindi (Uganda) Yurany Andrea Ordoñez (Colombia) Modera: Leidy Rojas	Panel #12 Tema: Ley de cuotas y participación de las mujeres en el Gobierno Panelistas: Miriam Méndez (Colombia) K Santhakumari (India) Modera: Ángela Mera		Tiempo Libre				
05:00 p.m.	Ceremonia de apertura Carolina Ríos Villota Presidenta mundial FIDA Ángela Cuevas de Dolmetsch Presidenta Honoraria Vitalicia FIDA Francisca Elena Márquez Mina Vicepresidenta de Colombia Gloria Inés Ramírez Ríos Ministra del Trabajo de Colombia Dilian Francisca Toro Guerrero Gobernadora del Valle del Cauca Alejandro Eder Garcés Alcalde Santiago de Cali Gessica Vallejo Valencia Alcaldesa Candelaria Valle del Cauca Ana Lucina Maldonado García Historia de FIDA 1944 - 2024 Condecoración Ley de Cuotas en Colombia	Evento Cultural			Galay Noche Cultural -Comparsas			
05:10 p.m.		Refrigerio				Lanzamiento de libro por: - María Teresa Aristizábal - Ángela Cuevas de Dolmetsch		
05:20 p.m.		Concierto François Dolmetsch					Refrigerio	
05:30 p.m.								
05:40 p.m.								
05:50 p.m.								
7:00 p.m.	Cóctel Inagural							

Sábado 2 y domingo 3: Bienvenida de los delegados





Australia's right to disconnect

With technology allowing persons to be readily accessible in just one swipe, Australia has set employment boundaries for employees at the end of the day's work.

As of August 26th 2024, the Fair Work Act gives most employees the right to reject being asked to monitor their emails and respond to their employers attempts to contact them outside of working hours. This right will extend to small businesses in Australia as of August 25th 2025.

The right to disconnect has to be reasonable, factors that would determine reasonableness are:

- o The reason for contact
- o The method in which contact was made
- o If the employee is paid to be accessible or for extra hours
- o The role of the employee
- o The employees' personal circumstances

The Fair Work Commission of Australia can order an employer to stop contacting an employee or if it finds that the employee's refusal is unreasonable that employee can be ordered to respond. Where persons fail to comply with the order handed down by the Fair Work Commission a fine of up to A\$19,000 (employee) or A\$94,000 (employer) can be imposed.

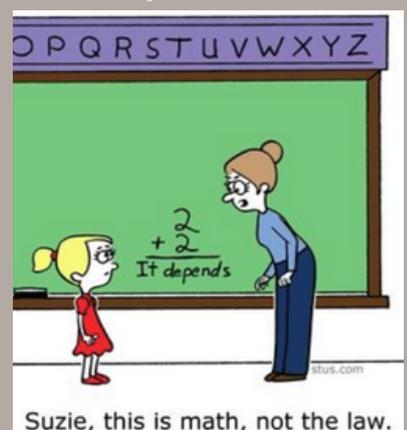
This allows for workers to clock out without feeling the need to still be connected due to fear of reprisal. It should aid in creating better work-life balance said The Australian Council of Trade Unions.[1] While the new law has been embraced there is still an air of skepticism "I think it's an excellent idea. I hope it catches on. I doubt it'll catch on in our industry, to tell the truth though," David Brennan, a worker in the financial industry.[2]

The right to disconnect is a growing phenomenon that has been introduced in various countries across Europe. France introduced the legislation in 2017, other countries such as Belgium, Italy, Spain and Ireland.

Editor-In-Chief

[1] <https://www.bbc.com/news/articles/c5y32g7203vo>

[2] <https://www.bbc.com/news/articles/c5y32g7203vo>



Suzie, this is math, not the law.

HOW ARE YOU?



Dr. Angela Brooks is an attorney in the Turks & Caicos Islands and the current Deputy Director of Public Prosecutions. She is a mother, wife, author, and marriage counselor.

Are you Okay? No, really, how are you? So many times, in one day we get asked this question as a part of the normal conversation and we quickly dismiss the significance of the question by quickly responding with a programmed response, “I am fine, and you?” But when we ask others that question, do we really want to know how they are doing? Do we really have the time to listen to their responses, in the event they really want to tell us how they are doing? No, I don’t think so. I think we have been culturally programmed to ask that question as a sign of politeness when we greet each other. Also, when we respond by saying, “I am good,” are we being truthful or we can’t be bothered because we already know that the person asking the question doesn’t really want to hear our responses.

Who really cares about our mental health and wellbeing and whose responsibility is it to ensure that we are taking the best care of ourselves as women, so that we can be the most productive individuals, not only in the work place but also in our homes? One might argue that our work place should have policies and procedures in place to provide support for employees who are struggling due to work or personal trauma, which eventually effects our work.

I would suggest however that our health in any form should always be our personal responsibility. We must always be cognizant of the fact that we are workers, laborers, operating in a competitive environment, no matter what the profession. At the end of the day when all is said and done, we are numbers on a spread sheet that are easily replaceable.

I think it is noteworthy at this juncture to mention a land mark decision that was handed down in the High Court of Australia in the matter of Zagi Kozarov and State of Victoria [2022]HCA 12 where the primary question in the appeal was whether Victoria’s failure to provide Ms. Kozarov with a safe system of work caused the exacerbation and

and prolongation of her PTSD and subsequent development of MDD (Major depressive disorder).

In brief, Ms. Kozarov was employed by the OPP office in Victoria, Australia in the Specialist Sexual offences Unit (SSOU) as a specialist in prosecuting sexual offences whether the victims were children or adults. Kozarov worked routinely with survivors of trauma and exposure to their traumatic experiences including attending court to instruct in sexual assault trials, meeting the child and adult victims of alleged sexual offences and their families, and viewing explicit child pornography.

Over a period of time Ms. Kozarov became very vocal to her superiors and at various meeting expressed how her work was affecting her as a mother and in her personal life. She heralded that not enough was being done to address SSOU staff concerns. She was experiencing paranoia about leaving her children with other people, at activities and with school teachers. The Supervisors were aware that she was experiencing physical health ailments, including taking time off for medical appointments and that she was a young single mother.

In a joint memo drafted by the SSOU Unit to the Supervisors, Kozarov complained of the increase in court commitments, working long hours, having to take work home, working on weekends, staff burn-out, increase in staff turn over and that the excessive work which was causing the employees to suffer unacceptable levels of stress.

After the turn of several events in the office, Kozarov contract was terminated and she sued Victoria for damages for negligent failure after suffering psychiatric injury in the course of her employment as a Solicitor. The court agreed with Ms. Kozarov and awarded damages in her favor. Additionally, the court found that Victoria had been placed on notice of a risk to Ms. Kozarov mental health, such as to require Victoria to take steps by way of reasonable response. The court in its remarks concluded by saying, “it should be understood that however, that the circumstances of a particular type of employment 20

maybe such that the work to be performed by the employee is inherently and obviously dangerous to the psychiatric health of the employee such that as other kinds of work are inherently and obviously dangerous to the physical health of the employee.”

This is a welcomed decision because for far too long it has been taken for granted that the mental health of women and other professionals who work in highly stressful fields are not important. It is unfortunate that certain situations have to escalate to the level of PTSDs and MDD before the appropriate attention is given.

As women we must make our mental and physical health our priorities.

We must learn to listen to our bodies, because our bodies speak to us in the form of symptoms. We all know when something isn't feeling right, we cannot ignore the signs of persistent headaches, skin outbreaks, losing or gaining weight, hair loss. We must be willing to be proactive rather than reactive. Some of the simple steps you can take are:

- Discuss your work load with your manager
- Try to balance your time, you might be doing too much
- Reward yourself for achievements
- Incorporate some form of exercise in your day
- Seek professional help

Unfortunately, some of us care more about our jobs than our job care about us. *“Wells Fargo employee found Dead at Her Cubicle...4 days Later”* This was the caption and the breaking news head line in America recently. A 60-year-old female employee clocked into work at 7am on 16th August and was discovered by her colleagues on 20th August.

It took colleagues four (4) days to discover that she was dead and this was only after smelling a foul smell in the office space. There are so many questions that immediately came to my mind after hearing this heart-wrenching and unbelievable story. How can a human being be laying face down on her desk for 4 days without someone stopping by to check on her? No one cared enough that the lady was in the exact position for 4 days, that she was wearing the same clothing, that her phone rang and she didn't answer.

She laid there sprawled on her desk, yet invisible to everyone who passed by her desk. How callous, insensitive, uncaring and impersonal the work place has become? What about her supervisors? Shouldn't they have noticed that she wasn't responding to emails or phone calls? This particular case, which is now being investigated, although it doesn't seem to be any foul play involved, clearly demonstrates, if nothing else that we are statistics that are easily and quickly replaceable. If this lady was so important, not necessarily as an employee, but simply as a human being, someone should have noticed her at her desk earlier. It is just remarkable that it took 96 hours for her work colleagues to discover her lifeless body.



Women, if we don't take responsibility of our wellbeing, how can we expect others to? If we don't make our mental and physical health a priority, no one will. The world Health Organization (WHO) defines mental health as, “a state of mental wellbeing that enables people to cope with the stresses of life, realize their abilities, learn well and work well and contribute to their community.” We are living in a fast pace world where demands are expected to be met almost immediately, where productivity and profit dictates the culture of any business. Therefore, we are expected to give more, work longer hours. Our mental health is not considered important, our families are not necessarily important, we simply have to just keep producing; that's the attitude of the work culture today.

In conclusion, as the Deputy Director of Public Prosecutions, a wife, a mom of 6, an author, an adjunct professor with many other responsibilities, I have always endeavored to balance my days. I have prioritized my personal mental and physical health by incorporating the suggestions that I have made above and recognized that I am replaceable.

I encourage you as professional women to make yourself your number one priority because when you learn the science of balancing life, you will be able to take care of you, serve your family and contribute positively to the growth and development of your job.

One of my favorite axioms is “you cannot pour from an empty cup” think about it.

PHOTO

Speak!

FIDA EPE BRANCH

FIDA EPE branch is one of the five branches of FIDA Nigeria in Lagos State. The branch was inaugurated on the 15th of September 2022 by the FIDA Nigeria National Executive led by the CVP (Mrs. Amina Suzannah Agbaje) and the National Secretary (Mrs. Eliana Martins) The branch operates under the Epe judicial division which stretches from Lekki, Ajah, to Ibeju-Lekki and Epe LGA. Since its inception, the branch has embarked on many advocacy activities to uphold the objectives of promoting, preserving and protecting the welfare of women and children. Detailed below.



16 DAYS OF ACTIVISM AGAINST GENDER BASED VIOLENCE:
FIDA Epe's Visit to St. Kizito Hospital.



CAMPAIGN FOR THE ELIMINATION OF FEMALE GENITAL MUTILATION (FGM)
FIDA Epe's Visit to Lagos State Health Center, Ibeju-Lekki LGA.



FIGHT TO STAMP OUT GENDER BASED VIOLENCE
FIDA Epe's visit to the Lagos State Domestic and Sexual Violence Agency (DSVA)



CHILDREN'S DAY CELEBRATION
FIDA Epe visits Chrisland Schools



16 DAYS OF ACTIVISM AGAINST GENDER BASED VIOLENCE:
FIDA Epe's Visit to Sangotedo Market.



INTERNATIONAL DAY OF THE GIRL CHILD
FIDA Epe celebrates the girl child.



JUVENILE JURISDICTION

(in ITALY)

Giovana Chiara

FIDA Italy



As a woman and lawyer, I have intended in this short report to expound some considerations about juvenile jurisdiction that has developed in these times. There is an assumption that: "the recognition of all human family members' specific dignity and equal and inalienable rights consists in the base of freedom, justice and peace in the world". (Preamble to the Universal Declaration of Human Rights, 1948).

In any time, forms of assistance and charity in favour of abandoned and indigent children have manifested through religious organizations and laic associations of voluntary work. They were mainly composed of sensitive women who have destined their moral and material sources to "good actions".

But in the legal world, delicacy of feelings towards the needs of boy's and girl's was born in the United States, when the Universal Declarations of men', women and children's rights have been acknowledged and fulfilled by the juridical regulations with laws, that rule administration and jurisdiction.

"Administration": as sovereign States organization of social services (welfare) in order to prevent abandonment and hardships: since ever, a complex and multiform phenomenon.

"Jurisdiction": as the interevent of judicial Authority, which acts through the trial. It normally ends with binding measures, made executive also by the police. These measures acts toward a juvenile who is in the penal, judiciary system (because of his/her own conduct) but who is actually abandoned or anyway in more or less serious privations and difficulties, (because of the conduct of others, those who should take care of him/her).

As women's studies state: "right isn't neutral". This is applied particularly in family management, mostly toward children, education and growth. Therefore, for cultural, social, philosophical, economic and political reasons, since women obtained the right to education and could work as professionals, they have personally exerted themselves to bring forward and change male chauvinist and patriarchal laws.

In several countries the authoritarian features of the patriarchal judicial system have been dismantling; and the family law has deeply evolved, also in Italy (like in other so called industrialized countries):

- marriage is no more indissoluble: both husband and wife can end it;
- adultery is no more a crime neither for wife nor for husband;
- having and growing up a baby, alone and out of the marriage is no more socially reprehensible;
- "maternity" is protected at work with subventions and subsidies (really few if compared to France or other European countries);
- cohabitation is a free choice without any disapprovals in the civil context, even if in Italy and other countries it is just "tolerated" but not handled by the juridical regulation;
- children, both legitimate (born in the marriage) and natural (born in free union) have equal rights in education, schooling and care;
- parental authority is no more the father's "power", but a responsibility of both parents, who have a right-burden to educate and grow children up.

From this transformation of the family the juvenile law develops, that is that body of laws, which the State appropriates in order to protect boys and girls. "Standard rule" is protecting "the juvenile's interest" in all decisions, also jurisdictional, that deal with him/her. The Judge is given the faculty to intervene in a commanding not just specifically with the juvenile but also into the family, in situations where the family itself is unfit to turn its educative tasks, or where conflicts between parents rebound badly on children's growth.

Jurists have worked out the definition of the "JUVENILE'S INTEREST" as a proper personal/relational right that grasps the affective dimension of the rights of the personality: this consists in an important novelty for jurisdiction.

The Judge has to protect this child's right to growth, but can't grasp it apart from the affective relationship between the juvenile and his family: his/her parents and relatives. The Judge has also to create a delicate balance between the child's right/interest to growth and the respect of the fundamental person's right (adult or juvenile) to private and familiar life.

The Juvenile Law represents one of those boundaries on which jurisdiction finds difficulties in entering, because affective relationships had always eluded the "medium" of the law. And this is because their obvious complexity and diversification.

In this delicate field, the Jurist and the Judge find themselves dealing with the knowledge or at least with the awareness of the major results provided by other human sciences (pedagogy and psychology, philosophy and sociology, politics itself that arrange the means for child's guardianship).

A qualified Judge is thus necessary.

In Italy, in 1934 the Juvenile Court was born; it had mostly penal competence: in order to judge those juveniles who committed a crime, "re-educate" and reintegrate them in the social context. Italian Law states that among the Judging Corporation, next to "career judges", are nominated "honorary judges".



The civil competences of the Juvenile Court, that were at fist marginal and focused only on the relationship between the juvenile delinquent and the family, have widened since 1967, with the fist Children-Adoption's law (n.431) called "special adoption".

A law of historic purport: Adoption (of a juvenile) isn't aimed at giving a legal offspring to those who don't have a direct progeny, but at providing the abandoned child with a family. A law that was conceived contemplating a philosophy aimed to the juvenile's growth into the family and which introduces the most radical of all preventions: breaking the juvenile's blood ties with his unfit parents, in order to found filiation ties between the juvenile and the adoptive family. Originally the law was mainly focused on abandoned children, put into an institute and often seriously maladjusted. They, growing up, committed crimes and filled prisons.

But in its judiciary application, this law, has gradually touched, chiefly families, stricken by misery, even if affectively and instinctively bound to their children. These norms should have faced and eliminated social and economic disparities among citizens, through administration.

Well: we believe that the process of the Juvenile Law, which is developing with the society transformation also due to the incentive of the women's movements towards parity between sexes, is characterized by light and darkness. This process implies a series of considerations about the role of Jurisdiction itself. Suffice it to say that in a trial in which a needy juvenile is involved or in another one, in which the juvenile's parents quarrel, there won't be a winner and a loser, since in the middle of this trial there is a boy or a girl to be protected. And it's necessary to consider that he/she has his/her own "history" and attachments, and the right to receive cure and love from both the parents. In this kind of trial, other learnings intertwined with judicial knowledges have the effect to bring instruments of evolutive transformation of the trial itself: we can think of "mediation", of "capacity of listening and communication", of "improvement of sources" which have to be politically put into effect. Qualified experts, especially women, study judiciary dynamics, focused on juvenile trials. This is because they bring new challenges to Law, in order to assert a new inestimable VALUE: the serene growth of children, all children, anyhow and anywhere they were born.

Asserting this fundamental right is a challenge, not only because of Jurisdiction, but also because of "powers" (male chauvinist), which are consolidated into Jurisdiction itself, into politics and economy. Our Constitution (Italian) states that the State's duty is to "remove those social and economic obstacles which prevent people from total development" (art. 2). Talking about children, we mustn't forget that it's necessary to start from every person's birth, from education and parental issues.

THE FIRST child's right for a serene growth, is to be born in a welcoming family; this requires a "conscious" maternity and parental responsibility.

INTERNATIONAL FEDERATION OF WOMEN LAWYERS (FIDA) AFRICA

FEDERACION INTERNACIONALE DE ABOGADAS

5th Sept., 2024

FIDA AFRICA STATEMENT AND CONDEMNATION OF THE GRUESOME MURDER OF REBECCA CHEPTEGEI: A CALL FOR JUSTICE

We, the members of the International Federation of Women Lawyers (FIDA) Africa, stand in unified outrage and sorrow over the recent heinous murder of **Rebecca Cheptegei** a talented female athlete from Uganda, by her Kenyan partner.

This tragic incident is not just a crime; it represents a disturbing continuation of the epidemic of femicide and gender-based violence that plagues our continent and stains our collective conscience.

The brutal killing of **Rebecca Cheptegei** highlights the urgent and dire need to confront the systemic issues that allow such acts of violence to persist against women and girls. As legal professionals who are committed to upholding justice and protecting the rights of all individuals especially women and children, we abhor to be counted in the number of silent and passive witnesses over the suffering of women who continuously face violence in various forms.

Femicide is not an isolated event; it is a reflection of pervasive societal norms that devalue women and render them vulnerable to violence. We recognize that the killing of **Rebecca Cheptegei** is symptomatic of a larger crisis that spans borders and cultures, revealing deep-rooted misogyny and the urgent need for comprehensive legal and cultural reforms across Africa.

We call upon all relevant authorities, both in Uganda and Kenya, to take immediate and decisive action in the pursuit of justice for **Rebecca Cheptegei** and her grieving family.

This includes:

1. Thorough Investigation:

We demand a comprehensive investigation into the circumstances surrounding her murder, ensuring that all evidence is collected and analyzed appropriately.

2. Legal Accountability:

Those responsible for this crime must be held accountable to the fullest extent of the law. Justice must not only be served but must be seen to be appropriately served.

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3. Preventive Measures:

Governments must enact and enforce stringent laws that protect women from violence and ensure that victims of domestic abuse receive immediate support and resources.

4. Public Awareness and Education:

We urge both government and civil society organizations to promote awareness campaigns that challenge gender norms and empower women, ensuring that future generations understand the detrimental impact of violence against women.

5. Support for Victims:

We call for the establishment of effective support systems for victims of gender-based violence, including safe shelters, legal aid, and psychological support.

We acknowledge the pain and loss experienced by the family and friends of **Rebecca Cheptegei**, and we stand in strong solidarity with them during this unimaginably difficult time.

Let this tragedy ignite a renewed commitment among all stakeholders - government, legal entities, civil society, and individuals to eliminate femicide and uphold the dignity and rights of women across Africa.

We will not rest until justice is served, and we will continue to advocate for a safer and more equitable society for all women.

For: FIDA Africa



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