

**United Nations  
Division for the Advancement of Women**

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

**Statement of the  
Special Adviser on Gender Issues and  
Advancement of Women**

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Canada, Denmark, France, Germany, Ireland, the Netherlands, New Zealand, Norway, Sweden and the United Kingdom whose financial contributions have ensured that judicial officers from all the legal traditions of the world can be with us for these important three days.

Honourable justices,

The Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly twenty years ago this December, has been identified as the "bill of rights for women". This instrument - the most comprehensive international human rights treaty addressing women's equality with men - is now binding on 165 States which have ratified or acceded to it. In the last three weeks, we have been happy to receive two more instruments of accession - those of Tuvalu and Niger. As we welcome these States to those which have accepted the treaty's terms we are even closer to the goal of universal ratification of the Convention by the year 2000 which was agreed by the international community at the Fourth World Conference on Women in 1995.

The Convention on the Rights of the Child is with 191 States parties the most widely accepted human rights treaty. In the ten short years since its adoption by the General Assembly in December 1989, this Convention has become the framework which guides action by Governments, international organizations and NGOs in their efforts to ensure the realization of human rights for children, as well as their protection, well-being and development. The importance of this instrument for the promotion of the rights of girls has become clear through its influence on legislation, and Government policy in all parts of the world.

Together the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child provide a solid basis upon which to create through law, policy and practice, an enabling environment which will allow women and girls to enjoy their civil, political, economic, social and cultural rights without discrimination. Twenty and ten years respectively of the applicability of these instruments in a majority of States bear witness to the centrality of the norms of women's and girls' equality with men and boys and nonterna9b125 0 TD -0.246 Tc 0 Tw (-) Tj 3.75 0 TD 0.0141 Tc -0.1i6ai0.01.rr p5 0

women's rights and non-discrimination on the basis of sex. They have expanded the opportunities women have for redress both at the domestic and international level. Indeed, just two weeks ago, Governments unanimously adopted an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women which will allow individual women and groups of women to petition the expert Committee established under the Convention in cases where there are violations of its terms. Governments have also

or girl are at stake. These norms - outlined in human rights treaties - together with the body of jurisprudence that has developed through their application by judges at the national and international levels - are increasingly relied on as a source of inspiration and as benchmarks by judges in courts in countries in all parts of the world. Courts increasingly rely on these norms where domestic law is incomplete, uncertain, or ambiguous. Courts are more and more assessing the validity of domestic legislation against the standards of international human rights treaties. In several cases, enlightened judges have overruled domestic laws where these conflict with treaty obligations. With these developments, international human rights law, and particularly that concerning women, has become the measure against which to assess domestic legislation and the guide for judicial decision-making. It has become the means to transform law into justice for women and girls.

By joining us for the following three days, you judges and magistrates from different legal systems who have gathered here for this colloquium have shown your commitment to the full enjoyment by women and girls of their human rights. By your presence here you have also shown that you recognize the importance of international human rights law and its power to achieve the goal of that full enjoyment. Some of you have reached decisions using human rights law creatively to ensure that treaty obligations are adhered to and that individual women are provided with justice. Others of you have relied on treaty law to highlight the persistent inequalities that women and girls experience as the result of existing legal provisions. Others have struck down legislation because of its inconsistency with international human rights treaty norms.

In many ways, however, you are all pioneers. The last ten years has seen the growing use of international human rights treaties in domestic decision-making, but this still remains limited. Women from many parts of the world also tell us that the right laws are in place, but their application is discriminatory. We are also told that they are reluctant to bring claims to courts because they are afraid of ridicule or that their complaints will be seen as frivolous. We also hear that women would like to see more women hearing their claims.

Let me reiterate how honoured I am that you have accepted our invitation to this gathering of judges and magistrates which will provide a forum to exchange experiences, and to discuss strategies for more widespread and commonplace use of international human rights norms contained in the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. We are particularly fortunate to have judges and magistrates from such a wide range of legal traditions and from civil, as well as common law systems. I am sure that the different strategies used and possibilities for the incorporation of international treaty obligations into domestic law in these different legal traditions will be constant themes in your discussions.

