

United Nations Division for the Advancement of Women

in collaboration with

The Government of the United Republic of Tanzania

**"Judicial colloquium on the application of
international human rights law at the domestic level"**

9 to 11 September 2003
Mount Meru Hotel

Arusha, Tanzania

Opening statement by

Ms. Carolyn Hannan

Director, Division for the Advancement of Women

Excellencies, honourable justices, ladies and gentlemen,

On behalf of the United Nations Division for the Advancement of Women, the substantive office within the United Nations that develops policy advice for the promotion of women's rights and provides substantive servicing to the Committee on the Elimination of Discrimination against Women as well as the Commission on the Status of Women, I am pleased to welcome you to this judicial colloquium. I am honoured that you consider the question of the promotion of gender equality through the use of international human rights treaties deserving of your valuable time and attention.

I would like to express sincere thanks to the Government of the United Republic of Tanzania and in particular to the Ministry of Community Development, Gender and Children, whose assistance has been crucial to the organization and logistical arrangements of this meeting. I would also like to sincerely thank the Government of Germany for contributing to the funding of this important event, and Governments of the region for their nominations of such eminent persons to attend the colloquium.

Distinguished participants,

The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly on 18 December 1979. Often called the "bill of rights for women", it is the international human rights treaty that addresses most comprehensively women's equality with men and non-discrimination in the civil, political, economic, social, and cultural fields. The Optional Protocol to this Convention entered into force in December 2000. It entitles individuals or groups of individuals, once certain admissibility criteria have been met, to submit claims of violations of the Convention's terms to the Committee on the Elimination of Discrimination against Women. It also provides the Committee with the power to inquire into grave or systematic violations of the Convention. The total number of States parties to the Convention presently stands at 174, while 55 have ratified or acceded to the Optional Protocol.

The Convention requires States parties to pursue a policy of eliminating discrimination against women, and to take all appropriate measures to eliminate such discrimination, whether committed

by public authorities or by any person or organization. Upon ratification or accession to the Convention, States parties assume specific obligations for the full implementation of the Convention at the national level. States parties are expected to embody the principle of equality of women and men in their national constitutions or other appropriate legislation, and ensure, through law and other appropriate means, the practical realization of this principle. States parties also commit to adopt legislation prohibiting discrimination, to establish legal protection for women on an equal basis with men, as well as to provide effective remedies against acts of discrimination against women.

The Committee on the Elimination of Discrimination against Women (CEDAW), the body of experts established by the Convention to monitor its implementation in those States that have ratified or acceded to the Convention, is particularly concerned with the status of the Convention in domestic legal systems. The Committee has advocated the incorporation of the Convention into national constitutions, as well as the implementation of the various rights in the Convention through legislation. In response, many Governments have introduced new laws, or amended those that discriminate against women and girls. They have adopted policies and programmes and have sought to harmonize customary norms with the requirements of international law relating to women's rights and non-discrimination on the basis of sex. Governments have also organized legal literacy campaigns so that women are aware of their rights and the means available to enforce them.

Government action is essential to implement the obligations of international human rights treaties. At the same time, courts and judicial officers have pivotal roles in ensuring that the legal framework is applied fully, justly and evenly, and benefits all individuals equally. Proper application of the legal framework can only be achieved where decision makers are aware of, or sensitive to, the realities of the lives of those who seek the protections and remedies that the law offers. Judicial decisions can be based upon a restrictive interpretation of the domestic law or be approached in an expansive and creative way that will truly provide justice to women. International human rights law, and particularly the principles of the Convention, can provide the background and framework for such judicial decision-making.

This judicial colloquium for the African region builds on similar events the Division for the Advancement of Women organized in 1999, to commemorate the twentieth anniversary of the adoption of the Convention, and in 2002 in Bangkok, Thailand for the Asian region. At these events Judges and magistrates representing most legal cultures and traditions, considered the application of international human rights law at the national level as a strategy to advance the rights of women. Participants focused on three key areas of concern, namely nationality, and marriage and family relations; violence against women; and work and work-related rights of women and girls.

You have three full days ahead of you. Three excellent resource persons will lead you in your discussions: Justice Unity Dow of the High Court of Botswana, Justice Sujata Manohar (ret.) of the National Human Rights Commission of India, and Associate Professor of Law at Utrecht University, Ineke Boerefijn. During these three days you will be provided with an overview of relevant international human rights norms and have extensive opportunities to discuss cases where international human rights norms have been used to benefit women and girls. As judicial practitioners from developing countries in the African region, you will be examining how international human rights law can be used at the domestic level to achieve equality for women and girls. You will assess how courts in different legal systems utilize international human rights treaty law to ensure that women and girls are guaranteed their rights to equality and non-discrimination; exchange experiences on the use of international human rights treaty law in domestic courts at different levels; and discuss strategies for more creative and widespread use of international human rights norms contained in the Convention at the domestic level, in both common law and civil law systems.

I know this colloquium will not be the end of your consideration of the enjoyment by women and girls of their human rights. I am confident that this colloquium will reaffirm your dedication to the cause of equality for women and girls and to the elimination of all forms of discrimination against them in their enjoyment of human rights. It is my hope that the discussions will firmly include you among the expanding number of enlightened and courageous judges who are prepared to interpret domestic law in the light of the international human rights framework.

I regret that I cannot participate in person in this colloquium. I am confident that all of you will have much to contribute to this meeting and on behalf of the Division, I wish you a successful colloquium.