

**Judicial colloquium on the Application of International Human Rights law at
the
Domestic Level**

**Training Workshop for Government Officials Responsible for preparing
States
Parties Reports**

**11 to 13 September 2003
Arusha Conference Center
Arusha, Tanzania**

Aide-Mémoire

A. BACKGROUND INFORMATION

On 18 December 1979, the General Assembly of the United Nations adopted the Convention on the Elimination of All Forms of Discrimination against Women. As of 16 April 2003, the Convention had been ratified or acceded to by 173 States. The Optional Protocol to the Convention which entitles individuals or groups of individuals to submit claims of violations of the Convention's terms to the Committee, and provides the Committee with the power to inquire into grave or systematic violations of the Convention entered into force in December 2000, and now has 50 States parties.

The Convention provides a definition of discrimination against women, and comprehensively addresses women's right to equality and non-discrimination in the civil, political, economic, social, and cultural fields. It 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. The Convention requires States parties to incorporate the principle of equality of women and men in their national constitutions or other appropriate legislation, and en75 5 require0p4 ith

may indicate factors and difficulties affecting implementation, are forwarded to the CEDAW for its consideration.

B. JUDICIAL COLLOQUIUM

Objectives

The **judicial colloquium** will provide an overview of relevant international human rights norms and extensive opportunity for participants to discuss cases where international human rights norms have been used to benefit women and girls. It will also provide an opportunity for judicial practitioners from developing countries in Africa to examine how international human rights law can be used at the domestic level to achieve equality for women and girls by:

- assessing 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;
- exchanging experiences on the use of international human rights treaty law in domestic courts at different levels, taking into account different methods of incorporation of treaty law into domestic law;
- discussing 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;
- developing a consensus on the utilization of the international human rights norms contained in the Convention and discussing strategies on how this can be implemented in the resolution of human rights cases at the country level.

Participants

It is expected that approximately 30 senior judges and/or magistrates from the following Member States in the African region: Botswana, Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mauritius, Namibia, Nigeria, Sierra Leone, South Africa, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe will participate in the three-day colloquium. Judges and magistrates who have themselves drawn on international human rights treaty law in decision-making will be joined by others whose work could provide them with potential uses of treaty law in equality and non-discrimination cases involving women and girls.

The participants may include a small number of academics and representatives of international organizations working in the field of women's human rights.

Format

The colloquium will consist of a series of plenary and working group meetings. Each day will be devoted to a particular theme (see below) that will be introduced by keynote presentations. Keynote presentations will be followed by discussions in working groups, concerning aspects and cases of the theme. A total of three working groups will meet in parallel. Each working group will consist of a case study where international human rights law was successfully used to further equality for women or girls or where use of international human rights law could have resulted in a more favourable outcome for women or girls.

The themes for the three days are:

Nationality, marriage and family relations

Keynote speakers: (confirmation pending)

Working group topics (indicative):

- women's right to nationality
- right to confer nationality on spouse, on children
- age of marriage, and consent to marriage

- best interests of the girl child
- inheritance rights
- matrimonial property
- illegitimacy of children (girls - discrimination)
- widowhood rights
- freedom of association, of movement

Violence against women, violence against girls

Keynote speakers: (confirmation pending)

Working group topics (indicative):

- domestic violence
- rape, including marital rape;
- traditional practices, for example dowry
- remedies, lack of remedies, against domestic violence
- trafficking in women and girls
- abuse of, violence against, women in custody

Work and work-related rights

Keynote speakers: (confirmation pending)

Working group topics (indicative):

- temporary special measures under article 4.1 of the Convention on the Elimination of All Forms of Discrimination against Women (positive discrimination; affirmative action)
- sexual harassment
- migrant labour
- abuses and exploitation of women and girl workers

Outcomes

It is proposed that the colloquium will issue a communiqué (or statement) on principles and strategies on how judges can, or should, use international human rights treaty law pertaining to women's and girls' human rights in the resolution of cases. A small drafting group will prepare the draft, which will be discussed and adopted by the plenary.

The colloquium will also result in a publication bringing together all plenary and working group presentations, and short summaries of the discussions in the working groups.

The communiqué will be widely distributed amongst judges at the national level and to international human rights bodies and mechanisms.

C. TRAINING WORKSHOP

Objectives

The training workshop will be conducted for government officials of African countries responsible for reporting under article 18 of the Convention.

The primary objective of the training workshop will be to enhance the capacity of government officials to prepare States parties' reports. This will lead to enhanced understanding of the legal obligations established in the Convention and thereby increase opportunities for implementation of the Convention at the national level.

Participants

- drafting, finalization and distribution of outcome documents (communiqué, reports, publications, etc);
- preparation and transportation of training materials;

The **Government of Tanzania** will be responsible for all other organizational arrangements including the following services and facilities:

- administrative and support personnel including secretarial assistance;
- office supplies, stationery (including writing pads, pens and pencils for participants)
- office and reproduction equipment including at least one dedicated personal computer and printer, typewriters and duplicating machines;
- access to telephone (local and international), telefax, telex and internet services;
- two conference rooms for approximately 30 people each, smaller meeting facilities such as breakout and secretariat rooms (at least one of each);
- audio-visual aids relevant to the meeting, such as LCD projector, overhead projector, flip charts, etc.
- assistance in arranging hotel accommodation, and changes or confirmations of return flight reservations for participants.
- provision of two coffee breaks per day for the duration of the two activities.