



International Association of Women Judges - Kenya Chapter



Constitution

[International Association of Women Judges, Kenya Chapter]

Regd. 1993

The international Association of Women Judges, Kenya Chapter is a non-profit, non-partisan organization comprising of women Judges and Magistrates in Kenya.

The Association seeks to champion human rights especially those of women and children with special focus on attaining gender parity and improving access to justice.

Vision

'A leading association in Kenya of women Judges and Magistrates that promote human rights, gender parity and access to justice for women and children.'

Mission

'To promote human rights, gender parity and enhance access to justice for women and children through empowerment, awareness creation and development of jurisprudence of equality.'

Empower the Woman Empower the

ARTICLE 1 NAME

The name of the association shall be International Association of Women Judges Kenya Chapter” herein called “IAWJ Kenya Chapter”

1.1 REGISTERED OFFICE

The registered office of the association shall be situated at the **Milimani Law Court Building, 2nd Floor, Room 245** or at any other place as the Executive Committee may from time to time appoint. The postal address shall be **P.O. Box 30041-00100 NAIROBI**

1.2 AFFILIATION

The Association shall be affiliated to the **International Association of Women Judges** (herein after) called “**IAWJ**”

ARTICLE 2 OBJECTS

2.1 To urge for and encourage the appointment and recruitment of women into the Judiciary and particularly the appointment of a greater number of **Women Judicial Officers** so that the Judiciary reflects an equal role for men and women in society.

2.2 To promote the advancement of women in general through the fair administration of justice

2.3 To develop, strengthen and protect the principles of the rule of law and the quality of all before the law and in particular to promote and encourage gender equality in all matters relating to the administration of justice.

2.4 To keep under review all aspects of discrimination on gender basis and to work actively for the eradication of all forms of discrimination against women in administration of justice.

2.5 To promote by means of fair administration of justice matters of family unity, child survival and development, and in any other way to protect the sanctity of the family.

2.6 To promote public awareness of all issues relating to fair administration of justice as it concerns the women and the child and in particular to organize, convene and hold public lectures, meetings, exhibitions, talks and interviews and to author, publish, issue and distribute books, journals newspapers and **DISSEMINATE INFORMATION THROUGH THE MEDIA.**

- 2.7 To engage in research, study, judicial exchanges and training programs which contribute to the understanding and resolution of critical legal issues affecting women the family and /or the child.
- 2.8 To exchange research findings and information with sister associations and other organizations engaged in the field of administration of justice as it affects, in particular, women and children.
- 2.9 To encourage co-operation and collaboration between women judicial officers of all nations.
- 2.10 To support IAWJ and any other Women Judges Association in their activities.
- 2.11 To generate Funds and other resources necessary for pursuing the objectives of the Association.
- 2.12 To do all such things as are incidental or conducive to the attainment of the above objectives.
- 2.13 The objects of the association shall not be carried out for the profit of members and no part of the income or assets of the Association shall be used for the benefit of any member or officer of the Association **provided however that:**
- Remuneration of officers, employees or consultants shall not be considered to be a profit for the purposes of this article.
 - The Association may authorize payments of nominal Honoraria, traveling or sitting allowance to the Association office bearers, members of committees or subcommittees as may be appropriate
- 2.14 To establish a permanent Secretariat, Commissions and such other bodies as it shall deem fit, for the furtherance of the objectives of the Association and its day to day operations.

ARTICLE 3 **MEMBERSHIP**

- 3.1 Membership of the association shall be divided into the following categories:-
- a) **Full Membership**- will be open to any Kenyan Woman serving as a Judge or Judicial Officer.
 - b) **Associate Membership**- will be open to:
 - (i) Retired Judges or Magistrates who have been members of the Association and who are committed to the cause of the Association and wish to remain as members
 - (ii) Any woman engaged in the administration of justice, working in Kenya and / or elsewhere and who has demonstrated sufficient commitment to the objectives of the Association.

- c) **Honorary Life Membership** – May be conferred by the Association upon the recommendation of the Executive Committee acting in this absolute discretion, as a sign of special recognition upon any individual who has rendered distinguished services to the association “or to the cause of the **advancement** of the status of women in the Judiciary or in other fields”

Provided that:

- **Admission to Associate Membership and conferment of Honorary membership shall be determined by the Executive Committee and ratified by members at the Annual General Meeting.**
- **Full membership conferred upon member prior to this amendment shall not be affected.**

3.2 MEMBERSHIP FEES

- a) The membership fee for the various categories of membership shall be determined and periodically reviewed by the Executive Committee and ratified at the Annual General Meeting
- b) The Executive Committee may cancel the membership of any members who **fails to pay subscription for 2 consecutive years** without prejudice to the member’s rights to re-apply for admission.
- c) A person whose membership has been cancelled shall not participate in the Association’s activities, provided that the AGM may re-admit such a person to membership subject to payment of all subscription arrears.
- d) A person whose membership is not up to date (one year outstanding) is not eligible to attend Annual General Meetings or participate in IAWJ Kenya chapter Activities

Referrals (Inviting a new member)

- i. Any member who recruits two new members in one year shall get subsidized annual membership for that year
- ii. Any member who recruits 5 members in any one year shall get a free annual membership for that year

IAWJ Membership subscription fees

On the 1st January of each financial year, the Treasurer shall remit the dues owing to the International Association of Women Judges for that calendar year based on the number of paid up members of IAWJ Kenya Chapter

3.3 EXPULSION OF MEMBERS

The Association through the Executive Committee shall reserve the right to withhold or revoke membership on the grounds that a member's conduct adversely affected the interests of the Association provided that such a member shall be accorded an opportunity to be heard before revocation of membership.

3.4 RESIGNATION OF MEMBERS

Any member may at any time resign from the Association by a notice in writing to the Secretary.

ARTICLE 4: THE EXECUTIVE COMMITTEE

- 4.1** The Executive Committee shall comprise of the patron, all office bearers and two members of the Association co-opted by the Executive Committee from the membership
- 4.2 The Executive Committee shall meet as often as is required for the transaction of the business of the Association and in any event not less than four times a year.
- 4.3 Any member of the Executive Committee may resign at any time upon giving thirty (30) days' notice in writing to the Secretary of her intention to resign
- 4.4 If a vacancy arises from the resignation, death or incapacity of a member of the Executive Committee, the Executive Committee shall appoint another member from among the members of the Association to serve for the remainder of the term.
- 4.5 Any member of the Executive Committee who is unable to attend any meeting shall notify the Secretary prior to the commencement of the meeting. Where any member fails to attend three (3) consecutive meetings, the Executive Committee shall serve a notice to the member to show cause as to why she should not relinquish her position in the Committee. The response shall be considered by the Executive Committee at its next meeting and appropriate action taken including requesting for the member's resignation

ARTICLE 5 POWERS OF EXECUTIVE COMMITTEE

- 5.1 The Executive Committee shall in relation to the management of the affairs of the association have all the powers as conferred upon them by this constitution or any other powers conferred upon them by a resolution by members at the Annual General Meeting.
- 5.2 Notwithstanding the provisions of 5.1 above the Executive shall not have the power to make, amend and or repeal the provisions relating to membership, elections or conduct of meetings without prior approval of the same by a two thirds majority of all members present and voting at the Annual General Meeting.
- 5.4 Any committee or sub- committee appointed under 5.3 above may with the approval of the Executive Committee co-opt additional persons upon such terms and conditions as the Executive Committee shall approve, but such additional persons need not be members of the Association.

- 5.5 The Executive Committee may from time to time appoint committees or subcommittees consisting of members of the Association and may delegate to any such committee or subcommittee all or any of the powers of the Executive Committee.
- 5.6 Any committee or subcommittee appointed under 5.5 above may with the approval of the Executive Committee co-opt additional persons upon such terms and conditions as the Executive Committee may approve, but such additional persons need not be members of the Association.

IAWJ Kenya Chapter Regional Blocks

The Association shall have 5 Regional Blocks: Nairobi, Mt. Kenya, Western, Rift Valley and Coast. Each region shall elect two liaison members to coordinate IAWJ Kenya Chapter activities in their respective regions.

Any Liaison member who is transferred from the region shall relinquish the position and the members of the affected region shall elect another liaison member

Implementation Committees

The Executive Committee shall put in place the following subcommittees

- i. Resource Mobilization Committee
- ii. Projects and Programmes Committee
- iii. Outreach Committee
- iv. Welfare Committee
- v. Monitoring and Evaluation Committee

ARTICLE 6 DUTIES OF OFFICE BEARERS.

6.1 The office bearers shall comprise the following:-

- i. President**
- ii. Vice President**
- iii. Treasurer**
- iv. Vice Treasurer**
- v. Secretary**
- vi. Vice Secretary**

The President, Vice President and Treasurer shall be fully paid up members of the Association who are Judges, the Secretary, Vice Secretary and Vice Treasurer may be either fully paid up or Associate members.

In addition the following shall be elected during the Annual General Meeting as members of the Executive Committee

- i. Two Judges from the Court of Appeal**
- ii. Two Judges from High Court and Courts of Equal Status**
- iii. Three Magistrates**

Tenure of office bearers

- i. President**
- ii. Vice President**
- iii. Treasurer**
- iv. Vice Treasurer**
- v. Secretary**
- vi. Vice Secretary**
- vii. Additional Members of the Executive Committee**

The office bearers shall hold office for a term of two year and can be re-elected for another term during Annual General Meeting.

6.2(a) The **President** of the Executive committee shall be the Executive Head of the Association and in that capacity shall:-

- i. Preside over the meetings of the Executive Committee and the Association
- ii. Represent and act on behalf of the Association Generally;
- iii. Do all such acts as are necessary for the efficient and effective running of the Association.
- iv. Be the spokesperson of the Association
- v. Undertake the correspondence on behalf of the Association.
- vi. Be the liaison person of the Association for purposes of contact and representation with regional and international organizations

6.2(b) The **Vice President** of the Association shall deputize the chairperson and shall execute such other duties as may, from time to time be assigned to her by the **President** or the **Executive Committee**.

6.3 The Treasurer shall be the Financial Officer of the Association, and in that capacity shall:-

- i. Keep all financial records of the Association
- ii. Open a bank account or bank accounts on the instruction of the Executive Committee
- iii. Ensure that all drawing from the account shall be countersigned by being a co-signatory to the accounts together with the **President, VICE President and the SECRETARY**.
- iv. Provide reports on the financial statement and audited accounts of the Association annually to the Annual General Meeting.
- v. **The Vice Treasurer shall deputize the Treasurer and shall carry out all the duties of the treasurer in her absence.**

6.4 i. All drawings from the Association's accounts shall be signed for by any two (2) of the above named signatories in 6.3 (iii)

ii. The financial year shall start on the 1st of July, and end on the 30th of June.

6.5(a) The Secretary shall be responsible for the efficient administration of the Secretariat of the Association and shall:-

- i. Keep a full and up-to-date record of the associations affairs including a membership register,
- ii. Keep minutes of the meetings of the Annual General Meeting, Special General Meetings, Executive Committee and of the Committees and Subcommittees;
- iii. Convene meetings of the Association on the instruction of the Executive Chairperson or in special circumstances.
- iv. Do all such things as are necessary for the efficient and effective running of the Association affairs and the Secretariat.

6.5(b) The Vice Secretary shall deputize for the secretary and shall execute such other duties as may from time to time be assigned to her by the chairperson or the Executive Committee.

Tenure of Office Bearers

The office bearers shall hold office for a term of two years and can be re-elected for another term during Annual General Meeting

ARTICLES 7 GENERAL MEETINGS

7.1 General Meetings shall include the Annual General Meeting and the Special General Meeting.

7.2 The Annual General Meeting of the Association shall be held annually before 30th September.

7.3 The Annual General Meeting shall:

- i. Determine all policy issues touching on the Association and its activities;
- ii. Approve the General Program of the Association;
- iii. Give any necessary instructions to the Executive Committee on matters of policy;
- iv. Elect the office bearers;
- v. Effect any necessary amendments to the provisions of the constitution;
- vi. Appoint auditors and receive the Association's audited accounts;
- vii. Have the powers of dissolving the Association and deciding thereafter the devolution of its affairs;

ARTICLE 8 ELECTIONS

8.1 The Association shall hold elections every 2 years

8.2 Voting shall be by secret ballot

8.3

In any matters where is necessary, during the electoral process, every member shall have one vote and in the event of any equality of vote, the **President** shall have second or a casting vote;

ARTICLE 9 PROCEEDINGS AT THE ANNUAL AND SPECIAL GENERAL MEETING

- 9.1 The Secretary shall convene Annual General Meeting by giving a written notice of not less than twenty one (21) days accompanied by the agenda of the meeting.
- 9.2 The executive Committee shall have power to convene a Special General Meeting upon giving a written notice of not less than fourteen (14) days accompanied by the agenda for the meeting.
- 9.3 The Special General Meeting may be convened upon requisition signed by at least one quarter (1/4) of the membership by a written notice of not less than fourteen (14) days.
- 9.4 The quorum at any Annual General Meeting or Special General Meeting shall be a two third (2/3) of all the members of the Association
- 9.5 If no quorum is available at any Annual General Meeting or Special General meeting the Chairperson shall re-convene the meeting on the seventh day from the date of such a meeting and where the meeting is so re-convened, the re-convened meeting may, if it so decides, proceed to Transact business even where the requisite quorum is not present
- 9.6 Any member desirous of submitting proposal for a resolution may do so by sending it in writing to the Secretary at least fourteen (14) days before the date of any Annual General meeting.
- 9.7 The Secretary shall circulate any **resolution duly submitted by** members together with **any proposals for a resolution duly** submitted by the Executive Committee at least seven (7) days before the date of the meeting
- 9.8 The agenda so constituted shall contain all the items of business to be transacted at the meeting including articles 9.6 and 9.7 above.
- 9.9 General resolutions at the Annual General Meeting may be by a simple majority

ARTICLE 10 BRANCHES

The Association **may establish branches in such place(s)** as it may from time to time appoint through a resolution at the Annual General Meeting.

ARTICLE 11 FUNDING

The funding of the activities of the Association shall be derived from:-

- a) Subscriptions from members.
- b) Grants and donations from National or International public bodies, private organizations, individuals, Non –Governmental Organizations and Intergovernmental agencies.
- c) Such other sources as Executive committee may from time to time deem it.

ARTICLE 12 BOARD OF TRUSTEES

- 12.1 There shall be a board of three trustees for the association, registered under the trustee (perpetual succession) act chapter 164 Laws of Kenya.
- 12.2 The trustees shall be nominated by the Executive Committee and appointed by the Annual General meeting of the Association from amongst the members of the Association. The tenure of office of the Trustees shall be six (6) years.
- 12.3 The property of the Association shall be vested in the Trustees who shall have the powers and duties defined in the Trustees Act Chapter 167 Laws of Kenya
- 12.4 The trustees shall submit their report annually to the Executive Committee on or before the 31st day of July for presentation to the Annual General Meeting.
- 12.5 The Executive Committee reserves the power to suspend any trustee(s) for misconduct, or incompetence either due to mental or physical incapacity or otherwise and refer the matter to the Annual General meeting for final decision.
- 12.6 The quorum of trustees shall be two. In case of death or incapacity of any trustee, the Annual General Meeting shall appoint another trustee.
- 12.7 Any trustee may resign by notice in writing to the Executive Committee copied to the Board of Trustees.

ARTICLE 13 AUDITORS

- 13.1 The Executive Committee shall recommend three audit firms and present them to the Annual General Meeting which shall appoint one as an external auditor
- 13.2 The appointed auditor shall submit a copy of the Associations audited report to the Executive Committee on or before 31st July and shall present the audited report to the Annual General Meeting.

ARTICLE 14 AMENDMENT OF THE CONSTITUTION

- 14.1 Any article of the constitution or any part thereof may be amended or repealed at a Special General Meeting called for this purpose, provided that the intended amendment(s) or repeal shall be circulated to members together with the notice convening the meeting and two-thirds (2/3) of all members of the Association who are entitled to vote accept the amendment(s) or repeal.

ARTICLE 15 AGREEMENTS AND EXECUTION OF DOCUMENTS

- 15.1 Any agreement shall be validly entered into if signed for or on behalf of the Association by the **CHAIRPERSON, TREASURER** and the **SECRETARY**.

15.2 Any document to be executed by the Association shall be executed on behalf of the Association by the Chairperson, the Treasurer and the Secretary.

ARTICLE 16 RULES

The Executive Committee may, subject to the provisions of this constitution, make such rules and regulations as may be necessary for the promotion of the **objects and the affairs** of the Association, which shall, when approved by the Annual General meeting be binding on all members of the Association.

ARTICLES 17 DISSOLUTION

17.1 The Association may be dissolved voluntarily by a resolution passed at the Annual General Meeting by a majority of two thirds (2/3) of all the members of the Association entitled to vote.

17.2 A proposal to dissolve the Association may be presented by a requisition signed by not less than 50 percent (50%) of the membership

17.3 Notice of the proposal to dissolve the Association shall be circulated to the members not less than thirty (30) days before the Annual General Meeting

17.4 A proposal to dissolve the Association requisitioned by members under article 17.2 above shall be passed if voted for by a majority of not less than three quarters (3/4) of the members entitled to vote at the Annual General Meeting.

ARTICLE 18 DISPOSALS OF ASSETS

Upon dissolution, the Association shall discharge all its liabilities which are legally due and any surplus funds thereupon remaining shall be distributed to any Association, Society, Organization, Institute or Group of individuals in Kenya which in the opinion of the Annual General Meeting has similar objects to those of the Association, which failing, shall be passed to any deserving body that promotes the welfare of **women and children** in Kenya.

