



Advances Made on Gender Equality And Women's Human Rights in the Caribbean Region

The Honourable Mme Justice Dèsirée
Bernard, Judge of the Caribbean Court of
Justice

The 60th Anniversary of the Commission on the Status of Women

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UN Women is the United Nations entity dedicated to gender equality and the empowerment of women. A global champion for women and girls, UN Women was established to accelerate progress on meeting their needs worldwide. UN Women supports UN Member States as they set global standards for achieving gender equality and works with governments and civil society to design laws, policies, programmes and services needed to ensure that the standards are effectively implemented and truly benefit women and girls worldwide. The **Commission on the Status of Women** (CSW) is the principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women. A functional commission of the Economic and Social Council (ECOSOC), it was established by ECOSOC resolution 11 (II) of 21 June 1946.

Remarks

By

The Honourable Mme Justice Dèsirèe Bernard, Judge of the Caribbean Court of Justice,

On the occasion of

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I wish to extend to the Commission on the Status of Women heartiest congratulations on its 60th Anniversary in promoting and safeguarding the rights of women throughout the world, and ensuring gender equality in all areas of their lives. What will forever be regarded as its most outstanding achievement was spearheading and aggressively lobbying over a period of four years for the adoption by the General Assembly in 1979 of the Convention on the Elimination of All Forms of Discrimination Against Women. This had followed the Commission's First World Conference for Women in Mexico City in 1975. The Commission's reputation was enhanced over the next two decades by the holding of other World Conferences in Copenhagen (1980), Nairobi (1985) and Beijing (1995).

Since its adoption and entry into force the Convention has been ratified by 183 states world-wide including all of the states of the Englishspeaking Caribbean Region. Most ratifications of the Convention followed the World Conferences in Copenhagen and Nairobi which created a groundswell of enthusiasm by states for improving the status of women. As a former member and Chairperson of the Committee on the Elimination of Discrimination Against Women (CEDAW) I can attest to the positive impact which the Convention has had on the lives of women in every geographical region of the world. It has become the springboard which catapults women's

concerns into the global spotlight thereby ensuring that violations of their rights are not ignored. The women of the world owe undying gratitude to the Commission for its efforts in promoting gender equality, and also leading the charge in having an Optional Protocol to the Convention adopted by the General Assembly.

The Convention spawned the establishment of machinery (women's affairs bureaux) for implementing governments' policies for promoting the advancement of women; these entities work in close collaboration with women non-governmental organisations.

The constitutions or basic legal instruments of many states in the Region have been amended to prohibit discrimination on the basis of sex or gender, and legislation and statutes which were regarded as discriminatory against women have been repealed or amended. New legislation has been enacted to provide protection for women in areas which hitherto were disregarded or not seen as being a violation of women's rights, e.g. legislation prohibiting sexual harassment in the workplace. In the Caribbean conduct which is now regarded as harassment was endured without complaint by women with few options who were seeking or were desirous of retaining employment. A number of states in the Region have enacted sexual harassment legislation, but no statistics are available to ascertain how effective they have been.

Having inherited the dualist theory on the incorporation of international treaties, the Convention has not been incorporated into the constitutions of the former British colonies of the Caribbean Region. Implementation of the Convention is given effect to by specific legislation in the areas covered by it. However, very recently in Guyana the Constitution was amended to provide for the protection of human rights enshrined in international treaties which Guyana has ratified, and for such rights to be respected and upheld by the executive, legislature, the judiciary and all organs

and agencies of Government. Although this does not eliminate the need for separate legislation it encourages recognition of international treaties and the human rights they seek to protect.

Since the adoption of the Optional Protocol to the Convention only one English-speaking Caribbean state had ratified it; two others have now done so due to an initiative of UNIFEM (Barbados) in having Professor Joycelin Massiah, former Director of UNIFEM and myself undertake advocacy tours throughout the Region to encourage Governments to ratify the Protocol. There are encouraging prospects that others will follow in the near future. Dialogue with Heads of Government and senior legal officials is part of the tour which began in 2005, and has focused attention on and awareness of women's human rights.

The all-pervasive problem of gender-based violence and its alarming increase continues to be the concern of most Caribbean states. It has ceased to be a problem which is hidden and kept within the confines of the family. Some countries have enacted legislation (Domestic Violence Acts) to combat domestic violence, and victims are now entitled to apply to the courts for protection and restraining orders. This followed model legislation drafted by the Caribbean Community Secretariat and which has been adopted by member states. Models have also been drafted in relation to sexual harassment and sexual offences for states which hitherto had no such legislation. NGOs in the Caribbean have played a very important role in relieving the effects of gender-based violence by providing refuges, hotlines, shelters and offering support and comfort to victims.

In keeping with the strategic objectives of the Beijing Platform for Action training programmes aimed at educating women about their human rights, particularly their rights under the law, have been undertaken mainly by NGO's. Training has not, however, been confined to women. Regional Seminars have been held to sensitise judicial and law enforcement officers about

women's rights particularly in their interaction in the courts and at the investigative level of criminal offences. Although some efforts have been undertaken to sensitise the judiciary in the Region about discrimination encountered by women much more needs to be achieved at this level. Only in very few instances has the Convention been utilised in judgments. The judiciary's role in protecting the rights of women is an invaluable tool in the arsenal of weapons to combat discrimination.

One problem which affects women's human rights to a very large extent in the Caribbean is the pervasive scourge of HIV/AIDS. Within the Region many states have not enacted legislation to protect women, and men, from carriers of the virus who intentionally infect others, bearing in mind that women are a particularly vulnerable group within marital or other relationships, not very often having the power to insist on safe and responsible sexual practices. However, much attention and financial resources have been provided throughout the Region to combat HIV/AIDS with both Governments and non-governmental national and international organisations involved in the process. Nevertheless much more needs to be done to remove this scourge from our midst.

A critical area of concern and one which both the Convention and the Beijing Platform for Action urges Governments to address is trafficking in persons who are disproportionately mainly women and children. A few states within the Caribbean have recently enacted legislation to curb this practice which has been assuming alarming proportions in movement of persons between the member states. Immigration laws though facilitating easy movement of persons within the Region have in some instances unwittingly facilitated traffic in women and young girls for the purpose of prostitution. Efforts are being made to curb this burgeoning trade.

Overall much has been achieved in the Caribbean Region over the past two decades, but still more is required if women are to be empowered and all forms of discrimination removed. The area of research and data collection springs readily to mind, and is one where support and assistance from the United Nations should be sought. Unless the depth of problems and trends, particularly concerning the continuing problem of gender-based violence, are ascertained, remedies and solutions cannot be found. Whatever laws are enacted will only be palliatives for temporary relief. The effectiveness of the legislation must be ascertained, and efforts made to rehabilitate victims of violence and trafficking.

Education and public awareness of the violations of women's rights are essential to success in changing attitudes and stereotypical behaviour. Efforts are on-going in this regard, and must be continuous if it is to have any meaningful effect. Governments' policies and programmes cannot operate in a vacuum if the public is not aware of the effect these policies will have on the lives of those for whom they are intended.

The human rights of women have to be viewed in the context of a human rights regime in any state, and the political will to respect these rights and give effect to them is a sine qua non for success in this regard. At the end of the day unless states honour the obligations which they undertake upon ratification of international treaties all efforts at empowering women and removing discrimination will be meaningless. The continued success of the Commission on the Status of Women will depend in no small measure on the political will and support of the member states of the United Nations system. Financial and human resources are essential, but so is implementation of gender perspectives and gender mainstreaming both within the United Nations system and at national level. It is hoped that this support will be forthcoming in the future as the Commission

continues to strive for the advancement of women and promotion of their rights throughout the world.