

United Nations  Nations Unies

DIVISION FOR THE ADVANCEMENT OF WOMEN
DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS
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Internet location: <http://www.un.org/womenwatch/daw>

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

Nassau, The Bahamas, 17 to 19 May 2004

Statement

Judges, magistrates and judicial officers from The Bahamas, Barbados, Belize, Dominica,

knowledge about and awareness of the scope and content of such instruments and the manner in which they can be applied;

- Training of judges, magistrates and lawyers on international human rights law to which their countries are parties is insufficient, and in particular with regard to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child;
- Barriers persist for women in access to justice, including their lack of knowledge of their rights, social stereotyping of their roles, and their inability to approach the courts because of the costs involved;
- Violence against women persists and there is a common perception of the different forms of such violence in the countries of the region, and emergence of new challenges such as trafficking in women and children;
- There is a lack of, or insufficient, legislation on family matters. Even when such legislation is in place, it is often outdated, and not always adequately implemented;
- Common law unions and 'visiting relationships' are common in the region, but the law does not provide any, or adequate protection of the rights and interests of women in such relationships in regard to maintenance, division of property and inheritance;
- Family courts, or family law divisions at the High Court/Supreme Court level, do not exist in several of the participating countries, and there is a lack of accessible and effective structures for dealing with family matters, and with violence against women. The limited jurisdictional boundaries of these courts significantly restrict their effectiveness.

- Judges to make use of and refer to the Convention on the Elimination of All Forms of Discrimination against Women in their decisions, so as to set precedents and contribute to a broader interpretation of domestic law in light of international human rights instruments;
- Awareness-raising of judges, magistrates and lawyers about the Convention on the Elimination of All Forms of Discrimination against Women and its relevance in domestic courts, and training and exchange of information to increase their capacity for a gender-sensitive interpretation of laws and statutes making use of international human rights law, particularly the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child;
- Human rights education for judicial officers, lawyers and criminal justice personnel so as to enhance their knowledge about gender equality issues and their capacity to use international human rights instruments, including in situations of domestic violence;
- Judicial activism in the interpretation of legislation and in the approach of judges in dealing with issues affecting women, identifying gaps in legislation and inconsistencies of existing legislation with the spirit of the Convention on the Elimination of All Forms of Discrimination against Women, and encouraging the legislature to bring legislation in line with the Convention as well as with the Convention on the Rights of the Child;
- Strengthening of networking among judicial officers of the region, and establishment of mechanisms for regular information exchange on case law, good practices, and opportunities for continuing education and training;
- Implementation of extensive human rights education and information programmes for all relevant persons, especially on the Convention on the Elimination of All Forms of Discrimination against Women, so as to ensure that legislation that is currently being drafted in many countries of the region on gender equality and on violence against women is fully informed by international human rights law;
- Awareness raising campaigns to enhance women's knowledge of their rights and their legal literacy, to strengthen men's contribution to and participation in gender equality issues, and for measures directed at the elimination of social stereotypes that prevent women from seeking justice;
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