

Welcome Remarks at the Opening of the Caribbean Regional Colloquium for Senior Judges on the Promotion of the Human Rights of Women and the Girl-Child through the Judiciary

*Justice Desirée Bernard, CCH**

Honourable Chancellor, Honourable Chief Justices, Justices of the Court of Appeal of Guyana, Judges of the High Courts of the Caribbean, Honourable Attorney General and Minister of Legal Affairs, Honourable Minister Responsible for Women's Affairs, other delegates from overseas, specially invited guests, members of the Commonwealth Secretariat, Caribbean Community (CARICOM) and the Commonwealth Youth Programme, ladies and gentlemen:

It is my distinct pleasure to extend a warm and sincere welcome to all of our overseas visitors to Guyana, and a special welcome to everyone present at this opening ceremony of the Caribbean Regional Judicial Colloquium for Senior Judges on the Promotion of the Human Rights of Women and the Girl-Child through the Judiciary. It is my sincere hope and wish that our visitors from overseas will bask not only in the Guyanese sunshine but also in our hospitality which is of international renown, and that you will take with you on your departure fond memories of your short but hopefully enjoyable sojourn in our dear land.

This Colloquium is the last in a series of such colloquia arranged by the Commonwealth Secretariat in the various geographical regions of the world to encourage wider application of international and regional human rights standards at national level. The first colloquium was held in 1988 in Bangalore, India, under the auspices of the Legal Division of the Commonwealth Secretariat, where the *Bangalore Principles* were adopted.¹ *The Bangalore Principles* indicate the need for practical measures to be implemented to ensure that international human rights norms are given full effect in national courts and have been reaffirmed at the four subsequent colloquia.

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¹ For the text of the *Bangalore Principles*, see *Developing Human Rights Jurisprudence: The Domestic Application of International Human Rights Norms, Judicial Colloquium in Bangalore, 24 + 26 February, 1988* (London, Commonwealth Secretariat) at ix and Commonwealth Secretariat and Interights, *Developing Human Rights Jurisprudence: Conclusions of Judicial Colloquia and other meetings on the Domestic Application of International Human Rights Norms and on Government under the Law 1988 – 92* (London, Commonwealth Secretariat, 1992) at 1.

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In 1994, at the second colloquium held at Victoria Falls, Zimbabwe, for the African region and organised by the Gender and Youth Affairs Division of the Commonwealth Secretariat, in collaboration with the Commonwealth Magistrates' and Judges' Association, the *Victoria Falls Declaration of Principles for Promoting the Human Rights of Women* was issued.² These were endorsed at a colloquium held during the NGO Forum of the United Nations Fourth World Conference on Women held in Beijing, China, in September 1995. This was followed in May 1996 by the *Hong Kong Conclusions* adopted at the colloquium held in Hong Kong for the Asia/South Pacific Region.³

The common theme of all of the principles and conclusions from all of the judicial colloquia reflects the universality of human rights which inhere in men and women, and imposes on an independent judiciary a duty to interpret national constitutions and apply national laws in the light of those principles and conclusions.

It is axiomatic that women's rights are human rights. The peoples of the United Nations have reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women with the Universal Declaration of Human Rights.⁴ In order to give effect to the principles of equality affirmed in the Universal Declaration of Human Rights in 1979 the General Assembly of the United Nations adopted the Convention on the Elimination of All Forms of Discrimination Against Women⁵ which sought to remove discrimination encountered by women in all aspects of life. As of April 1997, over 150 countries have ratified or acceded to this Convention, and have pledged by such ratification to remove all forms of discrimination in their national laws and constitutions.

In keeping with the Convention, the *Victoria Falls Declaration of Principles* and the *Hong Kong Conclusions* exhort all Commonwealth governments to ensure that their domestic laws are enacted or adjusted to conform with international and regional human rights standards, and encourage judicial officers in Commonwealth jurisdictions to be guided by the Women's Convention when interpreting and applying the provisions of their national laws in their decisions.

² *Victoria Falls Declaration on the Promotion of the Human Rights of Women in the Commonwealth Secretariat, Report of the Commonwealth Judicial Colloquium on Promoting the Human Rights of Women*, Victoria Falls, Zimbabwe, August 1994 (London, Commonwealth Secretariat, 1995) at 8. The text of the *Declaration* is reproduced in this volume.

³ *Conclusions of the Asia/South Pacific Regional Judicial Colloquium for Senior Judges on the Domestic Application of International Human Rights Norms Relevant to Women's Human Rights*, Hong Kong, May 1996, in A Byrnes, J Connors, Lum Bik (eds.), *Advancing the Human Rights of Women: Using International Human Rights Standards in Domestic Litigation*, (London, Commonwealth Secretariat, 1997) at 6. The text of the *Conclusions* is reproduced in this volume.

⁴ GA Res 217A (III), adopted on 10 December 1948.

⁵ 1249 UNTS 13, adopted 1 March 1980, entered into force 3 September 1981.

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It is to be hoped that the momentum started at Victoria Falls and continued in Hong Kong will reach its climax in Georgetown with the acceptance of the *Georgetown Recommendations and Strategies for Action in Promoting the Human Rights of Women and the Girl-Child*.⁶

Before I close, I would like publicly to extend heartfelt congratulations to my sister Chief Justice Joan Sawyer of the Bahamas and co-chairperson of this colloquium on her appointment as Chief Justice and my best wishes go out to her for a long and successful tenure.

I wish you all an enjoyable stay, and may our deliberations be fruitful and fulfilling.

⁶ *Georgetown Recommendations and Strategies for Action on the Human Rights of Women and the Girl-Child*, Caribbean Regional Judicial Colloquium for Senior Judges on the Promotion of the Human Rights of Women and the Girl-Child through the Judiciary, Guyana, April 1997, reproduced in this volume.