

**STATEMENT IN SUPPORT OF U.S. SENATE RATIFICATION OF
THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN
(CEDAW)**

**TO THE SENATE FOREIGN RELATIONS COMMITTEE
JUNE 13, 2002**

THE WOMEN'S RIGHTS DIVISION OF HUMAN RIGHTS WATCH

Not since 1994, when the Senate Foreign Relations Committee of the 103rd Congress voted 13 to 5 with one abstention to recommend the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) for ratification, has there been a more historic moment to demonstrate the U.S.'s unwavering support for women's fundamental right to a life free from sex discrimination.

CEDAW is the most authoritative and comprehensive international human rights instrument to address discrimination in the public and private spheres of women's lives, by private and state actors alike. In its full implementation, CEDAW seeks to overturn cultural, economic, religious, and other practices that effectively treat women like second-class citizens, and to promote universal standards for women's equality.

There are at least 143,368,343¹ reasons the U.S. Senate should ratify CEDAW, but this statement of support will briefly focus on four: first, improving protection for women's rights in the U.S.; second, fortifying the U.N. system and a rights-based framework; third, improving the ability of the U.S. to advocate for greater respect for women's lives at the bi- and multi-lateral levels; and last, the ways in which women throughout the world have used CEDAW to improve respect for their rights.

Women's Rights in the U.S.

United States law includes provisions meant to combat discrimination against women and to protect their rights. Nonetheless, women in the U.S. still suffer from unremedied domestic violence, limited career opportunities, sex discrimination in access to vocational education, discriminatory wage differentials between men and women, sexual and domestic violence, sexual violence in state custody, and stereotyping in society. Thus, although U.S. legal protections for women are relatively progressive, more can be done to realize women's right to nondiscrimination in the United States.

By ratifying CEDAW, the U.S. would acquire an important tool for improving the protection of women's rights at home. In the process of implementing CEDAW, the U.S. would have an opportunity closely to examine existing laws and practices to see whether they meet international standards and to determine what more can be done to make U.S. law more consistent with CEDAW standards.

Supporting the U.N. System and Framework

The U.S. was a staunch supporter of the creation of the United Nations. Eleanor Roosevelt was the lead drafter of the 1948 Universal Declaration of Human Rights. Now is not the time for the government to abandon its historic commitment to the United Nations as a vehicle for promoting rights, setting rights standards throughout the world, and protecting individual rights. Continued failure to ratify CEDAW will essentially do just this.

¹ Number of females in the U.S. from latest census figures. U.S. Census Bureau, PCT 12 Sex by Age, Census 2000 Summary File 1 (SF1) 100-Percent Data, generated by American FactFinder, http://factfinder.census.gov/servlet/DTTable?ds_name=DEC-2000_SF1_U&geo_id=01000US&6/12/02, (June 12, 2002).

The effectiveness and legitimacy of the human rights system lies in the universal acceptance and application of legal norms and the adherence to those norms by as many nations as possible. U.S. failure to ratify CEDAW effectively undermines the U.N.'s role as an international standard-setter not just with regard to women's rights but with regard to its other conventions and treaties.

CEDAW reflects the nearly worldwide consensus that states must take concrete steps to end discrimination and violence against women. The vast number of CEDAW ratifications—169 countries had ratified as of May 2002—is proof of near-universal support for this treaty.

Supporting CEDAW's universal framework for eliminating discrimination against women is particularly important given the justifications frequently cited for the subjugation of women: tradition, culture, and religion. Ratification of CEDAW disarms the cultural relativists. CEDAW has been ratified by nations representing every region, culture, and religion in the world. It affirms the dignity and worth of all women, regardless of where they are.

Providing Credibility for Critiques of Other Countries' Practices

By ratifying CEDAW, the U.S. government will be in a stronger position to support women's rights and freedoms in other countries. Ratification of CEDAW is a public expression of support for the standards contained therein and the mechanism attached to its enforcement. Having not ratified CEDAW, U.S. intervention in support of women's rights may be construed as "cultural imperialism" or an "American" agenda, as opposed to a rights-based approach.

Ratifying CEDAW would provide the U.S. additional legitimacy for its critiques of other countries' practices in the area of women's human rights. Ratification will clearly demonstrate that the U.S. takes women's human rights seriously and is willing to report openly on its own measures to promote women's rights. When it asks that other countries do the same, there will be no question of the U.S. government's authority to do so.

Illustrations of How CEDAW has been Used Abroad

The Women's Rights Division of Human Rights Watch has used CEDAW to evaluate different countries' women's human rights records in some three dozen countries during the past twelve years. In that time, we have been investigating state-sponsored and state-tolerated violence and discrimination against women and advocating for improved respect for women's human rights. CEDAW is an organizing tool for women's rights activists throughout the world. It sets clear standards for government action to remedy discrimination against women and attempts to foster a society in which women can participate on an equal basis with men.

CEDAW saves lives and has led to increased rights protections for women in many countries in response to a variety of abuses.

Ask the women in Morocco what CEDAW means to them. They are using the Moroccan government's commitments under CEDAW to challenge discriminatory family law that subordinates women to male authority, denies women equal access to divorce, conditions women's consent to marriage on the approval of a male guardian, and typically deems women unfit for legal custody of their children in the event of a divorce. Consequently, the Moroccan government has established a national plan for the integration of women in development, which includes a section on reforming the personal status code, and conducted a public awareness campaign on violence against women.

Ask the women in Uzbekistan what CEDAW means to them. They have used the Uzbek government's commitments under CEDAW to bring about a national discussion of wide-spread domestic violence and government indifference to violence against women.

Ask the women in Russia, who have used Russia's obligations under CEDAW to raise the issue of government accountability for rape and sexual assault by Russian soldiers of Chechen women in Russian-controlled areas of Chechnya and detention centers.

Ask women's rights activists in Greece, who are using CEDAW standards to push for increased protection of the rights of migrant women who are trafficked into Greece for forced prostitution and forced labor and to push for improved prosecution of traffickers.

To close, more than twenty years ago, the U.S. signed CEDAW. The world's eyes, friend and foe alike, are now on the U.S., awaiting the next step. The last industrialized nation not to have ratified CEDAW, one of the best ways that the U.S. can promote respect for women's rights now is to lead by example.

Failure to send CEDAW before the full Senate and ratify it would raise legitimate questions about the U.S.'s resolve on women's rights in this country and the world over, undermine the United Nations as a standard-setting and investigative body, and ultimately weaken U.S. efforts to promote respect for women's rights in other nations.

A vote for the ratification of CEDAW is a vote in support of women as full and equal citizens. The U.S. should take this opportunity to proclaim before the world its allegiance to women's unassailable right to equality.

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