

KUPU WHAKATAKI — FOREWORD

E ngā mana, e ngā reo, e ngā karangaranga maha

E mihi ana tēnei uri o Pikiaorangi ki a koutou katoa

E ai ki ngā kōrero o ōku tīpuna - me aro koe ki te hā o Hine-abu-one.

The above whakataukī reminds us to honour the strength and life force of women. It also speaks to the importance of creating space so that the experiences of all wāhine are heard.

It is important to remind ourselves that our experiences may be as different as they are similar. While New Zealand's first woman lawyer was admitted in 1897, it would be another 75 years before the first Māori woman was admitted to our profession in 1972, the year of my birth. Often the struggles we champion are therefore the ones we feel most acutely. For me, being Māori and a woman are inextricably entwined. If spaces are to empower women, they must empower all of our being.

We should not be afraid to create spaces that reflect who we are – whether they be law firms built on our values or work practices that value the importance of parenting and community contribution. We then become the change we wish to see.

While we can create new spaces, we must also be brave enough to challenge our profession and the justice system to better reflect our values, experiences and struggles as women. That is not an easy task and the articles in this issue seek to take up these challenges. They provide both reflections and pathways to change. They remind us our struggles are relative and by allowing others to share their stories, we may see which causes most need our attention.

In this issue, we welcome Judge Raihana Attaee from Afghanistan to Aotearoa. Her story is a powerful reminder that our struggles may pale in significance to the life-threatening situation she has faced. Perspective is important. We are part of an interconnected world and we can help beyond our borders. We can also learn from the experiences of others.

Our interconnectedness also comes with responsibilities to ensure we do not inadvertently enable oppression. Raksha Tiwari's article on the garment

industry and modern slavery considers how New Zealand can lead through legislative reform to ensure protection of vulnerable women.

This issue also questions the language and processes of our justice system that may oppress and discriminate. As lawyers, we know that words matter. It is therefore important that we use language that reflects all. This requires education and understanding so we are aware when we misgender, disrespect or humiliate. In this context, Clair Caird writes about the need to clarify the law regarding the sentencing of transgender defendants seeking discounts for the disproportionate impacts of imprisonment.

It is not just the language but the processes of our justice system that may inflict harm. Kate Fitzgibbon and Joanne Lee consider the Sexual Violence Legislation Act 2021 and how measures have been strengthened and broadened to protect complainants of sexual violence. Those protections are considered alongside the rights of defendants to a fair trial. This reminds us that we are interconnected with others and often justice is about reaching the right balance to appropriately protect the interests of all.

The justice system has not necessarily been built on the female experience. Judge Eivers considers the experience of kōtiro (girls) in a youth justice system that reflects the male experience. If we are to help shape the future of our justice system, women must occupy spheres of influence. So it is timely that Judge Ida Malosi was recently announced the new Principal Youth Court Judge and is well placed to consider how to address the issues identified by Judge Eivers.

Dr Toy-Cronin challenges us to call out abusive litigation for what it potentially is, violence. What tools should be used to sanction processes that may themselves enable and inflict harm?

This issue also looks to our profession and sexual misconduct. The article by Jamie O’Sullivan considers the James Gardner-Hopkins disciplinary proceedings and the penalty imposed. How do we create environments that prevent and deter sexual misconduct?

Finally, Anna Hood’s article about the role of art and portraiture in our profession resonated with me. I see myself in the 19th century artworks adorning the court’s walls with titles such as “Māori girls” or “Half-castes of Pomare” and I am reminded that we were once a curiosity. Māori faces, while common in the artworks, are rare in the portraiture of the judiciary. So I was inspired by the portraits of Judith Milner of wāhine toa in the law. They remind me

to value the unique skills and experiences we bring to the profession and to embrace the sisterhood, for it is the source of our strength.

E ngā wāhine toa, e ngā mareikura, e ngā māmā, e ngā tuāhine, kia kaha, kia maia, kia manawanui.

Justice Kiri Tahana

Ngāti Pikiao, Ngāti Makino, Tapuika

12 October 2022