



*“We know that,
as individuals,
we can make,
and have made,
collectively,
we will make,
rivers run uphill.”*

Arline Pacht, the founding mother of IAWJ

To remember Arline Pacht¹

La Redazione

Back in 1992, in San Diego, California, *was held* the first biennial Conference of the IAWJ, International Association of Women Judges, just established thanks to the tenacity, passion and foresight of Arline Pacht, *administrative judge* in USA.

Already from the beginning she had managed to involve 15 countries, including Italy, to create all around the world, an association of women judges, with *the aim of promoting human rights, eradicating gender bias from judicial systems, promoting the presence of women in the judiciary and access to the highest ranks.*

In San Diego there were also some of us, Italian women magistrates representing ADAMI, an association established in October 1990 by the project of a group of magistrates who, since the '80s, had concretely verified, in the daily exercise of their functions, how many prejudices and cultural stereotypes conditioned the concrete application of law.

The confrontation between women judges coming from *so* many countries, having different political histories and legal systems, was a great opportunity for personal and collective growth.

¹ *Arline Pacht*, administrative judge, membro della NAWJ – Associazione nazionale delle donne giudici americane, fondatrice e prima Presidente della IAWJ, è deceduta il 7 aprile 2024 a North Bethesda, nel Maryland-USA.

In addition, it also prompted us to a further reflection about the general condition of subordination and social inequality of women in the world and on their unequal role in institutions, even in those systems in which equality and constitutional guarantees appeared formally assured

We all had, since from the start, a strong and full understanding with Arline, not only because of her warm welcome both as president of the IAWJ and our host in her Country.

The most important goal, infact, was that Arline succeeded in engaging all of us and in achieving our consent about the topic discussed, the theme of the violence in family relationships and how to counter it.

An agreement that, also thanks to the strong commitment of Gabriella Luccioli, President in office of ADAMI and speaker at the Conference, led to the plan to hold in Rome, in 1994, the second biennial Conference of the IAWJ on the theme of "Domestic Violence"

For the ADAMI, just established, it was a challenge that involved a complex organizational effort and that we took up with enthusiasm, carrying out the project according to the program agreed with the President and the members of the Executive Committee of the IAWJ.

The second biennial Conference was held in Rome on 27-29 May 1994² and was a great success, not only for the wide participation of women judges and experts from over 50 countries, but for the novelty of the theme and the depth of the debate that brought out the dimension of a phenomenon that was still largely unexplored. This phenomenon, indeed, crossed - then and still today- all social classes and had his principals causes in a rigid distinction of roles and in a historical disparity of economic power that still penalize women all over the world and make them victims of physical and/or psychological violence, neutralizing their possible reactions.

In closing the meeting, Arline Pacht underlined the importance of the Rome Conference. That's because, for the first time, the phenomenon of domestic violence had been addressed with a comparative approach by women judges coming from countries that had different legal systems. Then she illustrated the IAWJ's action program, the initiatives already underway or to be put in place to promote equal rights for women and equal treatment at every social level, inviting everyone not to be skeptical

² The proceedings were collected in the volume "Domestic violence: a submerged phenomenon" published in 1995, Franco Angeli ed.

because the world was ready to welcome *any possible* proposals for change.

Taking leave, in an atmosphere of great enthusiasm but also of strong emotion, she emphasized the importance of the role of women judges in the exercise of their functions for the protection of human rights.

Finally, still stressing out the great ability of women judges to listen, very often demonstrated in finding solution for concrete cases, she addressed a warm invitation to all of us to always work together because "collectively, we will make rivers run uphill", as if together we could overcome the course of the rivers, making them flow uphill.³

The work of the Conference marked an important stage in the life of the ADMI, because it allowed us to deepen some tools provided by the American system to combat domestic violence, and particularly the orders of protection, a set of measures aimed at protecting the victim of gender crimes.

Among them: ordering the violent partner to move away from the family home for some time, fixing that he must attend children and take care of them in a predetermined and court-ordered way; finally establishing the amount to be paid for the family maintenance

A very different path from that provided from the Italian system at the time, in which women victims of domestic violence *just could* find assistance in anti-violence centers and, in the most critical cases, *being* welcomed with their children in shelters managed by associations with social purposes and by public entities, according to the assistance plans provided for by regional laws.⁴

The concreteness of the American system certainly ensured a more effective response and this conviction prompted us to further investigate the possible introduction of a discipline that would provide more effective protection for the victim, just like the *orders of protection* about which Arline told us so long ago, also providing data and documents .

Our innovative proposal was successful.

After a few years *the Law 2001/154, modified the discipline of the Civil Code*, introducing the articles 342 *bis* and 342 *ter*, providing for the removal from the family home of the violent partner, *banning him on approaching the victim, according to the prescriptions given by the judge.*

³ Arline Pacht - The IAWJ: An Agenda for Change - in Domestic Violence: A Hidden Phenomenon. Ed. Franco Angeli 1995, cit.

⁴ See Lazio Reg. Law no. 64/1993 on the establishment of anti-violence centers or shelters for abused women in the Lazio Region, later repealed by Reg. Law no. 4/2014 which reorganized the matter in order to ensure uniform services throughout the regional territory.

Many years later, Arline, inviting the ADAMI to collaborate in the organization of the 25th anniversary of the IAWJ, to be celebrated in Washington in May 2016, sent us with a beautiful letter reminding about the Rome Conference and the constructive dialogue on the “ protection orders”; *and yet the many actions that still should be taken to combat domestic violence*; as well as she reminded us the many contributions ADAMI had made to the IAWJ over the years in order to change living conditions of women in society and not only of women judges⁵.

Over time, relationships and dialogue have never been interrupted so much so that they continued during the following biennial conference when we had stimulating discussions both on the very positive results achieved in some countries in terms of gender equality and, at the same time, on the concerns for the backwardness of large areas of the world, where women were excluded from all fundamental rights, either for historical, cultural and socio-economic reasons.

It was certainly this uncommon sensitivity that inspired a wide-ranging project which Arline had been telling us ever since the Roma Conference and that she carried out over time with competence and passion, both with her colleagues on the Executive Committee and then directly involving the associations and institutions of the member countries.

The IAWJ has cleared many programs. One of the most important was the Jurisprudence of Equality, a project that included training courses for judges to study and verify the impact of the application of international human rights conventions in judicial cases of domestic violence.

The largely positive outcome of the first seminars held by some of the major American universities reduced the time for the concrete implementation of the project by national associations, so that specific training courses were promptly organized in many countries, triggering processes of change both in jurisprudential level and at regulatory level.

On the commemoration of Arline organized by the IAWJ, Mary Angáwa, former judge of the Supreme Court of Kenya, recalled that only because of Arline's stubborn insistence had she decided to present to the President of the Court where she was working at the time the request to start training courses on human rights for all judges.

She said that she was quite sure that the request would be denied; instead, unexpectedly the outcome was positive, and the first workshop was held

⁵ <http://www.donnemagistrato.it/Home/Dettaglio/Associativa/Internazionale/IAWJ>

in Nairobi by Arline, whose tenacity had been rewarded, as she proudly *claimed at the opening of the proceedings*

Adv Angáwa did not fail to underline the positive effects that the *JEP* training courses have had on the Kenyan judicial system and in particular on the interpretation and application of the law in the light of the principle of equality, with important jurisprudential changes, for example in the field of succession.⁶

To date, the overall picture offers positive elements of evaluation.

The IAWJ is present on five continents and has more than 100 associations, different from each other in terms of historical and political and economic systems.

The programme of the Rome Conference, which contained short and long-term actions, has been fully implemented, enriching itself over time with new objectives that take into account the provisions of the International Conventions on the protection of human rights and on the recognition of the equal rights between men and women.

Finally particular attention has been - and is yet - paid by the IAWJ to the areas of the world where, for historical and cultural reasons, the unequal treatment of women is a constant in the system that continues to fuel prejudice, separation, exclusion.

We owe that the Arline heritage of ideas and projects and her visionary capacity to look forward will continue to engage us in the associative path of the IAWJ, whose next stage will be the biennial Conference in Cape Town, South Africa (9-12 April 2025), which will bring us together to discuss the theme "*Women in Leadership to End Gender-Based Violence & Femicide*".

It has been a very dear theme to Arline who saw in female leadership not only as a recognition of personal value, but also as a commitment to continue along the path of gender equality, in order to counter and overcome historical and economic weakness and social subordination of women, that is a common goal.

This is the very deep meaning of her mission, as is clear from one of her most significant speeches with which IAWJ likes to remember her

” This was my dream, to cross countries, to cross barriers and to bring women to work together.”⁷

⁶ [IAWJ Insights - Newsletter July 2024.pdf - Google Drive](#)

⁷ Arline Pacht: A Lasting Legacy per international of Women Judges (iawj.org)