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S. HRG. 111–1143

WOMEN'S RIGHTS ARE HUMAN RIGHTS: U.S. RATIFICATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

HEARING

BEFORE THE

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

NOVEMBER 18, 2010

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WOMEN'S RIGHTS ARE HUMAN RIGHTS: U.S. RATIFICATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

THURSDAY, NOVEMBER 18, 2010

U.S. SENATE,
SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW,
Committee on the Judiciary,
WASHINGTON, DC.

The Subcommittee met, pursuant to notice, at 2:34 p.m., in room SD–226, Dirksen Senate Office Building, Hon. Richard J. Durbin, Chairman of the Subcommittee, presiding.

Present: Senators Durbin and Specter.

OPENING STATEMENT OF HON. RICHARD J. DURBIN, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Chairman DURBIN. I want to apologize to those that have to wait in the hallway. We are checking on the availability of another room to see if we can accommodate this amazing turnout. And I do apologize in advance if we are unable to do that.

I also know that Senator Boxer was at a Democratic Caucus meeting, which I just left, and so she may not be here.

My name is Senator Dick Durbin—it is not actually "Senator." It is just Dick Durbin. And I am from Illinois, and I am the Chair of the Human Rights and the Law Subcommittee, which will please come to order.

The title of today's hearing is "Women's Rights Are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women," known as CEDAW. I am going to make a brief opening statement. Senator Coburn will make an opening statement if and when he is here. And then I am going to recognize Senator Boxer if she has arrived at that moment.

Last December, this Subcommittee held the first-ever Congressional hearing on U.S. compliance with our human rights treaty obligations. Today we focus on a treaty that the United States has not yet ratified—CEDAW. This is the first Senate hearing on CEDAW in 8 years, and this is the first time the Judiciary Committee has ever held a hearing on whether to ratify a human rights treaty. This is usually the province of the Senate Foreign Relations Committee, and I would like to say on the record that I have spoken to Senator Kerry, who is totally supportive of our efforts.

CEDAW is the only treaty to focus primarily on the human rights of women. It addresses issues like violence against women, sex trafficking, the right to vote, and access to education. Why do we need it? Because human rights of women and girls are violated at an alarming rate all over the world. One example: Violence against women is at epidemic levels. In South Asia, countless women and girls have been burned with acid, including Afghan girls attacked by the Taliban for the simple act of attending elementary school. And literally hundreds of thousands of women have been raped in the Democratic Republic of Congo and other conflict situations.

I might say that I have personally visited the Democratic Republic of Congo twice. I returned to Goma after several years. They were shocked to see me come a second time. They said, "no one ever comes back." And I went back to see an amazing effort at hospitals to serve women who are the victims of the cruelest abuses imaginable. It is a strange, awful situation in that country and many others in the developing world.

This Subcommittee explored this horrible phenomenon in 2008 with a hearing on rape as a weapon of war. CEDAW is not a cure-all for these atrocities, but it has had a real impact in improving the lives of women and girls around the world.

Some examples: CEDAW led to the passage of laws prohibiting violence against women in Afghanistan, Ghana, Mexico, and Sierra Leone. It led to women being granted the right to vote in Kuwait. And it helped give women the right to inherit property in Kenya, Kyrgyzstan, and Tajikistan. CEDAW has been ratified by 186 of 193 countries. Sadly, the United States is one of only seven countries in the world that has failed to ratify CEDAW, along with Iran, Somalia, and Sudan.

CEDAW was transmitted to the Senate 30 years ago. Twice, in 1994 and 2002, a bipartisan majority in the Senate Foreign Relations Committee reported the treaty to the Senate floor, but the Senate has never voted on this treaty. Under Presidents Reagan, Bush—George H.W. Bush—and Clinton, the United States ratified similar agreements on genocide, torture, and race. It is time, I believe, to renew this proud bipartisan tradition and join the rest of the world in demonstrating our commitment to women's rights.

Let us be clear. The United States does not need to ratify CEDAW to protect our own women and girls. Women have fought a long and difficult struggle for equal rights in America, with many victories along the way, and just to name a few: The 19th Amendment giving women the right to vote in 1920; Title IX prohibiting discrimination in education in 1972; the Pregnancy Discrimination Act of 1978; the Violence Against Women Act in 1994; the election of the first woman as speaker of the House in 2007; and the passage of the Lilly Ledbetter Fair Pay Act, the first bill signed into law by President Obama.

Of course, the struggle for women's rights continues, and every year millions of American women and girls are subjected to domestic violence, rape, and human trafficking. And women who work full-time still only earn 77 cents for every dollar that a man is paid. That is why it is unfortunate that yesterday we failed to muster the 60 votes needed to proceed to the Paycheck Fairness Act.

But the robust women's rights protections in U.S. law in many ways exceed the requirements of CEDAW. Even opponents of CEDAW acknowledge that ratifying CEDAW would not change U.S. law in any way. So why should we worry about it? Why even have a hearing on it?

Throughout history, we have tried to be a leader in the world to advance human rights. But many times we have lost our credibility when other countries have challenged us. Retired Supreme Court Justice Sandra Day O'Connor sent us a letter yesterday, and I would like to quote it. She said: "The Senate's failure to ratify CEDAW gives other countries a retort when U.S. officials raise issues about the treatment of women, and thus our non-ratification may hamper the effectiveness of the United States in achieving increased protection for women worldwide."

Justice O'Connor is right. We need to ratify CEDAW so that we can more effectively lead the fight for women's rights in corners of the globe where women and girls are subjected to the most extreme forms of violence and degradation simply for exercising their fundamental human rights.

CEDAW is about giving women all over the world the chance to enjoy the same freedoms and opportunities that American women have struggled long and hard to achieve. Women have been waiting for 30 years. The United States Senate should ratify this treaty without further delay.

[Applause.]

Chairman DURBIN. I would like to invite those who do not have seats to take any empty chairs, including those at the podium. I do not want people standing. So many are waiting outside, and I know it is a hardship and a great sacrifice. So anyone who would like to take a seat, please be my guest.

We are going to put in the record Senator Boxer's statement and Senator Feinstein's statement, as well as Senator Leahy's, the chairman of the Judiciary Committee, and Congresswoman Carolyn Maloney's statement.

[The statements appears as a submission for the record.]

Chairman DURBIN. Senator Specter, would you like to make an opening statement?

STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator SPECTER. Thank you, Mr. Chairman. I begin by thanking you for convening this very important hearing. This Convention has been ratified by 186 of the 193 countries involved, and it is a very important statement of international policy to respect the rights of women and to advance the cause of women.

I note from the briefing materials that countries as diverse as Bangladesh, Mexico, Kenya, Kuwait, and Afghanistan have expanded rights and protection for women in education, voting, legal protections against violence, and property rights, all by leveraging the Convention on the Elimination of All Forms of Discrimination Against Women.

We have taken steps to consider the Convention twice by the Senate Foreign Relations Committee, which passed it in 1994 and the year 2002, but it has not been brought to the floor. And it is

my hope that this hearing and other public attention will put some pressure to bring the matter to the floor.

We passed the Lilly Ledbetter legislation during this session of Congress. Regrettably, we did not move ahead on the Paycheck Fairness Act yesterday. We have a requirement, as you may know, for 60 Senators to be in agreement before a bill is taken up, and some people—we were two votes short, and among those who voted no were some pretty big surprises, at least to me, and that has been caused by the gridlock which we have in Congress, which is well known worldwide, where there is a tremendous amount of obstructionism going on in the U.S. Senate today. Regrettably, this Convention is not at the top of the list. At the top of the list at the moment is the START Treaty, which is a serious matter of national defense. But that stopped the legislation on the Paycheck Fairness Act, and we have to persevere and move ahead.

This is a very busy time for the Senate, regrettably, and I wanted to come by to lend my voice in support. Regrettably, I cannot stay long myself. But I thank you and I thank our distinguished array of witnesses for coming in today.

Chairman DURBIN. Senator Specter, thank you, not only for today but for your service to Pennsylvania and to America. You have been an extraordinarily strong voice on so many issues, and it is always great to be on your team. So thank you very much for being here.

I also want to give personal thanks to Senator Patrick Leahy. As I mentioned, this is the first hearing on CEDAW in eight years, and I asked if the Judiciary Committee could hold it, and he said he would be more than happy to accommodate me, as did Senator Kerry.

I also note that Senator Boxer is not here at this moment, but for the record, Senator Boxer chairs a critically important subcommittee of the Foreign Relations Committee, the subcommittee on International Operations, Human Rights, Democracy, and Global Women's Issues. This is a subcommittee of her own creation and it reflects her important priorities.

I am going to invite our first witness to the table here, Melanne Verveer. I will not tell you when Melanne and I first met, but it was in college so it goes back a few years. Ambassador Verveer serves as the first-ever ambassador-at-large for global women's issues at the State Department. President Obama created this position, which speaks volumes about the Administration's commitment to women's rights. Melanne is one of our nation's most prominent leaders on women's rights. She previously served as Chair and co-CEO of Vital Voices Global Partnership, which she co-founded. And prior to this, Ambassador Verveer served as an assistant to the President and chief of staff to the First Lady in the Clinton administration. Ambassador Verveer received her B.A. and M.A. from the highly regarded Georgetown University where, I am pleased to say, we were classmates.

Ambassador Verveer, thank you for being here today, and the floor is yours.

STATEMENT OF AMBASSADOR MELANNE VERVEER, AMBASSADOR-AT-LARGE, OFFICE OF GLOBAL WOMEN'S ISSUES, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Ambassador VERVEER. Thank you so much, Chairman Durbin. Thank you for your leadership and for your extremely powerful statement just minutes ago and for this opportunity for all of us to come and talk about the importance of the Women's Treaty.

I am very pleased to be here today with my colleague from the Department of Justice, Sam Bagenstos, and I also want to mention the heroic work of one of the witnesses who will follow us: Wazhma Frogh, who is here from Afghanistan. I know firsthand of her courage, and there is no one in this room who knows more personally what this treaty represents and the good that it has done in her own country.

I want to talk today about the Women's Treaty and what is represents and why U.S. ratification is critical to our efforts to promote and defend the rights of women across the globe. And I hope that my full statement can be put in the record.

Chairman DURBIN. Without objection.

Ambassador VERVEER. Women's equality has rightly been called the "moral imperative of the 21st century." Gender inequality and violations of women's human rights—including the use of rape as a tool of war, acid attacks, female infanticide, female genital mutilation, so-called honor killings, the trafficking of women and girls into modern-day slavery, and so much more—is nothing short of a humanitarian tragedy of enormous proportions around the globe. In far too many places, women are still prevented from participating fully in parliaments, village councils, peace negotiations. Their work is circumscribed or prevented altogether. The majority of the world's illiterate are women, and the HIV/AIDS pandemic has a woman's face, and the number of infections that grow are often those among adolescent girls who are victims of sexual violence.

Where women cannot participate fully and equally in their societies, democracy is a contradiction in terms, economic prosperity is hampered, and stability is at risk. Standing up against this inequality and oppression and standing with the women of the world is what ratifying the Women's Treaty is about.

In my time in the State Department, I have been privileged to visit many countries and meet with women from all walks of life. And one question I am asked wherever I go anywhere in the world is: Why has not the United States of America ratified CEDAW?

The U.S. ratification of this treaty matters because the moral leadership of our country on human rights matters. The United States has long stood for the principles of equal justice, the rule of law, respect for women, the defense of human dignity, and women around the world look to us as a moral leader on human rights. And yet, when it comes to this treaty, we are one of a handful, as you said, among Iran, Somalia, and Sudan—states with some of the worst human rights records in the world. We are the only industrialized democracy in the world that has not ratified the Women's Treaty, and some governments, in fact, use that fact that we have not done so as a pretext for not living up to their own obliga-

tions under it. Importantly, ratification will also advance U.S. foreign policy and national security interests.

President Obama's National Security Strategy recognizes that "countries are more peaceful and prosperous when women are accorded full and equal rights and opportunity." And as Secretary Clinton has said, "the subjugation of women is a threat to the national security of the United States. It is...a threat to the common security of our world, because the suffering and denial of the rights of women and the instability of nations go hand in hand." Ratification of this treaty is not only in the interest of oppressed women around the world; it is in our interest as well.

Around the world, as you said, women are using the Women's Treaty as an instrument for empowerment and progress, and there are many accounts—there are a few in my testimony, examples of how countries are holding—how rights advocates for women's rights are holding their countries' commitments to the treaty to bring constitutions, laws, and policies in line with its principles of non-discrimination. And I have seen firsthand its positive influence.

U.S. ratification will send a powerful and unequivocal message about our commitment to equality for women across the globe. It will lend much-needed validation and support to advocates fighting the brutal oppression of women and girls everywhere who seek to replicate in their own countries the strong protections against discrimination that you have listed earlier that we have here in the United States. And it will signal that the United States stands with the women of the world in their struggle for human rights.

So for all of these reasons, we urge the Senate to move forward with ratification at the earliest possible opportunity.

[The prepared statement of Ambassador Verveer appears as a submission for the record.]

Chairman DURBIN. Thank you, Madam Ambassador.

Our next witness, Samuel Bagenstos, serves as the Principal Deputy Assistant Attorney General in the Civil Rights Division of the Justice Department. He is currently on leave as a professor from the University of Michigan Law School. He previously taught at Harvard, Washington University in St. Louis, and UCLA, and served as law clerk to Supreme Court Justice Ruth Bader Ginsburg. He is a graduate of the University of North Carolina with a law degree from Harvard. This is his second appearance before the Subcommittee. Mr. Bagenstos testified last year at our hearing on mental illness in U.S. prisons and jails.

Thank you again for joining us and please proceed.

STATEMENT OF SAMUEL R. BAGENSTOS, PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION, U.S. DEPARTMENT OF JUSTICE, WASHINGTON, DC

Mr. BAGENSTOS. Thank you, Chairman Durbin. It is a privilege and pleasure to be here today to testify in support of the Convention on the Elimination of All Forms of Discrimination Against Women, or the Women's Treaty. The United States ratification of that treaty, as Ambassador Verveer said, would ensure that our nation's unequivocal commitment to advancing the rights of women around the world is communicated forcefully. We know that when

women are denied access to their basic rights, families, communities, and entire nations suffer. The Women's Treaty will provide an important framework through which the United States can work with other governments, the international community, and individuals around the world to advance and promote the rights of women.

Our Nation is already a global leader in the field of women's rights, and our existing laws and practices are broadly consistent with the requirements of the Women's Treaty. The Constitution itself prohibits sex-based classifications unless they have an "exceedingly persuasive justification," the Court has said, a standard that the courts have applied to ensure that governmental classifications based on sex are not predicated on stereotypical or archaic ideas about the role women should play in our society. And numerous statutes that are discussed in my written testimony protect women against sex discrimination and violence.

The Department of Justice is the primary enforcement agency for many of these statutes. In our enforcement, we have achieved significant gains for women and girls at home, at school, and in the workplace.

One of the key goals of the Women's Treaty is to end violence against women. Congress and the Administration and this Committee have shared that goal. Since the enactment of the Violence Against Women Act in 1994, the Justice Department has prosecuted 2,600 cases typically involving the most aggressive and violent abusers who cross state lines to pursue their victims. The Department has also used stronger cyber stalking laws and the latest technology to prosecute cases that would be difficult for states to pursue. And we have awarded over $4 billion in grants to law enforcement and victim services for victims of domestic violence.

Article 6 of the Women's Treaty specifically addresses the evils of human trafficking—evils that are well known by this Subcommittee. In 2000, the Trafficking Victims Protection Act established new penalties for perpetrators of sex trafficking; it provides for immigration and other benefits for victims, and it penalizes foreign countries that fail to address trafficking. In each of the past two fiscal years, the Civil Rights Division of the Department of Justice and the U.S. Attorneys' Offices have brought record numbers of human trafficking prosecutions. We have secured significant sentences against traffickers who have held victims, the overwhelming majority of whom are female, in servitude for forced labor or commercial sex.

Article 10 of the treaty addresses discrimination on the basis of sex in education, and it emphasizes the importance of access by girls and women to equal educational opportunities. The Justice Department, together with the Department of Education, enforces a number of laws that seek to ensure that women and girls have an equal opportunity at every level of education and are free from harassment at school. These laws include Title IV of the Civil Rights Act of 1964, which was the basis for a successful challenge to the male-only admissions policy at the Virginia Military Institute. It includes Title IX of the Education Amendments of 1972, which prohibits discrimination in federally funded education programs on the basis of sex and which we have applied in numerous

lawsuits involving the denial of equal opportunities for female students to participate in athletics, in cases involving sexual harassment in school, and others.

Just last month, the Department of Education released new guidance advising schools across the country of their responsibilities under Title IX to protect every student against harassment.

Our employment discrimination laws also are broadly consistent with Article 11 of the Women's Treaty. Title VII of the 1964 Civil Rights Act prohibits sex discrimination, including pregnancy discrimination and sexual harassment. In the Department of Justice, we recently filed a lawsuit against Massachusetts to challenge its use of a physical fitness test that disproportionately excluded female applicants for entry-level correctional officer jobs without effectively predicting job performance.

The Department also enforces the Fair Housing Act and the Equal Credit Opportunity Act which prohibits sex discrimination in housing and lending, and we have brought numerous cases alleging sexual harassment in housing. These cases have resulted in the payment of millions of dollars in damages to female tenants as well as orders permanently barring sexual harassers from managing rental properties.

President Obama has made a commitment to promoting the rights of women and girls, and the first bill he signed upon taking office, as you pointed out, Chairman, was the Lilly Ledbetter Fair Pay Act, which I had the privilege of testifying in support of in a different capacity. That law restored basic protections against pay discrimination for women.

To further address the wage gap, the President established a National Equal Pay Enforcement Task Force; he established the White House Council on Women and Girls, which advises the administration on issues such as equal pay, family leave, child care, violence against women, and women's health care.

In all of these ways, the United States has an extensive system of legal protections that protect women from discrimination and violence, and we are strongly committed to the vigorous enforcement and implementation of these laws at home, which are broadly consistent with the Women's Treaty.

Thank you, Mr. Chairman, for the opportunity to speak with you today, and I look forward to answering your questions.

[The prepared statement of Mr. Bagenstos appears as a submission for the record.]

Chairman DURBIN. Let me ask this panel a couple of questions, which are likely to be raised by my colleagues who may not be here today and some critics of this endeavor.

The first is: Do the protections under the laws of the Constitution and the statutes of the United States exceed any protections included in CEDAW?

Mr. BAGENSTOS. I think there are significant respects in which they do. The United States laws, as I have described to some extent here, and to a much greater extent in our written testimony, protect women and girls against discrimination and violence in a wide variety of settings which touch on many issues that are not addressed specifically in the Convention, in the Women's Treaty that we are talking about today. So, absolutely, our laws prohib-

iting sex discrimination are something we can be very proud of and something that should give us great confidence in ratifying this treaty.

Chairman DURBIN. As I understand it, there is a CEDAW Committee which comes forward with recommendations, and I assume in the course of debate there will be those who say, well, why should we allow this Committee to stand in judgment of the United States if our laws are already adequate? Why do we need to have some other panel, maybe not even composed of American citizens, standing in judgment of our conduct?

Mr. BAGENSTOS. Well, I think there are a couple of important points there. First of all, the CEDAW Committee is a committee that has purely advisory responsibilities. It can make suggestions and recommendations that are not binding on states. So it does not have the authority to issue binding pronouncements on the United States.

I will say the process of having acceded to a treaty like the Women's Treaty will be a very positive process. It will give us an opportunity in fora like the CEDAW Committee to tell the story of America and the great protections that we provide against discrimination for all people, and it will be a platform for the United States to exercise and show its moral leadership and not something that we should be afraid of.

Chairman DURBIN. Ambassador, go ahead.

Ambassador VERVEER. Senator, if I might, it is often raised by some who oppose the treaty that the work of the Committee is going to present us with a host of obstacles that we do not want to accede to. And I just want to reiterate that the committee's power only has the power that we cede to it. It merely is in the position to make suggestions and recommendations.

If you look at what the Committee has done in some instances, we may not have agreed with much of it. But it does not bind us, and I think that is a very important point to underscore.

Chairman DURBIN. Can you think of any other treaties through which we are subjected to this sort of review of our conduct against our promise and what impact it has had on American laws?

Ambassador VERVEER. You know, we have had an experience that has been a very positive experience with the treaties that we have ratified, certainly the human rights treaties, and America has stood tall in all of those instances, and we have not been overburdened by them. And this seems to be held to a different standard for reasons that we all sit here some 30 years later.

Chairman DURBIN. So let me ask you this question. You say that you have traveled around the world and met with other representatives, and that you have often been asked why CEDAW has spent 30 years sitting in the Senate, which I guess is just a short period of time by Senate standards but not by most human standards.

[Laughter.]

Chairman DURBIN. Is it not true that most countries of the world, including even those that have failed to ratify this treaty, women in those countries would gladly welcome an opportunity to immigrate and live under our standards and laws? So do they think less of the way we treat women and girls? Or does it elimi-

nate our authority or reduce our authority in addressing issues overseas?

Ambassador VERVEER. I think it takes a powerful tool away from us that we could hold onto. When most of the world ratifies a treaty that is about the elimination of discrimination, that is a powerful statement. And it is true many countries do not live up to that treaty, but we know how effectively that lever is for rights advocates to seize and to use effectively to bring about the kind of consistent application of the principles of the treaty to their own lives. We cannot say that we stand with them in terms of the treaty itself because we do not have that tool.

You know, I have been thinking about this in terms of the Helsinki Accords and how many of the countries that adopted that those many years ago who did not comply with its provisions, and it was used very effectively by the dissidents, by the community who cared about freedom and all of the things associated with those accords to be a constant prod, to be in the bully pulpit, to make a difference on those strong human rights issues at the time.

We cannot do that with this treaty because we have not signed on to it even though you are right. Our laws are in compliance in ways that are a shining beacon for the world, but that shine is somehow not as bright as it could be because for some reason we do not stand with most of the world on this treaty.

Chairman DURBIN. Mr. Bagenstos, would ratifying CEDAW force us to change any existing laws or create any new ones in the United States?

Mr. BAGENSTOS. No. The treaty itself is not self—executing. We would rely on our existing domestic laws to carry out the treaty, and it would not be judicially enforceable. And so the answer to that would be no.

Chairman DURBIN. You have undoubtedly followed the questioning of Supreme Court nominees. At least the last four that I can recall usually faced some question from the other side of the aisle about the impact of international law on America's decisions in our courts. To take it from the critics' point of view, does this subject us to being held to an international law standard different than our own?

Mr. BAGENSTOS. In the United States courts, it would not do that because it is not self-executing. So it would not be enforceable by the judiciary.

Chairman DURBIN. Could you explain that term, "self-executing?"

Mr. BAGENSTOS. Yes, and I am sure that the Department of State would also probably be happy to discuss this, but the concept of a non-self-executing treaty means that, as a matter of domestic law, it is not enforceable in the United States courts. It is not something that would require a change in our domestic law. Our existing domestic law would be sufficient to carry out this treaty.

Chairman DURBIN. I am going to ask you a delicate question but an important one that will be a part of this political debate. Is there anything in the CEDAW treaty which would require us to change any laws, existing laws, relative to women when it comes to their reproductive rights or rights to marriage?

Mr. BAGENSTOS. Well, certainly when the Foreign Relations Committee, as you know, in 2002 reported this treaty out favorably, it included a proposed package of reservations, understandings, and declarations, which the Committee determined were necessary in order to ensure that no American law would have to be changed.

We are currently in the administration in a review process, an interagency review process of those 2002 reservations, understandings, and declarations, which is approaching its final stages, and we are trying to assess whether those are needed. We are happy to work with the Senate to develop an appropriate package of the reservations, understandings, and declarations that would enable the United States to sign on to this treaty and ensure that we would not need to change any existing law in order to do it.

Chairman DURBIN. My last question. Ambassador Verveer, have you seen in other countries situations where CEDAW or its impact has really changed the lives of women and young girls?

Ambassador VERVEER. Absolutely, Senator. It is utilized over and over. My formal testimony goes into several examples. You have alluded to some yourself. I know that Wazhma, I am sure, will talk about the experience in Afghanistan where it was used effectively to help pass the law to eliminate violence against women. It is true of anti-trafficking laws. It has been true of family law reforms. And it has been true of domestic violence laws.

It is a powerful tool, and I hope that the United States can finally put it in our human rights arsenal as well.

Chairman DURBIN. Thank you very much for your testimony, Ambassador Verveer and Mr. Bagenstos. We appreciate your return to this Committee. You are always welcome.

Mr. BAGENSTOS. Thank you.

Chairman DURBIN. We thank you for being here.

We are now going to call before us the second panel. We are honored to welcome this distinguished panel. Each witness will have five minutes for an opening statement, and complete statements will be included in the record.

If I could ask the witnesses on this panel to please remain at their seats and stand if they would, please, for the customary swearing-in of our public witnesses. If the witnesses would please raise their right hands? Do you solemnly swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Ms. DAVIS. I do.

Ms. FROGH. I do.

Ms. GREENBERGER. I do.

Mr. GROVES. I do.

Chairman DURBIN. Thank you. Let the record indicate that all four witnesses answered in the affirmative.

I might say that the oath that I just administered was the sum and substance of my appearance in a movie last week, so I have trained for this job.

[Laughter.]

Chairman DURBIN. Our first witness is Wazhma Frogh, one of the leading women's rights activists in Afghanistan. Ms. Frogh is the recipient of the State Department's International Women of Courage Award. She began advocating for women's rights at the

age of 17 in Afghan refugee camps in Peshawar, Pakistan, and she never stopped. Ms. Frogh currently serves as the policy and advocacy specialist for the Afghan Women's Network, a coalition of 65 Afghan women's organizations. Previously, she was Afghanistan's country director for global rights. Ms. Frogh has a master's in law from the University of Warwick in international development and human rights.

We are very honored to have you with us today, as we are with all of our panel witnesses. We thank you for traveling all the way from Afghanistan. Please proceed with your testimony. As I mentioned before, your entire written testimony will be made part of the record, so please proceed.

STATEMENT OF WAZHMA FROGH, WOMEN'S RIGHTS ACTIVIST, AFGHAN WOMEN'S NETWORK, AND RECIPIENT OF U.S. DEPARTMENT OF STATE'S INTERNATIONAL WOMEN OF COURAGE AWARD, AFGHANISTAN

Ms. FROGH. Thank you. Chairman Durbin and other members of the Committee, thank you for inviting me to testify before you today on CEDAW and to describe Afghan women's experiences using the Convention to enhance women's rights. I need to say that my statements are only the struggles of civil society and women's rights organizations and do not represent the position of the Afghan Government.

Growing up in Afghanistan, I noticed when I was around 10 years old that my brothers were allowed to eat meat, but the girls were not. My grandmother believed that eating meat would make girls strong and they would question and disobey the family's men. She advised my mother that the only way to guard the family's honor was to keep the girls under control.

Similarly, girls were not allowed to play in the family's garden. They had only to clean it. But I broke that rule to play with my male cousins. Then my grandfather broke my toys into pieces as an illustration of my own fate if I should break family rules again. Those early experiences made me determined to improve the situation for girls and women in my country.

The story of Afghan women is the story of survival. During the Taliban, women were not allowed to work or get out of their homes. The Taliban burned down girls' schools, assaulted with acid burnings, and even cut women's parts of bodies.

Yet we survived that era, most of us vanishing into our homes, leaving our jobs and education, others living in poverty as refugees in neighboring countries. Emerging from those dark days, we have fought hard to get back our basic rights.

Essential to that struggle has been the international women's treaty known as CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women. The rights we yearn for in my country are taken for granted by most American women and girls, and for them CEDAW might be an abstract thing. But the U.S. Senate is about to consider whether to ratify CEDAW, and I would like to assure you that the U.S. ratification of this treaty would be an enormous help and a great triumph for the women of Afghanistan. Let me tell you why.

CEDAW has been a banner, a torch we have held high, as we have made our journey toward basic rights. Afghan women have been mobilized under Afghan Women's Network which is the organization I represent here. It is a network of over 65 women's organizations and over 3,000 members throughout the country.

In 2004, while Afghanistan was developing its constitution, we in the network looked up to CEDAW's materials and framework as the world's consensus of what women's equality looks like in policy and the law. We used its terms to advocate for the adoption of Article 22 in our constitution, which for the first time states that Afghan women and men are equal before the law.

Another major success of our network was the adoption of the first-ever elimination of violence against women law (EVAW). In a country where violence against women is everyday reality, this enactment was not easy. The law made rape a crime for the first time in Afghanistan and nullified forced marriages and early marriages without the consent of girls, punishing the perpetrators with imprisonment. This approach was guided by CEDAW's Article 16, which makes the state responsible for eliminating discrimination around issues of marriage and family matters.

Women in Afghanistan have been deprived of the right to own land and other assets, but this law of elimination of violence against women is changing that fact. An example is Hamida. After her husband was killed, her in-laws threw her out of her home, with her eight children. Our network gave Hamida shelter and discovered that she owned her husband's home as part of her informal marriage contract. Our lawyers used the EVAW law, the elimination of violence against women law, to successfully go to court, and today Hamida lives with her children in her own home and has a job as a cook. Ten years ago, I could not even imagine that we could use our laws to help Afghan women.

These are only a few of our many achievements using the terms of CEDAW. They have created a foundation and a base for women's rights that we have never had before. More than 48 countries are present in Afghanistan, with obvious and hidden political motives, so only an international instrument with a universal and common agenda for women's rights could work for us. We believe that women's rights enshrined in CEDAW are universal and should be defended for all women around the world. Therefore, we always expected the United States as a bastion of freedom and a global leader on women's rights to ratify CEDAW as a further demonstration of its commitment to women's rights.

U.S. ratification of CEDAW is of huge international significance. Even in Afghanistan, thousands of miles away, conservative elements use this fact that America has not ratified CEDAW to attack us. They ask us, "why hasn't the United States ratified CEDAW?" Today we do not have an answer. Perhaps one day soon, if the Senate ratifies CEDAW, we can answer them back.

Thank you.

[The prepared statement of Ms. Frogh appears as a submission for the record.]

Chairman DURBIN. Thank you so much, not only for being here and your testimony, but also for the fact that you have dedicated your life to this struggle. And for many of us, it is almost unimagi-

nable what you have gone through, and I thank you for being here today to tell us that story. It means a lot.

Our next witness is Geena Davis, originally from Massachusetts, which she told me today, an Academy Award-and Golden Globe-winning actress. I think it says "actor." I am never quite sure when I watch the Oscars——

Ms. DAVIS. Well, you know, the definition in the dictionary——

Chairman DURBIN. You want to put the microphone on.

Ms. DAVIS. Sorry. This is just a little side discussion, but——

Chairman DURBIN. This is a gender discussion.

Ms. DAVIS. A gender discussion, yes. The dictionary definition of "actor" is a person who acts. So we do not actually need "actress." It is going to sound soon as quaint as "doctoress" or "poetess" or "authoress."

Chairman DURBIN. "Senatress," yes.

[Laughter.]

Chairman DURBIN. Well, thank you very much.

Ms. Davis is well known for her ground-breaking portrayals of women in movies and television shows including "Thelma and Louise," where she should not be held responsible for reckless driving; "A League of Their Own," where she played a woman baseball star; and "Commander In Chief," where she played our nation's first woman president. Ms. Davis is a long-time advocate for women. She founded the Geena Davis Institute on Gender in Media, which aims to reduce gender stereotyping in media. Ms. Davis has also partnered with UNIFEM to change the way media portrays women and girls. She has also worked with the Women's Sports Foundation for more than a decade, supporting Title IX and girls' participation in sports.

I thank you for being here today and coming earlier for a little press conference. Please proceed with your testimony.

STATEMENT OF GEENA DAVIS, ACTOR AND FOUNDER, THE GEENA DAVIS INSTITUTE ON GENDER IN MEDIA, MARINA DEL RAY, CALIFORNIA

Ms. DAVIS. My pleasure. Thank you, Mr. Chairman. I am honored for this opportunity to testify today on the Convention on the Elimination of All Forms of Discrimination Against Women. The United States was instrumental in formulating this treaty, as with so many other human rights treaties. The Women's Treaty is at once symbolic and practical, reflecting fundamental American values about human rights and freedom from discrimination.

I came by my passion for this issue as a mother and through my work with some very inspiring organizations, as the Chairman said. I have spent most of my adult life advocating for women and girls on the board of the White House Project, for 10 years as a trustee of the Women's Sports Foundation. I have also been appointed a commissioner on the California Commission on the Status of Women. Six years ago, I founded my research institute on gender in children's media and, finally, as I need hardly point out, I was the first woman President of the United States.

[Laughter.]

Ms. DAVIS. So I have some authority on this issue.

My partnership with U.N. Women, formerly UNIFEM, is very important to me to help the voices of women to be heard and to encourage more coverage of and focus on issues important to women across the globe.

Now, I was amazed when I first learned that the United States is one of only seven countries that have not ratified CEDAW, putting us in the company, as you have heard, of Iran, Somalia, and Sudan. America is a longstanding global leader in human rights. It is critically urgent now for the United States to stand with the 186 countries that have ratified the treaty rather than with the company we are currently keeping. That is an image of America we cannot allow to continue for one more day.

Because I am privileged enough to live in this country, I can encourage my three young children to engage in any type of interests or activities or sports that they may want to pursue. What I need is for my two sons and my daughter to see a world where the same possibilities and opportunities our children enjoy in the United States are available in the rest of the world—a world where women and girls are valued equally to men and boys and have the freedom to pursue and achieve their dreams.

The Women's Treaty has forwarded this vision to many countries throughout the world. It is fundamentally about the importance of freedom from violence and discrimination for women around the world. It is about making sure girls are just as valued as boys.

What is the urgency of ratifying CEDAW now, right now, this year? It is urgent because, as Nobel Prize-winning economist Amartya Sen tells us, there are more than 100 million missing women in developing countries who die of cumulative neglect because they are continually treated differently than men, especially in health care, medical attention, access to food, et cetera. It is urgent because every year at least another 2 million girls die worldwide because of inequality and neglect. It is urgent because the lives of so many women and girls are at stake. It is urgent because the United States cannot stand with Iran, Somalia, and Sudan any longer. Let us instead stand as leader, example, and inspiration to the rest of the world.

Mr. Chairman, thank you once again for this opportunity to testify.

[The prepared statement of Ms. Davis appears as a submission for the record.]

Chairman DURBIN. Thank you. I will have a few questions after all the witnesses have testified.

Our next witness is Steven Groves. He is the Bernard and Barbara Lomas Fellow in the Margaret Thatcher Center for Freedom at the Heritage Foundation. Prior to joining the Heritage Foundation, Mr. Groves was senior counsel to the U.S. Senate Permanent Subcommittee on Investigations. Earlier he was an associate with the law firm Boies, Schiller & Flexner and an assistant attorney general for the State of Florida. He received his B.A. from Florida State University and his law degree from Ohio Northern University.

Mr. Groves, thank you for being here and please proceed with your testimony.

STATEMENT OF STEVEN GROVES, BERNARD AND BARBARA LOMAS FELLOW, MARGARET THATCHER CENTER FOR FREEDOM, THE HERITAGE FOUNDATION, WASHINGTON, DC

Mr. GROVES. Thank you very much, Mr. Chairman, for allowing me to come and testify about this treaty today, and although I do feel just a slight bit outnumbered here, I do appreciate the opportunity to come and play devil's advocate.

Last week, on November 9, State Department legal adviser Harold Koh explained to the U.N. Human Rights Council why the United States was not yet a party to CEDAW and other human rights treaties. Mr. Koh said, "Under our Constitution, treaty ratification requires not just executive approval, but also the consent of our Senate, which requires a super majority two-thirds vote. That is why the United States has often pursued a practice of 'compliance before ratification' in contrast to the practice of 'ratification before compliance' that some other nations may pursue." And that, I submit today, is indeed the main obstacle to U.S. membership in CEDAW. The United States will never be in full compliance with CEDAW and, therefore, would be making a mistake if it ever ratified the treaty.

The reason why the United States will never be in full compliance with CEDAW is not due to our nation's record on women's rights, which I submit compares very well to the records of other nations. The reason why the U.S. will never be in full compliance is because our laws and our social, political, and cultural norms will never conform to the views of the committee that has been empowered to determine whether member states are in compliance.

The CEDAW committee, rather than performing the technical advisory function for which it was designed, has transformed itself over time into a quasi-judicial entity that hands down definitive rulings, or at least rulings that it deems to be definitive, on compliance with the provisions of the treaty. The result of this transformation is a committee that regularly instructs CEDAW members to engage in social engineering on a grand scale.

For instance, Article 5 of CEDAW compels members of the treaty to "modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of . . . all . . . practices which are based on . . . stereotyped roles for men and women." The CEDAW Committee has cited this article over the years to oblige member states to seek the modification of the roles of men and women as husbands and wives, as mothers and fathers, and as caregivers and breadwinners.

The committee appears to have particular contempt for the role of women as mothers—a role that is, of course, common normative behavior in the United States. In 1999, for example, the committee criticized Ireland for "the persistence of the emphasis on the role of women as mothers and caregivers that tends to perpetuate sex role stereotypes and constitutes a serious impediment to the full implementation of the Convention."

In 2000, as you may know, the committee issued its now famous admonition to Belarus in which it referred to Mothers' Day as a stereotypical symbol that encouraged traditional roles.

Other issues, like prostitution, have been treated by the committee not as a crime that should be discouraged but, rather, as a

reality that must be tolerated. In 2001, for example, a Guinean representative told the committee that prostitution was a "social scourge" in Guinea that had been rejected and condemned by its society. Undaunted, the committee ignored Guinea's views and instead urged the government not to "penaliz[e] women who provide sexual services."

In 1999, the Committee told the Chinese delegation that it was "concerned that prostitution...is illegal in China" and directed China to decriminalize it.

The CEDAW Committee has rendered opinions on several other controversial legal and moral issues that fall outside of existing U.S. law and practice, including the use of gender quotas to achieve de facto equality and directing governments to ease their restrictions on abortion. These actions by the CEDAW committee beg the question, Mr. Chairman: Why would the United States join a treaty in which it would be consistently held to be in violation? The United States should only ratify those treaties that advance U.S. national interests, and it does not advance our interests, I submit, to submit ourselves to scrutiny by a committee of so-called gender experts that has repeatedly demonstrated its divergence with American legal, social, and cultural norms.

Instead of seeking membership in CEDAW, the U.S. would be better served by continually reviewing its implementation of existing laws barring gender discrimination in all spheres of American life. I submit that Congress and American civil society are far better positioned than the CEDAW committee to conduct those reviews.

Thank you again, Mr. Chairman, and I look forward to answering any questions you may have.

[The prepared statement of Mr. Groves appears as a submission for the record.]

Chairman DURBIN. Thank you very much. I will have a few.

Our final witness, Marcia Greenberger, is in my written testimony here—and I would agree with it—an icon—how about that?—of the women's rights movement. How about that? Ms. Greenberger is founder and co-president of the National Women's Law Center. When she started the center over 35 years ago, she became the first full-time women's rights advocate in Washington, D.C., right out of high school. Ms. Greenberger is widely recognized as an expert on women and the law. For decades she has been involved with landmark legislation and litigation establishing legal protections for women. She has received too many awards for me to list. There is not an important hearing relative to human rights or civil rights that Marcia Greenberger is not in the room for or sitting at the table for.

That says a lot about you, Marcia.

Ms. Greenberger received her B.A. and J.D. from the University of Pennsylvania, and I now give you the floor.

STATEMENT OF MARCIA D. GREENBERGER, CO-PRESIDENT, NATIONAL WOMEN'S LAW CENTER, WASHINGTON, D.C.

Ms. GREENBERGER. Thank you very much for this opportunity to testify and for that overly generous introduction, which I must

admit my mother would love and probably I could count on her, at least, as taking as accurate.

It is a great privilege to be able to testify at this important hearing about CEDAW, the Women's Treaty, which affirms principles of equality for women and, as has been discussed, those are the principles that embody American law and values. The National Women's Law Center is proud to be a part of the over 160-member CEDAW Task Force, working under the auspices of the Leadership Conference for Civil and Human Rights, which strongly urges the Senate to ratify CEDAW. And it is a sign of the importance of the Women's Treaty that so many leaders of this extraordinary coalition are in this room today. The Leadership Conference testimony that it has submitted, I believe, describes the breadth and the impressive nature of this coalition.

By ratifying CEDAW, almost every other country in the world has affirmed the importance of progress for women and girls, and that the United States has not is deeply unfortunate. It fails to reflect our country's proud tradition of leadership on women's rights, and it pained me enormously to hear Ambassador Verveer, who is such an icon herself on behalf of women's rights around the world, to be asked repeatedly, as she does her important work, why the United States has not ratified CEDAW. Our failure to ratify has denied women and girls around the world U.S. leadership on the implementation of CEDAW, and it has denied women and girls in our own country the benefits of important lessons about effective strategies used in other countries. Simply put, U.S. ratification of the Women's Treaty will strengthen our longstanding role as a global leader standing up for women's rights and human rights.

And our leadership is sorely needed. Of the 1.3 billion people living in poverty around the world, 70 percent are women. An estimated 5,000 women a year are killed in the name of honor for being a victim of rape or for talking to a man who is not a relative. Rape is used as a routine weapon of war in too many conflicts. Women and girls are crying out for the United States' assistance in the context of CEDAW and through the mechanism that CEDAW creates. This is not the time for the United States to be absent from such an important forum.

CEDAW calls upon ratifying nations to take "all appropriate measures," and that is something that is determined by each country for itself, to end discrimination against women and girls in education, employment, to prevent violence against women and trafficking, to promote women's health, to support parents seeking to balance work and family, to lift women out of poverty. These values are strongly supported by the American public, and U.S. law, as I believe all have said, is consistent with the principles set out in CEDAW.

Of course, in the United States improvement is always needed. No one would disagree. But even though we have much to be proud of and room for improvement, we, like every other nation in the world, therefore, will be in a position because of that very fact for the women and girls in our country to benefit from the ratification of CEDAW.

It will be a demonstration to our own women and girls that the United States officially stands behind their advancement at home,

and at the same time, we have extraordinary successes in opening up opportunities for women and girls that can provide valuable lessons for other countries, and we will be able to bring those lessons to this forum.

I want to say one other quick word about the issue that the United States somehow would be giving up its ability to decide what is appropriate and what are those appropriate measures and somehow lose any of our own sovereignty. With ratification, our officials would be the ones responsible for deciding what is appropriate to advance CEDAW's goals. The Supreme Court has made clear no treaty can override our Constitution. No decisions of any international court or body would be binding on the United States as a result of CEDAW. There are 10,000 treaties currently in force in the United States, including multiple human rights treaties. They have not compromised United States' status as a sovereign nation. Neither would CEDAW.

In closing, CEDAW stands for the fundamental proposition that women's rights are human rights. It is long overdue for the United States to bring its vision to this crucial effort to secure equality and justice for women and girls around the world and here at home.

Thank you very much for the opportunity to testify.

[The prepared statement of Ms. Greenberger appears as a submission for the record.]

Chairman DURBIN. Thank you, Marcia Greenberger.

Let me ask a few questions. First, to Ms. Frogh, it was about 15 years ago when Hillary Clinton, as First Lady, returned from a trip to Asia and spoke at a dinner in Chicago. And she said something that stuck with me to this day. She said: "As you travel around the world and you see many nations confronted with terrible challenges—poverty and ignorance and discrimination," she said, "if I could only ask one question to determine whether that nation had a chance to solve its problems, it would be this: How do you treat your women?"

And I thought about that as I traveled all over Asia and primarily in Africa and found it to be a very important seminal question, because if women are educated and part of the society and part of the leadership and have opportunity, it is always a much different story than those countries where that is not the case.

Your testimony, Ms. Frogh, tells me you have not only lived this, but you could probably even better ask or answer that question. So tell me how you view it in terms of your life experience and what you have witnessed around the world about the role of women.

Ms. FROGH. Thank you. I definitely agree with that question because for us especially in Afghanistan, what we see is that the way women are treated, the way women have challenges, or if their challenges are addressed, it actually addresses the societal level issues. So women's rights is a societal welfare issue as well.

For example, in a country, if girls' faces are burned while going to school, what does it tell about the kind of government it is? For example, if in a country a woman's nose is cut off, what does it tell you about the kind of government that it has?

So women's rights is a determining factor of the social stability and the way governments work, which starts from the law enforce-

ment and justice. And we have seen that changing as well in Afghanistan. Particularly in the last nine years, we have struggled to use these international obligations—the terms, the frameworks—because we did not have any other back-up before. So we use these international human rights treaties, we use CEDAW's terms, for example, to advocate for rights. When we were developing our first elimination of violence against women law, we took a lot of lessons.

Of course, understanding that every country has its own context; every country has its own social structures. You cannot take it all for granted. But what we did is that we tried to understand what are the basic and very crucial aspects of CEDAW that could help the women of Afghanistan. There might be things that might be much more different in the United States and many other parts of the world. It was different for us as well.

So the context has to be understood, but then CEDAW provided us with sort of a framework that we could use to lobby for women's rights.

Chairman DURBIN. Mr. Groves, have you had an opportunity to travel around the world?

Mr. GROVES. Not to Afghanistan, Mr. Chairman, but to China, Japan, and Europe, South America, Central America, but not in those conditions.

Chairman DURBIN. Would you agree with the premise of First Lady Clinton, now Secretary of State, that the status and opportunity and rights of women in a country are a good indicator of that country's chances to advance socially?

Mr. GROVES. Although I do not often agree with Secretary Clinton, I fully agree with that sentiment and that statement. America has experienced its greatest years since women's suffrage and the women's rights movement during the 1960s, and I am surrounded by strong women. So I agree with her.

Chairman DURBIN. I promise not to tell the Heritage Foundation what you said.

[Laughter.]

Mr. GROVES. We have very strong women there as well, Senator.

Chairman DURBIN. But when you listen to Ms. Frogh tell the story about how this particular treaty really had an impact on her life and the life of women around her and still conclude that the United States should not ratify this treaty, do you feel conflicted?

Mr. GROVES. On the surface, yes, but more importantly, I am not conflicted when I see what really has to be done on the ground is what Ms. Frogh does, and that is what needs to be supported, women's civil society, funding micro finance, supporting the civil and political rights of women in Afghanistan, where true empowerment comes from. U.S. membership in it is only a commitment to the rest of the world of how our government will treat women within the United States. It does not have much to do or anything to do with how women are treated in Afghanistan, though CEDAW can provide a great framework for developing countries and countries where there is not a tradition of respecting women's rights.

So I am not saying that this cannot be an important tool in many countries around the world. I just do not know in the balance of things and the cost/benefit analysis and when you are gauging the

advancement of American interests whether U.S. membership is the right step.

Chairman DURBIN. Are you troubled or embarrassed by the company we are keeping with your point of view?

Mr. GROVES. Again, I know at first blush it is an interesting argument that we are somehow standing with Iran, Sudan, and Somalia by not being a party to the treaty. But I have never understood the argument, to be honest, Senator, because I thought that if we were joining with the treaty, are we then standing with Saudi Arabia, China, and Egypt, who, respectively, do not allow women to drive, engage in female infanticide, and engage in widespread or allow female genital mutilation. So to be honest, I have never understood the argument that we are standing with those bad guys if we are not a party and somehow not standing with some very disreputable countries if we were.

Chairman DURBIN. I guess the response is at least those countries which have fallen far short of the mark are willing to be judged on the international stage and the United States is not.

I would like to ask you, Ms. Davis, you talked about the issue of stereotypes in movies and media of women. And Mr. Groves raised the question about the role of the committee here, the CEDAW committee, critical of some nations, Ireland in particular in his reference, for stereotyping certain women in negative roles as mothers and the like.

What is your thought on that as you kind of reflect on what you have done?

Ms. DAVIS. Right, well, as I said, what I mainly focus on is gender images in the first media that children consume, the reflection of society that we are showing to children, and for the most part our research shows that it is a world bereft of female presence, and the few female characters that are there are, as you said, often stereotyped in a very negative way, being hyper-sexualized, having no occupations or aspirations, and very one-dimensional characters.

There is nothing to say that female characters that are playing what we would call traditional roles, like mothers or wives, are in any way negative. When we are talking about stereotyping, we are talking about negative stereotyping, images that send a bad message to women and girls.

For example, we know that the more hours of television a girl watches, the more limited she believes her options are in life. So there is definitely a message coming through—and the more hours that a boy watches, the more sexist his views become. So there is definitely a message that is coming through very strongly that is negative toward women, which has nothing to do with their maternal role in society.

Chairman DURBIN. Which you have been able to combine with your professional role.

Ms. DAVIS. Right, which I do, and so many women do. My concern about all of these issues is primarily based on being a mother and wanting my daughter and my sons to see boys and girls sharing the sandbox equally.

Chairman DURBIN. Mr. Groves, you have spent many more years practicing law than I ever did and undoubtedly know more about it. But I want to go into one particular point that you made here.

When you referred to the CEDAW committee as a quasi-judicial committee, if I express an opinion here as a senator, or on the floor, about the conduct of someone or some organization, whether it is an organization I belong to or one I do not belong to, it certainly does not have the force of law. I cannot say that I am upset about the recruiting practices of a certain organization on the floor and expect tomorrow to have the U.S. Marshals show up and arrest somebody. I am entitled to my point of view, but it carries with it no authority to exercise any jurisdiction or rights over that organization. So I am hardly a judge and jury. I express my point of view.

Not true when it comes to a court. If a court issues an order, particularly in a criminal setting, it is going to be enforced by our government.

So do you believe that the CEDAW committee is closer to Durbin expressing his point of view on the Senate floor or closer to a court of law that expresses an opinion to be enforced by a government?

Mr. GROVES. Well, Mr. Chairman, I would put them somewhere in between. When you sign on to a human rights treaty like CEDAW, you are making an international political commitment to enforce the commitments within that treaty, to pass laws and to enforce those laws, and then every four years you are called to account for whether you are complying with your commitment. And the judges and juries, but not the U.S. Marshals, but the judges and juries are sitting in Geneva and New York, and they decide by making recommendations and statements whether you are in compliance with the treaty. And the main point of my oral testimony was they are so often of an opinion that is outside of the American mainstream, and so the question would be: Why do we become part of such a treaty if we know ahead of time that we are going to be in violation of it every four years?

Chairman DURBIN. So let us use one of your examples: Belarus, the alleged condemnation by the CEDAW committee of Mothers' Day as a stereotype. So after that alleged condemnation, or recommendation, by the CEDAW committee, of the 186 nations in the world, how many eliminated and banned Mothers' Day?

Mr. GROVES. I doubt any of them did, Mr. Chairman.

Chairman DURBIN. Right. So——

Mr. GROVES. Well, they are in violation of their treaty obligations, I suppose.

Chairman DURBIN. Really? It strikes me that there are only recommendations and observations to be followed. They do not have the force of law in any country that has ratified the treaty, because clearly in this case, even when they allegedly took exception to Belarus' position, Belarus did not change the practice. And I assume Belarus is still a signatory to the treaty.

So in what way do the recommendations of the CEDAW committee change the laws of any country that signs the treaty?

Mr. GROVES. Well, of course, they have no force. They do not have——

Chairman DURBIN. That is the point. That is the point. That is why it is not a court. That is why it is not judicial. And to say otherwise, you have got to give me some evidence.

Mr. GROVES. That is why I said "quasi-judicial," Mr. Chairman.

Chairman DURBIN. Well, I think it is quasi-true, what you have said.

[Laughter.]

Chairman DURBIN. Ms. Greenberger, you have addressed——

Mr. GROVES. I quasi-agree with you.

[Laughter.]

Chairman DURBIN. In your opening testimony—comment on this question about the force of law or power that the CEDAW committee has over signatory nations.

Ms. GREENBERGER. When Mr. Groves used the word "recommendation," I do not think anybody thinks a recommendation is close to a force of law. I have made plenty of recommendations as a mother myself over the years, and I think any mother or father sees the difference between a rule and a recommendation. And, in fact, the CEDAW committee itself does not even talk about compliance. It makes suggestions. And what we have to go back to also is this key phrase of "all appropriate measures." "Appropriate measures" is an important phrase which tailors what a country decides it will do based on its own facts and circumstances.

I have to say, in looking at the extraordinary testimony of Ms. Frogh sitting next to me, how important it is for the United States to be a force. They are working with CEDAW to assist women in Afghanistan, and women in other parts of the world are using that very tool. The U.S. must not withhold our support for that useful tool. But also in looking at what has happened with CEDAW and with the CEDAW committee, there is example after example of support and respect for mothers. Support for mothers who should be able to inherit property from their husbands so that they can stay in the family house with their children. That is the essence of supporting mothers. Support for mothers who need to earn a living for their children. That is the essence of respecting mothers. Support for mothers' ability to have custody of their children. Especially that, I know. I myself have traveled not in Afghanistan, but in other parts of the world where widows have come and talked to me about how terrible their situation is when they lose custody of their own children if their husband dies.

These are extraordinary and heart-wrenching situations that CEDAW addresses explicitly on behalf of mothers.

Chairman DURBIN. I might ask Mr. Groves this question. You cited a number of U.S. laws and treaties that the United States has ratified as reason that it is not necessary to join CEDAW. And you testified that you are concerned that ratifying CEDAW would have unforeseen or negative domestic ramifications. Let me ask you, from the viewpoint of your organization, the Heritage Foundation, isn't it true that you opposed the Lilly Ledbetter law?

Mr. GROVES. I do not know, Mr. Chairman.

Chairman DURBIN. You did. The foundation did.

Mr. GROVES. If we did, then I think we should take that up with whoever our employment person is.

Chairman DURBIN. Yes, I think so, too. You personally opposed the Convention on the Rights of Persons with Disabilities, did you not?

Mr. GROVES. Do I personally oppose it?

Chairman DURBIN. Yes.

Mr. GROVES. I have written a paper regarding the ratification of that treaty.

Chairman DURBIN. That was in April of 2010.

Mr. GROVES. Yes, sir.

Chairman DURBIN. And you opposed the Convention on the Elimination of Racial Discrimination.

Mr. GROVES. I wrote a paper about how the committee for that treaty has been using that improperly, making recommendations that are well outside of anything to do with racial discrimination in the United States. And, again, these are treaties that we did enter into. They are treaties that I think have a dubious impact on our domestic life.

Chairman DURBIN. That was in April of 2008. You have also opposed the Convention on the Rights of the Child?

Mr. GROVES. I have not written about that treaty.

Chairman DURBIN. This was quoted by Joseph Abrams, "Boxer seeks to ratify U.N. treaty that may erode U.S. rights," FoxNews.com, February 25, 2009. Does that ring a bell?

Mr. GROVES. I speak to a lot of reporters, but I am sure it is accurate.

Chairman DURBIN. So the point I am getting to is that you have consistently opposed the treaties that expand the rights of individuals discriminated against: those who are disabled, victims of racial discrimination, and children. And you are telling us we should not ratify this treaty because it might violate some of the rights existing in the United States for each of these groups. I am finding it hard to follow your logic. Also, in many of these cases—and you just cited one—these treaties have non-judicial committees making recommendations regularly. If I remember, President Reagan signed treaties that had such committees making recommendations and felt the United States was strong enough to weather recommendations that we might not agree with.

So there is an inconsistency here. You are consistently against treaties that expand the rights of those who are disadvantaged and discriminated against. And you seem to favor those treaties if they have committees and recommendations that do not go to a social agenda or social issue. I do not want to put words in your mouth, but is that basically where you come down?

Mr. GROVES. No, Mr. Chairman. I believe you have put words in my mouth. I consistently oppose treaties mainly because I do not think that those treaties will have any impact in advancing the cause of racial minorities, women, children, in the United States.

Chairman DURBIN. But Ms. Frogh just testified about the impact of this treaty in her country of——

Mr. GROVES. I am talking about the United States, Mr. Chairman.

Chairman DURBIN. But if we have a good set of laws and a good Constitution for the rights of women finally and it does not hurt us, they cannot change our laws, why would we not want to establish at least a minimal standard for human rights as it relates to women in other countries around the world?

Mr. GROVES. I think the analysis you have to do, Mr. Chairman, is the analysis you do for every treaty, whether it is a human rights treaty or arms control treaty: whether the treaty advances

U.S. national interests. You may believe that this treaty does. I would disagree with you.

When you are getting into that analysis, you do a cost/benefit analysis. These are not costless treaties to be part of. We are obligated politically, internationally, to implement their provisions.

Chairman DURBIN. Do you believe that if in developing countries around the world young girls are forced into marriage at an early age, are denied an opportunity for education, that that has anything to do with the national interests of the United States and our national security?

Mr. GROVES. Of course, the plight of women in countries around the world is something that all Americans care a great deal about, and the ratification of CEDAW in those countries may indeed have an impact. I am testifying only about whether the United States needs to be a party of it, and in our analysis, whether it advances U.S. interests.

Chairman DURBIN. Well, we clearly disagree because I think if we are going to show leadership in the world and encourage other countries to live up to our standards—standards which often we do not live up to, but standards to which we aspire—it is hypocritical for us to be standing back on the sidelines and saying that this does not help the United States, we are not for it. It does help the United States. It helps us to be a leader in human rights and to encourage good conduct around the world to give women and children, those with disabilities, and people who are victims of racial discrimination good treatment. I think that is good not just for them, it is good for us. And I think that is where we may disagree.

Anyone on the panel have a closing statement or a comment that you would like to make? I do not want to close out without giving you that chance, because many of you made a great sacrifice to be here. Ms. Davis.

Ms. DAVIS. Well, I was just going to say that another aspect of a benefit for the United States and a reason that it is of national interest is that countries where women are empowered are more stable, more prosperous, and more peaceful. And all of those elements in foreign countries is of tremendous benefit to the United States. When countries are more peaceful and stable and prosperous, it certainly helps America.

Chairman DURBIN. Ms. Frogh.

[No response.]

Chairman DURBIN. Ms. Greenberger.

Ms. GREENBERGER. I would only add that I think it is in the national interest, our national interest, to ratify CEDAW certainly for all the reasons that have been described so that we can give our leadership in this important forum in order to empower women who so sorely need our help in every forum where we can operate. But also the kind of self-examination that CEDAW envisions has helped and is so much allied with the tradition of the United States and how we operate here at home, and it has benefited men as well as women, girls and boys, families. We know in situations where there have been problems about violence and with attention to problems of women feeling as if they could not be on the streets because of a well-founded fear of violence, the simple fact of putting enhanced street lights to make a situation more safe for women

has made it more safe for everyone. We know if there is a lack of equal pay what a cost that has on the woman, of course, but also on her children, on her spouse, on all of the family members who more and more we know need to depend upon the wages of both male and female wage earners.

This is a situation that cries out for U.S. ratification. It is a win-win for us in strengthening our own country, both because of the good we can do abroad and also because it is in our proud tradition to keep striving to do better and better here at home.

Chairman DURBIN. Mr. Groves.

Mr. GROVES. Only to thank you again, Mr. Chairman, for allowing me to testify today, and from what it sounds like, the administration may be pushing forward on both this treaty and the Disabilities Convention next year. So I hope to continue this debate in 2011.

Chairman DURBIN. And I genuinely thank you for being here because it is not fun to be the only one in a room or one of the few holding a certain position, and it took some political courage on your part to come. I thank you very much for your testimony. I hope my questions were not too harsh.

Mr. GROVES. They were great, Mr. Chairman. Thank you.

Chairman DURBIN. Thank you. Thank you very much. And thanks to all the members of the panel. And we are going to hold the record open for other Members who might have questions for the members of the panel.

I do want to tell you that I think we have broken a record in the Judiciary Committee, certainly in this Subcommittee. We received more than 100 written statements from members and organizations supporting CEDAW, which will all be made part of the record. It is an indication that this is an issue that will not go away until we address it honestly and squarely. And I hope we do it soon. I apologize that more Colleagues were not here. This is a tough week, with the new Congress and organization, but I did not want the year to be finished without bringing this issue forward so that all of the interest shown today can be channeled into more energy and effort to do something to ratify this treaty as soon as possible.

This Subcommittee will stand adjourned.

[Applause.]

[Whereupon, at 3:56 p.m., the Subcommittee was adjourned.]

[Questions and answers and submission for the record follow.]

QUESTIONS AND ANSWERS

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 7, 2011

The Honorable Patrick Leahy
Chairman
Committee on Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed please find responses to questions for the record arising from the appearance of Samuel R. Bagenstos, Principal Deputy Assistant Attorney General for the Civil Rights Division, before the Subcommittee on Human Rights and the Law on November 18, 2010, at a hearing entitled "Women's Rights Are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)."

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this, or any other matter. The Office of Management and Budget has advised us that from the perspective of the Administration's program there is no objection to submission of this letter.

Sincerely,

Ronald Weich
Assistant Attorney General

Enclosures

cc: The Honorable Charles Grassley
Ranking Member

1/10/11 DRAFT

WRITTEN QUESTIONS OF SENATOR TOM COBURN, M.D.
Samuel R. Bagenstos, Principal Deputy Assistant Attorney General, U.S. Dept. of Justice
Hearing before the U.S. Senate Committee on the Judiciary
Subcommittee on Human Rights and the Law
"Women's Rights are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)"
November 18, 2010

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1. **In your testimony, you said our nation is already a global leader in the field of women's rights, and our existing laws and practices are broadly consistent with the requirements of CEDAW. You stated at the hearing that no U.S. laws would need to be changed or created as a result of ratifying CEDAW.**

    a. **Would legislation be required to introduce maternity leave with pay, as required by Article 11, paragraph 2(b) of the Convention?**

    b. **Would legislation be required to promote the establishment and development of a network of child-care facilities, as required by Article 11, paragraph 2(c) of the Convention?**

    c. **Would legislation be required to modify the social and cultural patterns of conduct of men and women, as required by Article 5, paragraph 1(a) of the Convention?**

    d. **Would legislation be required to ensure that family education includes a proper understanding of maternity as a social function, as required by Article 5, paragraph 1(b) of the Convention?**

    e. **Would legislation be required to organize programs for girls and women who have left school prematurely, as required by Article 10, paragraph 1(f) of the Convention?**

    f. **If the answer to any of the above questions is "yes," does the federal government have the authority to legislate in that area? Or would it require action by the states?**

As I explained in my testimony, the United States would not need to change its domestic laws if we ratify CEDAW because the treaty, like other human rights treaties we have ratified, would be accompanied by an appropriate set of Reservations, Understandings and Declarations (RUDs) that ensure that the United States could fully implement its Convention obligations under existing U.S. law. The Administration is currently reviewing the package of Reservations, Understandings and Declarations with which the Senate Foreign Relations Committee reported CEDAW out of committee in 2002. The Administration looks forward to working with the Senate Foreign Relations Committee

(SFRC) to develop an appropriate package of Reservations, Understandings and Declarations that would allow the treaty to be successfully ratified and ensure that the United States can meet its obligations under the Convention under existing law.

With respect to the specific articles cited above, they include provisions that were addressed in the SFRC's 2002 RUD package. We stand ready to work with the Senate Foreign Relations Committee to develop a package that will ensure that the United States can fully meet its obligations under this Convention, including these provisions, within existing domestic law.

2. **Article 2, paragraph 1(f) of CEDAW states the signing party shall undertake "to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women."**

    a. **What customs and practices in the United States would need to be changed to adhere to this provision?**

    b. **How would we go about changing customs and practices?**

    In 2002, the Senate Foreign Relations Committee (SFRC) recommended that the full Senate provide its advice and consent to ratification of the treaty with a package of Reservations, Understandings and Declarations (RUDs) that would accompany U.S. ratification. This package addressed, among other things, U.S. implementation of CEDAW Article 2. An interagency review of the 2002 package is ongoing. We stand ready to work with the SFRC to develop a RUD package with which the Convention can be successfully ratified and that will ensure that the United States can fully meet its obligations under this Convention under existing domestic law.

3. **Article 5, paragraph 1(a) says the signing party shall take all appropriate measures "to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary [sic] and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."**

    a. **What social and cultural patterns of conduct would need to be changed in the United States in order to comply with CEDAW?**

    b. **How would we go about changing those social and cultural patterns of conduct?**

    The Senate Foreign Relations Committee (SFRC) recommended that the full Senate provide its advice and consent to ratification of the treaty with a package of Reservations, Understandings and Declarations (RUDs) that would accompany U.S. ratification. This package addressed, among other things, U.S. implementation of Article 5. An interagency review of the 2002 package is ongoing. We stand ready to work with the SFRC to develop a RUD package with which the Convention can be

successfully ratified and that will ensure that the United States can fully meet its obligations under this Convention with existing domestic law.

4. **Article 14, paragraph 2(d) says the signing party must ensure to all women in rural areas the right to obtain all types of training and education, formal and non-formal.**

    a. **What is meant by non-formal education, and how are we to provide it to women in rural areas?**

Article 14(2) requires States Parties to take "all appropriate measures to eliminate discrimination against women in rural areas ..., and, in particular, [to] ensure to such women the right ... (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy ..." The Department understands "non-formal education" to refer to education that is provided outside a traditional school setting.

U.S. law already prohibits discrimination in education, including in education programs provided outside a traditional school setting. The Justice Department, together with the Department of Education, takes active measures to combat such discrimination in the United States by enforcing a number of laws that seek to ensure that women and girls have an equal opportunity at every level of education and are free from harassment at school. Title IV of the 1964 Civil Rights Act prohibits discrimination on the basis of race, color, sex, religion or national origin by public elementary and secondary schools and public institutions of higher education. Title IX of the Education Amendments of 1972 prohibits discrimination in education programs receiving Federal financial assistance on the basis of sex. Students are protected from sex discrimination in all education programs and activities, including course offerings, academic advising, grading and discipline, financial aid, and extracurricular activities.

5. **You stated at the hearing that ratifying CEDAW would not require the United States to submit to any binding decisions by an international court. However, Article 29 of the Convention states, "any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court."**

    a. **Would the arbitration between parties be binding?**

    b. **Would the decisions of the International Court of Justice be binding?**

    c. **Would you support a reservation to exempt the United States from that provision, as provided by paragraph 2 of Article 29?**

Under the terms of Article 29 of CEDAW, a State Party has a choice whether to agree to compulsory dispute settlement through arbitration and the International Court of Justice. As provided in that article, a country may file a declaration at the time it becomes party that it will not accept such compulsory dispute settlement. The Executive Branch and the Senate Foreign Relations Committee (SFRC) have both previously recommended that the United States make such a declaration, the SFRC most recently in its 2002 package of Reservations, Understandings and Declarations (RUDs). We stand ready to work with the SFRC to develop a RUD package with which the Convention can be successfully ratified and that will ensure that the United States can fully meet its obligations under this Convention with existing domestic law.

6. **You stated at the hearing that CEDAW may require reservations, understandings, and declarations and that your department is reviewing a list of reservations, understandings, and declarations suggested in 2002. However, Article 28, paragraph 2 of the Convention states, "a reservation incompatible with the object and purpose of the present Convention shall not be permitted."**

    a. **What do you see as the object and purpose of the Convention?**

    b. **Who decides what the object and purpose of the Convention is?**

    c. **Who decides whether a reservation is incompatible with that object and purpose?**

        i. **At what point is that decision made?**

        ii. **Is the signing party given an opportunity to defend their reservation?**

    d. **What if a reservation that is necessary to comply with the U.S. Constitution is found to be incompatible with the object and purpose of the Convention?**

    e. **Do you expect all of the reservations made by the United States to fall within the object and purpose of the Convention?**

    f. **Would all of the 2002 reservations have fallen within the object and purpose of the Convention?**

The provision cited above is a restatement of the well-established rule of the law of treaties, reflected in Article 19(c) of the Vienna Convention on the Law of Treaties, that reservations incompatible with the object and purpose of a treaty are not permitted. Thus, this provision of the Convention does not add any obligation that does not already exist for treaties to which the United States becomes a Party and preserves for States the possibility under existing international treaty law of

making reservations that are not incompatible with the object and purpose of the Convention.

With regard to CEDAW, there is no provision that expressly sets forth an object and purpose and, therefore, that determination is to be made by each Party interpreting the Convention's provisions in good faith. The Convention broadly seeks to address discrimination against women, and the Senate Foreign Relation Committee's (SFRC's) 2002 package of Reservations, Understandings and Declarations (RUDs) was consistent with that purpose. The Executive Branch stands ready to work with the SFRC to develop a RUD package that is consistent with longstanding treaty law so that the Convention can be successfully ratified and the United States can fully meet its obligations under this Convention with existing domestic law.

In the event that another State Party believes that a U.S. reservation is incompatible with the Convention's object and purpose, it may object to it, typically within 12 months after the instrument of ratification is deposited. The United States may thereafter engage in diplomacy with an objecting Party to discuss the reservation, but if the objecting State Party maintains its reservation, there are only two possible results contemplated under the law of treaties. Either: (i) the remainder of the treaty comes into force between the United States and the State Party in question and the provisions affected by the reservation are not part of that treaty relationship; or (ii) the treaty does not come into force at all between the United States and that objecting State Party. The choice between these two options is left to the objecting Party. This structure is anchored in the fundamental principle of treaty law that a State only assumes obligations when it consents to them. Under either scenario, the United States would not assume treaty obligations that exceed the scope of its treaty reservation.

Responses of Geena Davis

1. You testified that the only other countries that have not ratified CEDAW are Iran, Somalia, Sudan, and three Pacific Islands.

   Are all the other signatory countries, such as North Korea, Kenya, Algeria, and Indonesia, complying with their duties under CEDAW?

   The International Center for Research on Women recently published a report that cites many examples of governments and advocates which have used CEDAW as a practical blueprint to improve human rights for women. In Kenya, for example, advocates used the provisions in CEDAW to challenge discriminatory customary law and confirm a woman's right to inherit property. In Indonesia, advocates have cited CEDAW to dispute systems of personal law that discriminate against women and access national laws that protect rights for women. In Egypt, the government reformed its nationality laws in 2004 to provide equal rights among parents in deciding the nationality of children and thereafter withdrew its reservation to the provision in the CEDAW treaty affirming a woman's right to pass citizenship to their child.

   The beauty of the CEDAW treaty is that it provides a framework to achieve progress for women and girls. CEDAW is a blueprint that advocates can use to press their governments for changes in law and policy.

   All countries that ratify CEDAW agree to participate in a review process that highlights best practices and recommendations for how to overcome barriers of discrimination and achieve greater equality. It is up to each government to decide how best to implement the treaty and bring about change.

   In ratifying countries around the world, CEDAW has proved to be a valuable framework to achieve progress for greater equality and the protection of human rights for women.

2. You gave examples of a number of successes that were the result of CEDAW in countries such as Kuwait and Nepal.

   If the United States ratifies CEDAW, what other successes do you expect as a result and in what countries?

   US ratification will put the United States in a position to press other governments on their compliance with the CEDAW treaty and strengthen the US as a global leader for women and girls around the world.

   In her testimony before the Senate Judiciary Committee, Ambassador Verveer said that in her travels, "the number-one question I am asked time and time again is, 'Why hasn't the United States ratified CEDAW?'". She also described how the lack of US ratification has implications for women around the world, because the US government is "unable to use the Women's Treaty to join with champions of human rights who seek to use it as a means to protect and defend women's basic human rights."

For women advocates seeking to overcome dire circumstances, US ratification of CEDAW would provide enormous support to their efforts. Wazhma Frogh shared the amazing strides Afghan women have made using CEDAW to pass the End Violence Against Women (EVAW) law. But Frogh also shared her frustration when she and other women are confronted by conservative elements of their government who cite lack of US ratification of CEDAW to justify inaction or opposition to extending more rights to women.

US ratification of CEDAW will give greater weight to the efforts of courageous women like Wazhma Frogh and to many others who are dedicated to improving conditions for women.

3. At the hearing, you testified CEDAW advances U.S. national interests because countries where women are empowered are more stable and peaceful.

   What countries do you expect to become more stable and peaceful if CEDAW is ratified by the United States?

The US Government's National Security Strategy recognizes the critical importance of supporting the rights of women and girls, stating "Countries are more peaceful and prosperous when women are accorded full and equal rights and opportunity." Women's equality is a central tenet to realize advancements in human rights, economic prosperity, democracy and political stability.

The way in which women are treated in a country is a strong indicator of the level of democratic governance, judicial fairness, and economic possibilities. Secretary of State Condoleezza Rice spoke strongly about the correlation between women's rights and security concerns when she led efforts at the United Nations to pass UN Security Council resolution 1820 addressing violence against women as a threat to international peace and security. Robert Zoellick, President of the World Bank, stated "Young girls should have the exact same opportunities that boys do to lead full and productive lives. . . the empowerment of women is smart economics...studies show that investments in women yield large social and economic returns." And in her testimony at the hearing, Ambassador Melanne Verveer described the converse circumstances, "Where women cannot participate fully and equally in their societies, democracy is a contradiction in terms, economic prosperity is hampered, and stability is at risk."

Ratifying CEDAW is an effective way to support women and girls, and there are no additional costs or new appropriations required with ratification. CEDAW strengthens the United States as a global leader in standing up for the rights of women and girls in countries around the world.

Response of Marcia D. Greenberger
Co-President, National Women's Law Center
to
Written Questions of Senator Tom Coburn, M.D.

Hearing before the Subcommittee on Human Rights and the Law
of the Senate Judiciary Committee
"Women's Rights Are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)"

November 18, 2010

Response to Question 1:

CEDAW would be unique among the human rights treaties ratified by the United States in its focus on ending discrimination against women and girls.

Response to Question 2:

CEDAW relies on each ratifying country to determine what measures are appropriate to address ongoing challenges and on what timeframe. Ratifying CEDAW would provide a valuable impetus to the ongoing dialogue in the United States about how best to eliminate discrimination and promote the health, safety, and economic security of women and girls in our country. For example, domestic violence remains a serious problem, with an average of four women murdered each day and 5.5 million women physically assaulted or raped by intimate partners each year. Thousands of women are trafficked into the United States each year, where they are forced into prostitution or slavery-like conditions. The U.S. ranks 51st in the world in maternal mortality rates, tied with Saudi Arabia. Indeed, the U.S. is one of the few countries in the world whose maternal mortality rate has *increased* over the last twenty years. We rank 47th in infant mortality, tied with Qatar, Serbia, and the United Arab Emirates. Women in this country can expect to live four fewer years than women in France and Monaco and five fewer years than women in Japan. These and other challenges can be addressed in many ways, and CEDAW ratification would encourage and foster United States' efforts to determine our own best course.

Response to Question 3:

CEDAW recognizes the status and importance of mothers and provides that motherhood should be honored, not diminished or disparaged or discriminated against. It prioritizes families and the welfare of children. Accordingly, it has encouraged consideration of a broad array of policies to help mothers. CEDAW has, for example, focused on ending practices such as forced marriage, honor killing, and female infanticide, which harm women as wives and mothers, as well as encouraging efforts to help mothers in the workforce attend to their family obligations. Over 100 countries around the world that have ratified CEDAW celebrate some version of Mother's Day. CEDAW has not ended a single one of these celebrations.

Response to Question 4:

CEDAW takes each country in the context of its current laws and policies and suggests ways to move forward to achieve respect for women and girls and end sex discrimination that would be appropriate (or relevant) to each country. Wazhma Frogh, for example, described the important ways that she and other have relied upon CEDAW, and how Afghanistan's ratification of CEDAW has led to positive change for widows, among others.

Response to Question 5:

U.S. law is consistent with Article 2, paragraph 1(f) of CEDAW, and it is up to the U.S. to decide what measures are "appropriate" to implement CEDAW. For example, in the U.S., passage and implementation of Title VII has eliminated discriminatory employment practices that used to be accepted as a matter of course, such as printing separate newspaper "help wanted" columns for men and women. The Equal Credit Opportunity Act ended the refusal to extend credit to married women in their own names. Title IX opened shop classes to girls. The United States' proud history of leadership in opening doors for women and girls is rich with examples of such advances using a variety of different approaches, including changes in law as well as other means.

Response to Question 6:

U.S. law is consistent with Article 5, paragraph (a) of CEDAW, and it is up to the U.S. to decide what measures are "appropriate" to implement CEDAW. For example, federal and state laws that provide assistance to survivors of domestic violence and criminal punishment for perpetrators have led to important changes in attitudes toward violence against women in the United States. The United States' history offers many examples of such progress.

Response to Question 7:

"Non-formal education," such as adult literacy programs, can be of great value to women as well as men, particularly in countries where girls are denied access to formal schooling, which is often a particular problem in rural areas. Around the world, such programs should be made available to both genders.

Response to Question 8:

The purpose and object of CEDAW, the elimination of discrimination against women and girls, are entirely consistent with U.S. principles and values, and there is no process by which a ratifying country can be forced to withdraw or set aside a reservation if it does not wish to do so.

Response to Question 9:

The history of the United States has shown the benefit of self-analysis and self-reflection, and this benefit would flow to the United States through the process of preparing a report on the successes and challenges we have experienced in ending discrimination against women and girls. Another benefit of U.S. participation in the CEDAW Committee process is the great value of the United States' engagement in the international dialogue regarding CEDAW implementation, which will also strengthen the United States' ability to ensure that other countries take their commitments under CEDAW seriously. CEDAW does not require any specific outlay of funds.

Response to Question 10:

Article 29(2) of CEDAW states "Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph I of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation." A country adopting such a reservation is not subject to arbitration procedures or the jurisdiction of the International Court of Justice. When CEDAW has previously been considered by the Senate, just such a reservation has been proposed by the State Department and recommended by the Senate Foreign Relations Committee. Many ratifying countries have adopted such a reservation.

RESPONSES BY STEVEN GROVES TO THE WRITTEN QUESTIONS OF SENATOR TOM COBURN, M.D.

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1. **You testified at the hearing that a cost/benefit analysis should be done before ratifying any treaty.**

   a. **What are the costs associated with ratifying CEDAW?**

U.S. membership in CEDAW would cause the United States to incur political and monetary costs.

Political Costs. The primary political cost associated with U.S. membership in CEDAW is the requirement that the United States submit itself to scrutiny every four years by a committee of so-called "gender experts" that has repeatedly demonstrated that it disagrees with U.S. policy choices. According to the CEDAW Committee, current U.S. law as well as social, cultural, and political norms in the United States place the U.S. in direct and flagrant violation of CEDAW's provisions. The Committee's well-established views on gender roles and stereotypes, its support for the use of strict quotas to achieve de facto gender equality, its promotion of the decriminalization of prostitution and the expanded availability of abortion, its use of "comparative worth" as the proper measure of compensation, and its advocacy of sex education are outside of mainstream U.S. public opinion.

The United States would incur political costs if it joined CEDAW because its record on women's rights would be perennially judged as sorely lacking by the CEDAW Committee, which is viewed in practice as the sole legitimate arbiter of compliance with the treaty. After the initial U.S. review as well as after each quadrennial review the Committee would produce a raft of recommendations for the United States to bring it into compliance with the treaty. Other CEDAW members—particularly those with atrocious records on women's rights—would take the opportunity to attack the U.S.'s record by applying the moral equivalence that is common in the international human rights community.

It is a complete misapprehension to believe that the so-called international community is currently impressed by the U.S. human rights record and that U.S. membership in CEDAW would enhance its reputation. The United States recently participated in the U.N. Human Rights Council's Universal Periodic Review process: by the time the process had concluded, the U.S. had received 228 recommendations on how it should improve its human rights record. If the U.S. became a member of CEDAW, the CEDAW Committee's reports on the United States would simply provide America's ideological enemies, and those who simply do not share America's tradition of limited and constitutional government, with another opportunity to denounce the U.S. record on human rights.

The proponents of U.S. accession to CEDAW are in general agreement with the views of the CEDAW Committee. They therefore perceive that membership in CEDAW has no political costs. Indeed, CEDAW proponents believe that U.S. membership in it will give them additional political leverage to advance their policy agenda in the U.S. Congress and in state legislatures across the country.

The United States would incur one final political cost by joining CEDAW. As I will explain below, CEDAW has many signatories who, in practice, show no respect whatsoever for the rights of women, or for the solemn commitments they have undertaken to respect those rights. CEDAW is thus not a serious diplomatic institution. By acceding to CEDAW, the U.S. would give credibility to a treaty body that does not merit it. As the leading world power, the U.S. has a great stake in the promotion of serious, responsible, professional diplomacy. Joining institutions such as CEDAW imposes a political cost on the United States by degrading the institution of diplomacy, which makes it harder for the U.S. to achieve its aims.

Monetary Costs. In addition to political costs, if the United States became a party to CEDAW it would incur monetary costs associated with reporting to and appearing before the CEDAW Committee. Once a member, the United States would be obligated to submit an initial report for consideration by the Committee regarding its compliance with the treaty and to appear before the Committee to have its record on women's rights reviewed. Thereafter, the United States would be required to submit a report and appear before the Committee at least every four years.

The compilation of the initial report and follow-up reports that would be required by CEDAW membership is no small task. Similar reports have been compiled by the United States in connection with three other international conventions to which the United States is a party and that have similar reporting requirements: the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The U.S. State Department would be best able to quantify the labor required to produce such reports, but even a quick review of the materials generated by U.S. membership in other human rights conventions indicates that the costs of creating those reports are substantial. For example, the report submitted by the United States in April 2007 to the Committee on the Elimination of Racial Discrimination contained almost 60,000 words and exceeded 100 pages in length.

While the State Department is the coordinating agency for the compilation of these reports, its personnel do not gather the information for these reports by themselves. Personnel from across the U.S. government must also be consulted, often including input from the White House, the Department of Justice, the Equal Employment Opportunity Commission, the Department of Defense, and many other executive branch agencies. In addition, the State Department generally consults with public interest groups and nongovernmental organizations in meetings in Washington, DC, and across the United States.

In addition to costs associated with producing the report itself, membership in CEDAW would oblige the United States to regularly appear before the CEDAW Committee. There would be additional monetary costs associated with this obligation. In connection with its obligations associated with other human rights treaties, the United States has sent substantial delegations of officials from the State Department and other relevant agencies to Geneva and New York to appear before the relevant human rights committee.

While the monetary costs of these activities would likely be considered trivial within the State Department's total budget, the burden would be paid by U.S. taxpayers and therefore should not

be dismissed. The amount of time and effort spent on managing an interagency review of the U.S. record on women's rights, consulting with U.S. civil society, drafting the report, traveling to Geneva or New York, and defending the U.S. record to the CEDAW Committee could be spent on any number of other crucial U.S. diplomatic priorities, including efforts to advance women's rights in foreign countries.

b. Are there continuing costs associated with reporting to and appearing before the CEDAW committee?

Yes. The costs, as described above, associated with reporting to and appearing before the CEDAW Committee would be continue indefinitely if the United States accedes to CEDAW. As mentioned previously, membership in CEDAW would obligate the United States to submit an initial report for consideration by the Committee regarding its compliance with the treaty and to appear before the Committee to have its record on women's rights reviewed. Thereafter, the United States would be required to submit a follow-up report and appear before the Committee at least every four years.

As such, the monetary costs associated with CEDAW compliance would occur every four years. In practice, this would entail a *de novo* review of the U.S. initial report relating to CEDAW and updating demographic data, noting any legislative or judicial changes relating to women's rights, and otherwise detailing U.S. compliance with each of the operative articles of the treaty.

As part of the reporting process, the State Department would likely coordinate the report as well as consult with civil society at different locations across the country. The United States would also likely send a large delegation of U.S. officials to Geneva or New York on each occasion to present the U.S. report to the CEDAW Committee.

c. What benefits would the United States enjoy if CEDAW was ratified?

For most treaties, the benefits of membership are quantifiable. Arms control measures speak in terms of reducing a certain number of nuclear warheads. Bilateral free trade agreements deal with the elimination of tariffs. The benefits of human rights conventions such as CEDAW, however, are not quantifiable. They are thus a matter for judgment, which must be made in light both of the realities of life and law in the potential signatory, and in light of the record in practice of the treaty in realizing the aspirations to which its signatories claim to be dedicated.

A human rights treaty is an international commitment by one nation to all other treaty partners that the government will treat its people in a certain manner, according to norms contained in the treaty—e.g. that the government will take measures to prohibit torture and prosecute torturers within its territory; or that the government will protect the ability of all eligible citizens to vote, and will not arbitrarily arrest or imprison its citizens. As such, the supposed "benefits" of membership in a human rights convention pertain to the citizenry of the nation.

Regarding CEDAW, most if not all of the "benefits" of membership are already enjoyed by the people of the United States. Existing U.S. law (federal and state), as well as decisions issued by the U.S. Supreme Court, provide protection against gender discrimination in all pertinent areas of American life. CEDAW's provisions on education, employment, equality under the law, equality

in marriage, and participation in politics are already enjoyed within the United States and may be enforced through a variety of legal mechanisms at the federal and state levels.

Is it possible that the United States could "benefit" from its quadrennial review before the CEDAW Committee? An examination of the reviews conducted by other human rights committees for treaties in which the U.S. is a party is instructive in assessing the "benefit" that the U.S. might derive from CEDAW membership.

For example, in 2008 the United States submitted itself for review by the Committee on the Elimination of Racial Discrimination (the CERD Committee), which monitors compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). In that review, the CERD Committee ignored the extensive report submitted by the United States and instead embraced as proven fact dubious allegations made in "shadow reports" written by nongovernmental organizations that condemned the celebration of Columbus Day as a "historically racist event" and characterized America as a "racist society."

Instead of using the 2008 review as an opportunity to engage U.S. officials in a serious dialogue on the promotion of racial equality, the CERD Committee used the process to promote its own views on various social and legal causes tangentially related or utterly unrelated to racial discrimination. Specifically, the 2008 CERD Committee report urged the United States government to:

- Ensure that enemy combatants held in Guantanamo Bay, Cuba, have the right to judicial review to challenge the lawfulness and conditions of their detention;
- Prevent U.S. corporations from negatively affecting the rights of indigenous people living outside of the United States;
- Place a moratorium on the imposition of the death penalty;
- Restore voting rights to all convicted felons, regardless of the heinousness of their crimes;
- Promote multiculturalism by providing information to the committee on the extent to which grade school and high school textbooks and curricula "reflect the multiethnic nature" of the United States and whether the texts "provide sufficient information on the history and culture of the different racial, ethnic, and national groups";
- Protect "undocumented migrant workers" from discrimination in the workplace; and
- Provide free legal counsel to indigent minorities not only in criminal cases, but in all civil legal proceedings.[1]

I submit that the United States benefited very little from the 2008 ICERD review. Nor were the U.S. government's efforts at eliminating racial discrimination in America advanced by that process.

There is no reason to believe that a CEDAW Committee review of the U.S. record would prove any more beneficial to advancing women's rights than the 2008 ICERD review was to ending racial discrimination. As I noted in my testimony, the CEDAW Committee has for 30 years

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[1]Steven Groves, "The Inequities of the U.N. Committee on the Elimination of Racial Discrimination," Heritage Foundation *Backgrounder* No. 2168, August 7, 2008, at *http://www.heritage.org/Research/Reports/2008/08/The-Inequities-of-the-UN-Committee-on-the-Elimination-of-Racial-Discrimination.*

established a consistent record of promoting gender-related policies that do not comport with existing American legal and social norms and has encouraged the national governments of CEDAW members to engage in social engineering on a massive scale. The Committee supports the concept of "comparable worth" to address allegations of gender discrimination in compensation. It advocates the use of quota systems to achieve de facto equality in various fields, including education, politics, and employment—a policy that demands equal outcomes rather than promotes equal opportunity. The Committee regularly instructs member states to amend their laws to ease restrictions on abortion.

In short, the CEDAW Committee is a hanging jury that has consistently displayed contempt for the laws, processes, and beliefs that have made the United States far freer, and fairer, than most countries in the world and most, if not all, of the countries represented on the CEDAW Committee. Neither the United States, nor American women, will derive any "benefit" from being lectured by representatives from Cuba, Egypt, Algeria, Kenya, and China, who are all current members of the CEDAW Committee.

I would like to close out my response to this question by rebutting one supposed benefit of U.S. membership in CEDAW. The most common "benefit" touted by proponents of U.S. accession is that U.S. membership is necessary to establish the United States' bona fides around the world regarding women's rights. I take Ambassador Verveer at her word when she testified, "In my travels, the number-one question I am asked time and time again is, 'Why hasn't the United States ratified CEDAW?'" But the United States should not join a treaty, and Senators should not take the Constitutionally-serious step of giving consent to ratification, simply because of the opinions of people in foreign nations or even their governments.

More broadly, when U.S. diplomats are chided by their foreign counterparts, especially those who represent nations with abhorrent records on women's rights, the chiding is specious, and is voiced only because such nations seek a pretext for criticizing the U.S. on human rights grounds. They are well aware that their own regimes are oppressive, and that they fail to live up to their treaty obligations: by attacking the U.S. for not joining CEDAW, they are playing the card of moral equivalency in an effort to stop the U.S. from criticizing them out of misplaced shame at America's supposed failures. Criticism of this nature is a political ploy, not a legitimate reason for the U.S. to join to a seriously flawed treaty presided over by a hostile committee.

2. At the hearing, Senator Durbin listed a series of human rights treaties that you have opposed in the past. Can you explain your philosophy in opposing these treaties?

My philosophy regarding human rights treaties such as CEDAW, and all other treaties for that matter, is that the United States should become a party to a treaty only if membership would advance U.S. national interests. Naturally, reasonable people may disagree as to whether a certain treaty advances U.S. national interests, whether the treaty is a human rights convention, an arms control treaty, a free trade agreement, or any one of the thousands of international agreements to which the U.S. is a party.

But an objective cost-benefit analysis, as contained in my response to question one, indicates that the United States would incur substantial political and monetary costs as a result of CEDAW membership, but would realize no benefits. It does not advance U.S. national interests to join any

treaty that imposes heavy costs and yields little or no benefit. I am not aware of any exception to this rule.

As you note in your question, at the hearing Senator Durbin questioned me regarding two papers[2] that I wrote concerning human rights treaties—the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention on the Rights of Persons with Disabilities (CRPD). Senator Durbin also mentioned an article in which I was quoted voicing skepticism regarding the Committee on the Rights of the Child, the treaty body that monitors the Convention on the Rights of the Child.[3] Senator Durbin concluded that I was "consistently against treaties that expand the rights of those who are disadvantaged and discriminated against."

However, my papers illustrate precisely why U.S. membership in the ICERD has done little or nothing to advance the rights of racial minorities in the United States, and why U.S. membership in the CRPD would do little or nothing to advance the rights of Americans with disabilities. I have not and would not oppose any measure that would protect the fundamental rights of Americans who have experienced unlawful discrimination. The treaties in question have a consistent track record of failing to achieve this aim.

3. Are there countries that have ratified CEDAW but continue to commit human rights offenses against women in violation of their obligation? If so, can you cite any examples?

Any nation that is a party to a treaty, including a human rights treaty, has the sovereign right to determine for itself whether it is in compliance with the treaty's terms. Human rights treaty bodies—such as the CEDAW Committee—were never granted, but have rather usurped the role of arbiter on all matters regarding treaty compliance. A review of the Committee's statements over the years makes it clear that, in the Committee's opinion, no nation, including the United States, will ever be in full compliance with all of its obligations under CEDAW.

Human rights conventions such as CEDAW are understood to be aspirational in nature. Many nations ratify human rights conventions knowing full well that they are not in compliance and may not be for some lengthy period of time, if ever. Joining a human rights treaty is sometimes seen as a pledge to pursue the protection of the rights listed within "by all appropriate means and without delay," to quote Article 2 of CEDAW. That is, of course, cold comfort to women living in CEDAW member states that have little or no respect for women's rights. Thus, many if not all CEDAW signatories are in regular violation of at least some portion of their obligations.

Joining a human rights treaty is a way for a nation to signal a commitment to a certain set of aspirations. But, having sent the signal and received the benefits in the forum of international

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[2]Steven Groves, "Ratification of the Disabilities Convention Would Erode American Sovereignty," Heritage Foundation *Backgrounder* No. 2406, April 26, 2010, at *http://www.heritage.org/research/reports/2010/04/ratification-of-the-disabilities-convention-would-erode-american-sovereignty*, and Groves, "The Inequities of the U.N. Committee on the Elimination of Racial Discrimination."

[3]Joseph Abrams, "Boxer Seeks to Ratify U.N. Treaty That May Erode U.S. Rights," FOX News, February 25, 2009, at *http://www.foxnews.com/politics/2009/02/25/boxer-seeks-ratify-treaty-erode-rights/*.

public opinion of doing so, many signatories continue their oppressive practices, or even do worse. In short, aspirational human rights treaties are not reliably associated with improved human rights, and may actually enable violations of these rights.

As to your specific question, many states parties to CEDAW are, by any objective standard, not in compliance with the treaty's basic principles.

In my response to one of Senator Durbin's questions during the hearing, I noted that Saudi Arabia, China, and Egypt are all parties to CEDAW, yet have serious shortcomings in protecting women's rights in their respective territories. Saudi Arabian law places heavy restrictions on a woman's mobility, including a prohibition on driving a car. China's population control measure known as the "one-child policy" has led to forced abortions and female infanticide due to the Chinese preference for male children. Although Egypt officially banned the act of female genital mutilation (FGM) in 2007, it is still practiced widely in the country and its eradication is not seen as a priority for the Egyptian government. FGM is also widespread in Mali, Burkina Faso, Sierra Leone, and several other African nations that are members of CEDAW.

The state of women's rights in all of those countries is sadly indicative of other major violations of women's rights throughout the world today, regardless of widespread ratification of CEDAW. For example, of the 13 nations classified as Tier 3 countries of concern by the Department of State in its 2010 Trafficking in Persons Report, 11 are members of CEDAW.[4] Women living in the Middle East and North Africa are among the most oppressed people in the world, yet all but two of those nations (Iran and Sudan) are members of CEDAW.

Indeed, many nations in that region demonstrably do not take the obligations of CEDAW membership seriously. In particular, many nations with majority Muslim populations submitted sweeping reservations when they ratified CEDAW that effectively negate many (if not all) of the treaty's obligations. Saudi Arabia, for example, entered the following reservation: "In case of contradiction between any term of the Convention and the norms of Islamic law, the Kingdom is not under obligation to observe the contradictory terms of the Convention." At least 16 members of CEDAW have entered reservations based on the Koran or Sharia law.

In short, regardless of any anecdotal evidence to the contrary noted at the hearing, there is no measurable and direct correlation between a nation's membership in CEDAW and the full enjoyment of rights by the women who live in those nations.

[4]The CEDAW members that are Tier 3 countries are Burma, Congo (DRC), Cuba, Dominican Republic, Eritrea, North Korea, Kuwait, Mauritania, Papua New Guinea, Saudi Arabia, and Zimbabwe.

Questions for the Record Submitted to
Ambassador Melanne Verveer by
Senator Benjamin L. Cardin (#1)
Senate Committee on the Judiciary
November 18, 2010

Question:

On a global scale, why is U.S. ratification important? And, what kind of signal does U.S. non-ratification send to other countries?

Answer:

The Convention on the Elimination of All Forms of Discrimination Against Women (the Women's Treaty) enshrines the principle of non-discrimination and equal rights for women all across the world. As I stated in my testimony, around the world, women are using the Women's Treaty as an instrument to protect their human rights. This does not mean that governments that have adhered to the Treaty have stopped discriminating against women, but by becoming party to the Treaty they have given women a tool to challenge discrimination. Where women cannot participate fully and equally in their societies, democracy is a contradiction in terms, economic prosperity is hampered, and stability is undermined.

By ratifying the treaty, the United States will have a critical tool to stand up against the appalling violations of women's human rights around the globe.

Importantly, ratification will also advance U.S. foreign policy and national security interests. It will lend much needed validation and support to advocates fighting the brutal oppression of women and girls everywhere, who seek to replicate in their own countries the strong protections against discrimination that we have in the United States. And it will signal that the United States stands with the women of the world who are struggling against oppression and bigotry to achieve the rights and freedoms that women enjoy here in the United States.

The United States is one of a mere handful of countries – including Iran, Somalia, and Sudan – that have not ratified or acceded to the treaty. As I indicated in my testimony, by not having ratified this important Convention, the U.S. reduces its effectiveness as an advocate for the rights and protections of women around the world. This not only impacts women around the world who would benefit from U.S. pressure, but it also undermines U.S. standing as a leader in the promotion of human rights and fundamental freedoms.

The Administration believes it is time for us to join forces with our allies around the globe to push for equal rights for women in every country on this planet. Ratifying the Women's Treaty is an important part of that effort.

Questions for the Record Submitted to
Ambassador Melanne Verveer by
Senator Benjamin L. Cardin (#2)
Senate Committee on the Judiciary
November 18, 2010

Question:

Even though women in our country still face challenges, the U.S. obviously has many laws and protections in place to advance equal rights and opportunities for women. For many women around the world, however, their severe inequality is deeply enshrined in law, whether it's the lack of protection from violence, or the lack of secure property rights. One hundred and eighty-six countries around the world have ratified CEDAW, including many in which women do not have the freedoms and protections that women have in the U.S. What difference would U.S. ratification of CEDAW make for those women who are struggling around the world for the right to vote, or for their daughters to go to school?

Answer:

As I said in my testimony, when I travel around the world, the number one question I am asked by women from all walks of life is, "Why hasn't the United States ratified CEDAW?"

What the ratification of the treaty importantly would do is give the U.S. Government and U.S. human rights organizations enhanced standing to lobby other governments to adhere to and implement the Treaty. By not ratifying the Women's Treaty, we undermine our ability to press for women's full equality in countries that fail to recognize the rights of and provide adequate protections to their women. Our lack of ratification allows

other countries with dismal records on women's human rights to deflect attention from their own shortcomings. If the United States ratifies this Treaty, these countries would have no leg to stand on when trying to question the United States' commitment to women's full equality.

As I noted in my testimony, there are countless examples of women around the world – from Morocco, to Uganda, to Afghanistan, to the Philippines – who are using the Women's Treaty to help protect and advance their fundamental freedoms. U.S. ratification would send a powerful message to these women and others around the world who are struggling against the forces of oppression to advance rights for themselves and the generations of women to come. Civil society groups across the globe are already using the Treaty to make significant change in their countries and holding their governments accountable to the fundamental principle of equal rights for women. U.S. ratification would bolster these efforts.

Questions for the Record Submitted to
Ambassador Melanne Verveer by
Senator Benjamin L. Cardin (#3)
Senate Committee on the Judiciary
November 18, 2010

Question:
CEDAW is a comprehensive treaty that recognizes that there really are no such things as "women's issues". In fact, society must examine how the full range of laws, policies and practices impact women as well as men, ranging from ensuring educational and economic opportunities, to political participation to security issues. In the U.S., we have yet to fully integrate gender considerations into our foreign policy so that we taking into account both women's and men's roles in solving today's global challenges. Ratifying CEDAW is one step that the U.S. can take to help achieve this. Leaders in this Administration have all pledged to put women's empowerment at the center of our foreign assistance and development programming. How will ratification help our ability in further speaking about the issue of women's empowerment and gender equality on a global scale? Also, the establishment of the Office of Global Women's Issues is a vital step forward in this effort, so how do you see your office as facilitating this?

Answer:

Ratification of the Treaty is not only a powerful signal to the rest of the world that the United States is committed to ending discrimination against women everywhere – it would also enhance the ability of the Department to advance women's empowerment around the globe. The Office of Global Women's Issues is charged with integrating women's issues throughout U.S. foreign policy. The ratification of the Women's Treaty would give the U.S. Government and U.S. human rights

organizations another tool to advance the principles of non-discrimination and equality for all individuals, regardless of gender.

Questions for the Record Submitted to
Ambassador Melanne Verveer by
Senator Benjamin L. Cardin (#4)
Senate Committee on the Judiciary
November 18, 2010

Question:

One of the most devastating forms of discrimination experienced by women and girls around the world is sexual and gender-based violence -- in fact, it's estimated that one in three women has been beaten, coerced into sex, or otherwise abused in her lifetime. As you know, both houses of Congress have introduced the International Violence Against Women Act, of which I am a proud co-sponsor, to make this issue a higher priority in U.S. foreign policy overall, in recognition of the fact that violence against women undermines all of our nation's foreign policy goals. The IVAWA calls for developing comprehensive strategies in a number of target countries that would be implemented over five years to prevent and respond to high rates of violence. Secretary Clinton has spoken out strongly on this issue, particularly about the use of rape as a weapon of war in the Democratic Republic of Congo. What are the Administration's plans for comprehensively integrating preventing and responding to gender-based violence into U.S. foreign policy, including in humanitarian crises, long-term development programs and conflict situations?

Answer:

The Department of State as a whole, and the Office of Global Women's Issues in particular, are working bilaterally and multilaterally to define sexual gender-based violence (SGBV) not only as a women's issue, but also as an issue of international human rights and international humanitarian law. We are taking action on the ground by, for example, training peacekeepers on SGBV awareness and prevention activities, working with NGOs to ensure men's engagement in preventing violence

against women, and promoting women's economic and entrepreneurial opportunities – all of which are integral to any sustainable approach to eradicate violence against women.

Further, strengthening the prevention of and response to SGBV is a critical step toward the U.S. government's goal of supporting the emergence of stable, democratic countries that are at peace with their neighbors and provide for the basic needs of their citizens. We are working on many levels across the U.S. government to holistically address SGBV, including both short and long term goals, to ensure appropriate care for survivors of rape and abuse while also strengthening deterrents against SGBV. This includes efforts to reduce impunity and build institutional, community and individual capacity to prevent future acts of rape and abuse.

Additionally, the Administration is undertaking a comprehensive accounting and review of all U.S. programs and activities that address international violence against women in order to better coordinate efforts across all agencies and sectors.

We support the goals of the proposed International Violence Against Women Act and look forward to continuing our work with Congress and the international community to chart a new era of global cooperation to address violence against women, and to create partnerships among governments,

multilateral institutions, the private sector, civil society, and individual activists.

Questions for the Record Submitted to
Ambassador Melanne Verveer by
Senator Tom Coburn (#1)
Senate Committee on the Judiciary
November 18, 2010

Question:

1. In your testimony, you detailed human rights violations in places like the Democratic Republic of Congo and Afghanistan, both places that have ratified CEDAW.

    a. Can you explain how the rights of women have changed in these countries since they ratified CEDAW?

    b. If United States were to become a party to CEDAW, how would the rights of women in the U.S. change?

Answer:

As I stated in my testimony, around the world, women are using the Women's Treaty as an instrument to protect their human rights. This does not mean that governments that have adhered to the Treaty have stopped discriminating against women, but by becoming party to the Treaty they have given women a tool to challenge discrimination. In my testimony, I highlighted a few specific examples from Morocco, the Philippines, Afghanistan, Mexico and Uganda, but there are countless additional stories of women who have used their countries' commitments to the treaty to bring constitutions, laws, and policies in line with the principle of nondiscrimination against women.

Before Afghanistan ratified the Women's Treaty in 2003, women living under the Taliban regime suffered untold deprivation and brutality. They were systematically denied their rights, including their right to education. As the new Afghan government was adopting its constitution in 2004, women's organizations relied on the principles enshrined in the Treaty as a framework. The new constitution now declares women equal to men under Afghan law and obliges the government to take steps to ensure equality, particularly in the realm of education and political empowerment. Additionally, in 2009, Afghan civil society worked closely with the Afghan government to enact the first Elimination of Violence Against Women law, which is based upon the basic tenets and spirit of the Women's Treaty. This new law protects women who may be at risk of violence, works to prevent violence through awareness-raising campaigns, and allows women who have been subjected to violence to prosecute their perpetrators in court.

In the Democratic Republic of the Congo, which ratified the Women's Treaty in 1986, women's civil society organizations say they regularly rely on the Treaty to help reinforce their work to end discrimination against women. For example, in 2006, they used the principles of women's equality as enshrined in the Women's Treaty in lobbying for the adoption of Article 14 of the Third Republic's Constitution, which asserts that "the state shall have the duty to ensure the

elimination of all forms of discrimination with regard to women and to ensure the respect and promotion of their rights." That same year, women's civil society organizations also used the Treaty to push for a law on sexual violence.

While issues persist with implementation of these laws in both Afghanistan and the DRC, and much works remains to end discrimination and abuses against women, women's civil society organizations say the Women's Treaty has been one of the most important documents used to advance women's equality in the law.

As with other human rights treaties we have ratified, the Convention would be accompanied by an appropriate set of Reservations, Understandings, and Declarations ("RUDs") that ensure that the United States can fully meet its obligations under the Convention under existing domestic law. What the ratification of the treaty importantly would do is give the U.S. Government and U.S. human rights organizations enhanced standing to lobby other governments to adhere to and implement the Treaty.

Questions for the Record Submitted to
Ambassador Melanne Verveer by
Senator Tom Coburn (#2)
Senate Committee on the Judiciary
November 18, 2010

Question:

2. Under CEDAW, what obligations would the United States have to women in other countries?

Answer:

U.S. ratification of the Women's Treaty would advance the human rights of women in other countries. It would strengthen the international framework for protecting and promoting women's human rights by giving support to women everywhere who are using the Treaty to advocate for equal treatment for women both in the laws and in the practices of their countries. Ratification would also give the United States a critical tool in its bilateral and multilateral efforts to promote the rights of women around the world. Other governments often seek to deflect pressure to respect women's rights by noting that the United States has not undertaken the international obligations in the Women's Treaty that we are urging them to respect, and this argument often has resonance in public opinion abroad. So removing that argument would substantially help our ability to campaign for women's rights abroad. Respect for the equal rights of women will in turn advance U.S. foreign policy and national security interests. Where women cannot participate fully and equally in their societies, democracy is a contradiction in terms, economic prosperity is hampered, and stability is at risk.

Questions for the Record Submitted to
Ambassador Melanne Verveer by
Senator Tom Coburn (#3)
Senate Committee on the Judiciary
November 18, 2010

Question:

3. Do you have any indication of how much it will cost the United States to prepare reports and appear before the CEDAW committee?

Answer:

The Convention on the Elimination of All Forms of Discrimination Against Women, like many human rights treaties, requires all States Parties to write periodic reports on their implementation of the instrument. The United States has found the process to be very beneficial in the context of other treaties and the Administration expects this particular reporting process to be the same. States first take stock at home of their implementation of the treaty through the writing of the report, a valuable exercise in itself. In addition, States Parties make public presentations of these reports to the relevant treaty bodies created pursuant to the human right treaties, which provides a further opportunity to consider and publicly discuss their domestic treaty implementation. The United States has been actively participating in this process since the mid-1990s when we first submitted a report to the United Nations addressing our implementation of the International Covenant on Civil and Political Rights. In the past, U.S. reporting was sometimes delayed, but the Bush Administration brought the United States up-to-date on our treaty

body reporting. The Bush Administration also sent substantial interagency teams to present these U.S. reports to the United Nations on five UN human rights treaties to which the United States is a party. The Obama Administration is seeking to continue that practice. While the cost was not calculated, this process has not been found to be unduly burdensome.

Questions for the Record Submitted to
Ambassador Melanne Verveer by
Senator Tom Coburn (#4)
Senate Committee on the Judiciary
November 18, 2010

Question:

4. What rights are protected by CEDAW that are not already protected under ICCPR or the Universal Declaration of Human Rights?

Answer:

Like the Convention on the Elimination of All Forms of Racial Discrimination (the CERD), to which the United States is party, the Women's Treaty largely reaffirms the provisions of the ICCPR and the Universal Declaration of Human Rights (UDHR). The Women's Treaty and the CERD play the important role of specifying how universal human rights apply to members of a specific group in light of the particular patterns of discrimination and exclusion from which they suffered. For women, the Treaty identifies the modalities, context, and particular protections needed to ensure women's equality and that women enjoy all their human rights equally with men.

By way of example, UDHR Article 15 describes a right to nationality. In view of historic and present discrimination against women in this field, Article 9 of the Women's Treaty prescribes with specificity that women have equal rights with men to acquire, change or retain their nationality; that States Parties shall ensure

that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless, or force upon her the nationality of the husband; and that States Parties must grant women equal rights with men with respect to the nationality of their children. Thus, the Women's Treaty builds on the right to a nationality reflected in the UDHR to provide additional specificity, context, and content that makes the right identifiable.

Questions for the Record Submitted to
Ambassador Melanne Verveer by
Senator Tom Coburn (#5)
Senate Committee on the Judiciary
November 18, 2010

Question:

5. What reservations, if any, would you suggest should be included in ratification of the treaty?

Answer:

In 2002, the Senate Foreign Relations Committee (SFRC) recommended that the full Senate provide its advice and consent to ratification of CEDAW with a package of Reservations, Understandings and Declarations (RUDs) that would accompany U.S. ratification. An interagency review of the 2002 package is ongoing. We stand ready to work with the SFRC to develop a RUD package with which the Convention can be successfully ratified and that will ensure that the United States can fully meet its obligations under this Convention with existing domestic law.

Questions for the Record Submitted to
Ambassador Melanne Verveer by
Senator Tom Coburn (#6)
Senate Committee on the Judiciary
November 18, 2010

Question:

6. Article 28, paragraph 2 of the Convention states, "A reservation incompatible with the object and purpose of the present Convention shall not be permitted."

    a. What do you see as the object and purpose of the Convention?

    b. Who decides what the object and purpose of the Convention is?

    c. Who decides whether a reservation is incompatible with that object and purpose?

        i. At what point is that decision made?

        ii. Is the signing party given an opportunity to defend their reservation?

    d. What if a reservation that is necessary to comply with the U.S. Constitution is found to be incompatible with the object and purpose of the Convention?

    e. Do you expect all of the reservations made by the United States to fall within the object and purpose of the Convention?

    f. Would all of the 2002 reservations have fallen within the object and purpose of the Convention?

Answer:

The provision cited above is a restatement of the well-established rule of the law of treaties, reflected in Article 19(c) of the Vienna Convention on the Law of

Treaties, that reservations incompatible with the object and purpose of a treaty are not permitted. Thus, this provision on the Convention does not add any obligation that does not already exist for treaties to which the United States becomes a Party and preserves for States the possibility under existing international treaty law of making reservations that are not incompatible with the object and purpose of the Convention.

With regard to the Women's Treaty, there is no provision that expressly sets forth an object and purpose and, therefore, that determination is to be made by each Party interpreting the Convention's provisions in good faith. The Convention broadly seeks to address discrimination against women, and the Senate Foreign Relations Committee's (SFRC's) 2002 package of Reservations, Understandings and Declarations (RUDs) was consistent with that purpose. The Executive Branch stands ready to work with the SFRC to develop a RUD package that is consistent with longstanding treaty law so that the Convention can be successfully ratified and the United States can fully meet its obligations under this Convention with existing domestic law.

In the event that another State Party believes that a U.S. reservation is incompatible with the Convention's object and purpose, it may object to it, typically within 12 months after the instrument of ratification is deposited. The United States may thereafter engage in diplomacy with an objecting Party to

discuss the reservation, but if the objecting State Party maintains its reservation, there are only two possible results contemplated under the law of treaties. Either: (i) the remainder of the treaty comes into force between the United States and the State Party in question and the provisions affected by the reservation are not part of that treaty relationship; or (ii) the treaty does not come into force at all between the United States and that objecting State Party. The choice between these two options is left to the objecting Party. This structure is anchored in the fundamental principle of treaty law that a State only assumes obligations when it consents to them. Under either scenario, the United States would not assume treaty obligations that exceed the scope of its treaty reservation.

Questions for the Record Submitted to
Ambassador Melanne Verveer by
Senator Tom Coburn (#7)
Senate Committee on the Judiciary
November 18, 2010

Question:

7. Article 2, paragraph 1(f) of CEDAW states that the signing party shall undertake "to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women."

    a. What customs and practices in the United States would need to be changed to adhere to this provision?

    b. How would we go about changing customs and practices?

Answer:

In 2002, the Senate Foreign Relations Committee (SFRC) recommended that the full Senate provide its advice and consent to ratification of the treaty with a package of Reservations, Understandings and Declarations (RUDs) that would accompany U.S. ratification. This package addressed, among other things, U.S. implementation of Article 2 of the Convention. An interagency review of the 2002 package is ongoing. We stand ready to work with the SFRC to develop a RUD package with which the Convention can be successfully ratified and that will ensure that the United States can fully meet its obligations under this Convention with existing domestic law.

Questions for the Record Submitted to
Ambassador Melanne Verveer by
Senator Tom Coburn (#8)
Senate Committee on the Judiciary
November 18, 2010

Question:

8. Article 5, paragraph 1(a) says that the signing party shall take all appropriate measures "to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary [sic] and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."

    a. What social and cultural patterns of conduct would need to be changed in the United States in order to comply with CEDAW?

    b. How would we go about changing those social and cultural patterns of conduct?

Answer:

In 2002, the Senate Foreign Relations Committee (SFRC) recommended that the full Senate provide its advice and consent to ratification of the treaty with a package of Reservations, Understandings and Declarations (RUDs) that would accompany U.S. ratification. This package addressed, among other things, U.S. implementation of Article 5 of the Convention. An interagency review of the 2002 package is ongoing. We stand ready to work with the SFRC to develop a RUD package with which the Convention can be successfully ratified and that will ensure that the United States can fully meet its obligations under this Convention with existing domestic law.

Questions for the Record Submitted to
Ambassador Melanne Verveer by
Senator Tom Coburn (#9)
Senate Committee on the Judiciary
November 18, 2010

Question:

9. Article 14, paragraph 2(d) says that the signing party must ensure to all women in rural areas the right to obtain all types of training and education, formal and non-formal.

    a. What is meant by non-formal education, and how are we to provide it to women in rural areas?

Answer:

Article 14(2) requires States Parties to take "all appropriate measures to eliminate discrimination against women in rural areas…, and, in particular, [to] ensure to such women the right…(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy…" The Department understands "non-formal education" to refer to education that is provided outside a traditional school setting.

U.S. law already prohibits discrimination in education, including in education programs provided outside a traditional school setting. The Justice Department, together with the Department of Education, takes active measures to combat such discrimination in the United States by enforcing a number of laws that seek to ensure that women and girls have an equal opportunity at every level of education and are free from harassment at school. Title IV of the 1964 Civil

Rights Act prohibits discrimination on the basis of race, color, sex, religion or national origin by public elementary and secondary schools and public institutions of higher education. Title IX of the Education Amendments of 1972 prohibits discrimination in education programs receiving Federal financial assistance on the basis of sex. Students are protected from sex discrimination in all education programs and activities, including course offerings, academic advising, grading and discipline, financial aid, and extracurricular activities.

SUBMISSIONS FOR THE RECORD

The Senate Judiciary Subcommittee on Human Rights and the Law
Hearing on Women's Rights are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
November 18, 2010

Statement for the Record
By Lina Abou-Habib
Executive Director of the Collective for Research and Training on Development – Action (Lebanon and MENAG)

I am writing this statement in support of U.S. ratification of CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women.

Since the United Nations General Assembly approved CEDAW in 1979, 18 out of 21 Arab states have ratified it, Egypt being the first in 1981 and Oman the last in 2006. It took several MENAG countries more than 20 years to sign and ratify CEDAW and not without expressing reservations thus undermining the essence of this Convention which remains the only treaty to focus exclusively on the rights of women. These reservations in fact reflected an institutional mindset which rejected the idea of "equality between women and men" and ignored the concept of inclusive citizenship. In doing so, Arab states reaffirmed that women will remain second class subordinate citizens.

Despite such reservations, and even though CEDAW remains a non-binding convention, women organizations and movements across the MENAG region have used this Convention as a legitimate tool to hold, otherwise oppressive states, accountable to women and responsible for the violation of women's rights.

In 2006, we gathered in Rabat (Morocco) as a network of women organizations from across the MENAG region and formed what became to be known as the "Equality without Reservation" campaign. The Campaign calls for the immediate lifting of all reservations on CEDAW, its immediate implementation and the signing of the CEDAW-Optional Protocol.

The Campaign's starting point and main asset is the ratification of the Convention by Arab States. This provided a powerful and legitimate tool to hold Arab states responsible for making women rights and gender equality a reality.

As an international Women Learning Partnership, we celebrated last year the 30th anniversary of CEDAW and organized public events at the CSW 54th meeting in New York. Our intent was to demonstrate the extent to which CEDAW had given us drive, power, ammunition and international legitimacy to advocate for rights and equality. Our struggle is to make CEDAW a reality for all women in the region and to make this convention a binding one.

CEDAW remains the only Convention that focuses on women's rights. It still by far surpasses the provisions of other Conventions and has been instrumental for women's movements the world over in advocating for rights and recognition. It is important that the United States of America makes a quantum leap for women by signing and ratifying CEDAW.

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4243 MONTGOMERY AVENUE
SUITE 201, BETHESDA, MD 20814
TEL: +1.301.654.2774
FAX: +1.301.654.2775
Email: wlp@learningpartnership.org
Web: www.learningpartnership.org

The Senate Judiciary Subcommittee on Human Rights and the Law Hearing on Women's Rights are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
November 18, 2010

Statement for the Record
By Mahnaz Afkhami,
Founder and President, Women's Learning Partnership, and Former Minister for Women's Affairs, Iran

Thank you for this opportunity to provide a statement in support of U.S. ratification of CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women.

The United Nations General Assembly approved CEDAW in 1979, the same year that Islamic fundamentalists took power in my home country of Iran. Their first act was to nullify family laws that had given women some basic human rights, so it was no accident that the first uprising against the new regime one month later was led by women. Nor is it any accident that no group has been as vocal or as vital as women in the 30 years of resistance to Iran's repressive and fundamentalist regime.

The United States could provide strong and perhaps critical support for this movement – and other movements for democracy and human rights worldwide – by ratifying CEDAW. The treaty is very well known in Iran – better known than in the United States – because Iran's refusal to ratify it was an issue in the last Iranian election. The two leading opposition candidates began their campaigns opposed to ratification, calling the treaty anti-Islamic. They pointed out that even the United States, that supposed bastion of human rights, had not ratified it. But both candidates reversed their position in response to strong demand from Iranian women voters, promising to work to ratify CEDAW if elected. As you know, President Ahmedinejad stole that election instead.

The lesson in this experience is that CEDAW ratification would strengthen the United States as a global leader in standing up for women and girls. Many studies have shown that greater equality and opportunities for women are critical for U.S. national security and economic interests worldwide, bringing democratization, stabilization and purchasing power. CEDAW offers a practical blueprint that each country can use to achieve progress for women and girls. In places like Iran, where women's role is a central point of political contention, CEDAW's mere existence gives validity to women's demands for equality, creates international solidarity and support, and is a lifeline for women who can see that because of CEDAW they are not alone in their hopes.

CEDAW opponents often argue that many countries that have ratified CEDAW still oppress women, so the treaty must be useless. On the contrary. Most such countries ratified CEDAW only with "reservations" against certain CEDAW provisions. For example, throughout the Muslim world, laws regulating family life tend to be a system of exclusion and discrimination against women, violating their most fundamental rights. Girls can often be married off as minors, and women may be deprived of rights in marriage, divorce, child custody and inheritance. Women often cannot transfer their nationality to their children; some countries allow polygamy and "honor killings," and it is rare that laws protect women from domestic violence. These abuses are, of course, not confined to Islamic countries. But they are in direct contradiction of CEDAW's blueprint (Articles 2, 9, 15 and 16).

In country after country where such laws exist, women's advocates have been able to critique their legal status with comparative analyses using CEDAW terms of reference. For example, my organization's partner group in Morocco, the Democratic Association of Moroccan Women (ADFM), spearheads the Equality Without Reservation campaign that uses such studies to illustrate ways that ratifying countries have failed to live up to CEDAW terms. Showing reason and courage in response, in 2008 King Mohammed VI of Morocco, himself a religious leader, ignored other clerics' objections and lifted "reservations" Morocco had imposed when it ratified CEDAW in 1993. Jordan's King Abdullah II did the same in February 2009. The reservations had referred to CEDAW terms (Article 15 Paragraph 4) calling for women's freedom of mobility and choice of residence without consent of male family members. Kuwaiti women won the right to vote after a similar effort there.

CEDAW debate now abounds in the world of Islam as part of the turmoil over women's rights and democracy in general. Oppressive regimes are spending enormous energy to preserve the laws that prop up their authority, even on such seemingly minor matters as the wearing of head covering, which is a physical embodiment of women's adherence to the patriarchal interpretation of Islam. The fact that the United States has not yet ratified the treaty is a huge impediment to the global struggle against repression, because if the leader of the free world has chosen not to sign on to CEDAW, the rights it affirms can be discounted as somehow frivolous or not legitimate.

The United States is too important to this struggle to let this situation continue. I urge the Committee and the full Senate to act as soon as possible to ratify CEDAW. This will hearten women who are working for equality worldwide and will continue America's proud bipartisan tradition as the world leader in promoting and protecting human rights for all.

Thank you.

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

Advocates for Youth is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women [CEDAW].

Established in 1980 as the Center for Population Options, Advocates for Youth champions efforts that help young people make informed and responsible decisions about their reproductive and sexual health. We believe we can best serve the field by boldly advocating for a more positive and realistic approach to adolescent sexual health. This approach is based on the core values of *Rights. Respect. Responsibility.*© Youth have the *right* to accurate and complete sexual health information, confidential reproductive and sexual health services, and a secure stake in the future. Youth deserve *respect*. Valuing young people means involving them in the design, implementation, and evaluation of programs that affect their health and well-being. And society has the *responsibility* to provide young people with the tools they need to safeguard their sexual health while young people have the responsibility to protect themselves from too-early childbearing and sexually transmitted infections, including HIV.

Around the world, violence and discrimination against women and girls violates their human rights and severely compromises young people's sexual and reproductive health. Harmful practices, including female genital cutting/mutilation, femicide, gender-based violence, and early marriage, damage girls' physical being and self-worth by reinforcing gender-based marginalization and inequality. Gender inequalities and biases pervade cultures worldwide, preventing women and girls from fully realizing their rights to reproductive health and equality.

Young women are particularly affected by harmful practices. For example, India experienced nearly 7,000 dowry deaths in 2005, with the majority of victims aged 15-24.[i] In addition, in 2006, 21 percent of young women aged 15-19 in Nigeria reported being engaged in high-risk cross-generational sex in exchange for material goods, money, or higher social status.[ii] These young women have a severely reduced capacity to negotiate condom use, partially explaining why young women aged 15-24 are three times more likely to be infected with HIV than young men aged 15-24.[iii] Since youth comprise nearly half of the world's population, protecting and promoting the fundamental human rights of young people will affect the health, well-being, and stability of this planet for generations to come.

While women in the U.S. enjoy opportunities and status that are not available to many women in other parts of the world, few would dispute that more progress is warranted. Despite advances in the investigation and prosecution of perpetrators of violence against women, domestic violence remains a serious problem in the U.S., with an average of four women per day murdered and 5.5 million women per year physically assaulted or raped by intimate partners.[iv] Furthermore, over 20 percent of all adolescents experience intimate partner violence.[v] In addition, while the U.S.

has taken a strong stand against human trafficking, some estimates suggest that there may be 20,000 women, men, young adults, and children trafficked into the U.S. each year.

CEDAW is the world's most complete international agreement on basic human rights for women. It was adopted by the U.N. General Assembly in 1979, and the United States played an important role in drafting it. A total of 187 nations have ratified the convention, demonstrating the powerful principle that human rights of women are universal across all cultures, countries, and religions. CEDAW, unquestionably, embodies American values. It seeks to end violence against women and trafficking; promote equal educational opportunity; improve women's reproductive, maternal and child health; end discrimination in the workplace; and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous, stable societies.

While the United States has long been recognized as a leading voice for women's rights and human rights, we are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. (The others are Iran, Sudan, Somalia, and three small Pacific Islands.) In this age of globalization, the fate of our nation is more closely intertwined with that of the rest of the world than ever before. The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world, reinforcing the United States' unequivocal commitment to women's progress at home and around the world.

I urge the U.S. Senate to ratify CEDAW now. The lives and livelihoods of countless young women depend on it.

Sincerely,

James Wagoner
President
Advocates for Youth

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[i] Garcia-Moreno, Claudia. "Gender Inequality and Fire-Related Deaths in India." Th e Lancet 2009; 373 (9671):1230-1231.

[ii] USAID. "Cross Generational Sex: Risks and Opportunities." Accessed from http://www.igwg.org/igwg_media/crossgensex.pdf on November 15, 2010.
2010.

[iii] Ibid.

[iv] Shannan Catalono et al.,"Female Victims of Violence." Bureau of Justice Statistics, 2009. Accessed from: http://bjs.ojp.usdoj.gov/content/pub/pdf/fvv.pdf on November 15, 2010.

[v] Varia, S. "Dating Violence Among Adolescents." Advocates for Youth, Washington, DC , 2006. Accessed from http://www.advocatesforyouth.org/storage/advfy/documents/fsdating.pdf on November 15, 2010.

AAUW

Written Testimony of the
American Association of University Women

before the

United States Senate Judiciary Subcommittee on Human Rights and the Law

Hearing on

"Women's Rights are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women"

November 18, 2010

Chairman Durbin, Ranking Member Coburn, and members of the Subcommittee, thank you for the opportunity to submit testimony for the hearing "Women's Rights are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women."

The American Association of University Women (AAUW) is a membership organization founded in 1881 with more than 100,000 members and donors and 1,000 branches nationwide. AAUW has a proud 129-year history of breaking through barriers for women and girls and has long supported U.N. programs that address human rights and women's and girls' concerns. Today, AAUW continues its mission through education, research, and advocacy.

The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is the only international legal instrument that comprehensively addresses women's rights within political, cultural, economic, and social spheres at the local, national, and international levels. Passed by the U.N. General Assembly in 1979, CEDAW provides a universal definition of discrimination against women that establishes a basis for every government's domestic and foreign policy to combat gender-based discrimination. Although the United States has been a signatory to CEDAW for over 30 years, we have yet to ratify this important treaty and strengthen the foundation from which we work toward ensuring gender equity for all.

CEDAW is consistent with American values of equity and fairness. The U.S. played a prominent role in drafting CEDAW and it reflects the best of our national efforts to strengthen human and women's rights domestically and around the world. The U.S. upholds these rights with programs and aid that seek to combat maternal mortality, human trafficking, sexual assault, and violence against women. We are also committed to ending discrimination against women in education, health care, and employment. However, our efforts continue to fall short. Each year in the U.S.

alone, hundreds of thousands of women are physically and sexually assaulted,[1] tens of thousands are trafficked into slavery-like conditions,[2] and one-in-four girls fails to finish high school.[3] These outcomes must be changed.

U.S. ratification of CEDAW would be a powerful statement of our continuing commitment to ending discrimination against women worldwide. The treaty does not require any changes in current U.S. law, nor would ratifying it undermine our sovereignty or independence. As one of the few nations that have failed to ratify CEDAW, the U.S. compromises its credibility as a world leader on human rights. Many nations' laws and policies could be drastically improved through a full and serious commitment to the principles and provisions of CEDAW, yet until the United States ratifies the treaty, we cannot credibly encourage or demand that others live up to their obligations. In fact, under the terms of the treaty, the U.S. would be able to spotlight our best practices in reports submitted to an advisory committee. Our failure to ratify CEDAW puts us in the company of Sudan, Iran, and Somalia; 185 countries, including every other industrialized nation, have already ratified the treaty.

The U.S. has a bipartisan tradition of supporting international standards through human rights treaties. Under Presidents Reagan, Bush, and Clinton, the Senate ratified similar treaties on genocide, torture, race, and civil and political rights. The Convention on the Elimination of All Forms of Discrimination Against Women, like other human rights treaties, outlines the most fundamental human rights; rights that are already upheld under U.S. law.

For more than 129 years, AAUW has fought to guarantee equality and individual rights for a diverse society. Ratification of CEDAW is a practical and effective step forward. It sends a clear message to the international community and fulfills our moral duty to fight for gender equity. AAUW has endorsed the ratification of CEDAW since 1981, and urges the Senate to take action to ratify this important treaty.

Thank you for the opportunity to submit testimony.

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[1] Bureau of Justice Statistics (September 2009). *Female Victims of Violence*. Retrieved November 12, 2010, from http://bjs.ojp.usdoj.gov/content/pub/pdf/fvv.pdf.

[2] Caliber, an ICF International Company (December 2006). *Estimating Human Trafficking into the United States: Development of a Methodology*, p. 32-25. Retrieved November 12, 2010, from http://www.ncjrs.gov/pdffiles1/nij/grants/215475.pdf.

[3] National Women's Law Center (2007). *When Girl's Don't Graduate We all Fail*, p. 6. Retrieved November 12, 2010, from http://www.nwlc.org/sites/default/files/pdfs/when_girls_dont_graduate.pdf.

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Senate Judiciary Subcommittee on Human Rights and the Law:

AAUW Massachusetts is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women [CEDAW].

AAUW Massachusetts works to advance equity for women and girls through advocacy, education, philanthropy and research.

The United States has long been recognized as a leading voice for women's rights and human rights, which makes our failure to ratify CEDAW all the more troubling. We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. (The others are Iran, Sudan, Somalia, and three small Pacific Islands.) The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a steadfast global leader for women and girls. By ratifying CEDAW, we would lead by example and strengthen our global voice to the benefit of women and girls around the world.

CEDAW, unquestionably, embodies values that we as Americans treasure. It seeks to end violence against women and trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous, stable societies. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

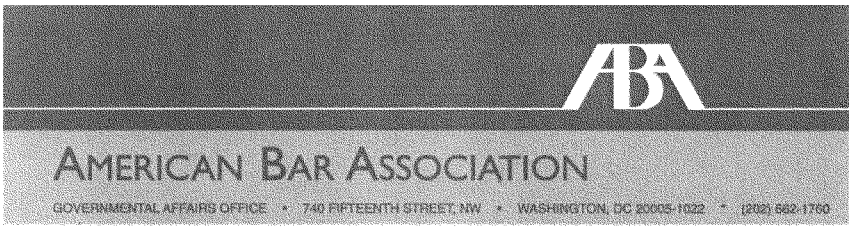
Sincerely,

Catherine Schindewolf, Ph.D.

AAUW Massachusetts, Public Policy Chair

Elizabeth Fragola

AAUW Massachusetts, President



Statement of Stephen N. Zack
President of the American Bar Association
submitted to the Subcommittee on Human Rights and the Law of the Senate Judiciary Committee for the hearing on "Women's Rights Are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women."

November 18, 2010

Chairman Durbin, Ranking Member Coburn and Members of the Subcommittee:

On behalf of the American Bar Association (ABA) and its nearly 400,000 members nationwide, I appreciate this opportunity to express the ABA's strong support for the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). For more than 25 years, the ABA has been urging U.S. ratification of this critical treaty, and we hope that today's hearing will serve as an impetus for further Senate action in the near future.

The ABA believes that international human rights treaties are invaluable tools for establishing laws and policies that protect and respect the rights of all persons, regardless of race, religion, culture, or gender. As the first comprehensive treaty addressing women's rights, CEDAW provides a near-universally agreed-upon framework for defining basic human rights for women and girls, including equal access to educational opportunities, health care, employment without economic or other discrimination, ownership of property, and participation in all aspects of civic and political life.

The ABA has a long history of working to support women's rights and to combat gender-based discrimination, both domestically through groups such as the Commission on Women in the Profession and Commission on Domestic Violence and globally through the ABA Rule of Law Initiative (ROLI). Established in 1990 to assist former Soviet-bloc states transitioning to democracy, today ABA ROLI provides international legal technical assistance and implements legal reform programs in 40 countries around the world.

In 1996, ABA ROLI initiated its women's rights program to promote reforms that foster women's empowerment and enhance their legal status. The program focuses on two strategic areas critical to achieving gender equality: gender-based violence and women and the law, both in terms of increasing women's access to justice and promoting the role of women in the legal profession. ABA ROLI assists local partners in their legislative drafting efforts and implements legal education, legal aid, and advocacy programs to advance women's rights. These targeted

strategies are complemented by a gender mainstreaming approach – ABA ROLI strives to ensure that gender perspectives constitute an integral component of its programs across all thematic areas. Through its women's rights program, ABA ROLI has first-hand experience on how CEDAW can be used to address issues that disproportionately affect women and leverage needed reforms to improve and protect women's rights.

In 2002, ABA ROLI developed the CEDAW Assessment Tool -- a mechanism for assessing countries' *de facto* and *de jure* compliance with the treaty provisions. The CEDAW Assessment Tool is designed to generate a comprehensive analysis of the status of women's rights in a country and uncover legal obstacles that frustrate the achievement of greater gender equality. The CEDAW Assessment Tool was piloted in Armenia, where it proved to be an important capacity-building project for our local partners and the broader women's rights community. To date, ABA ROLI has implemented the CEDAW Assessment Tool in Georgia, Moldova, Russia, and Serbia, and has conducted a related women's rights assessment in Iraq. In addition, ABA ROLI has successfully leveraged the CEDAW Assessment Tool process to encourage local organizations in Armenia, Belarus, Georgia, and Kyrgyzstan to submit shadow reports to the UN CEDAW Committee. In these countries, and many others, CEDAW has provided a mechanism through which advocates worked together with their governments to change laws and policies to improve respect for women's rights and women's legal equality. As awareness and implementation of CEDAW has increased, the treaty's value in effecting change has become well-established in other parts of the world.

For the United States, CEDAW ratification will permit more effective participation in the global struggle for women's rights. Although this country has helped address the needs of women and girls, particularly in education, in many other nations over the years, ratification would enable the United States to reaffirm its leadership in international human rights in ways not possible now. Since the Senate's last hearing on CEDAW ratification, some 17 other countries have ratified CEDAW, making the United States one of only seven in the world that have not accepted the treaty. By not taking action, the United States not only has damaged its credibility in denouncing human rights abuses elsewhere, but also has foregone the opportunity to help forge change through use and review of CEDAW impacts in other nations. In fact, some countries that have ratified CEDAW cite the United States' failure to do so as an excuse for ignoring or delaying their own efforts to meet their obligations under the treaty. Supporting CEDAW by example would be the most effective way to rebut such excuses for ignoring or abusing the human rights of women.

Ratifying CEDAW, and supporting its effective implementation around the world, is also in the economic and national security interests of the United States. Lack of gender equality and respect for women's rights is a major stumbling block to the rule of law and development around the globe. In many nations, the greater the gender inequality, the higher incidences of poverty, malnutrition, ill health, and educational deprivation of women and girls. These countries also experience slower economic growth and weaker governance. But the promotion and protection of women's rights, by contrast, lead to more stable, peaceful and prosperous societies.

CEDAW underscores the importance of ensuring that laws and constitutions reflect and encompass women's equal role in strengthening nations by guaranteeing them the opportunity to

participate fully in all aspects of public life. It encourages states parties to incorporate the principle of equality of men and women in their legal systems, abolish discriminatory laws, and adopt anti-discrimination measures. And it recognizes what we all have observed from experience: women cannot participate fully and effectively in society as long as they remain deprived of access to educational opportunities, health care, property rights, and means of redress in the courts and at the ballot box.

Historically, the United States has led the world in promoting international human rights and the ideal of equal protection under the law. It is time for the United States to reaffirm that leadership role. By ratifying CEDAW, it can signal to all that it indeed does remain firmly committed to human rights for all of the world's population.

THE AMERICAN CIVIL LIBERTIES UNION

WRITTEN STATEMENT

FOR A HEARING ON

"Women's Rights Are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)"

SUBMITTED TO THE

Subcommittee on Human Rights and the Law of the Senate Committee on the Judiciary

Thursday, November 18, 2010

Laura W. Murphy, Director
ACLU Washington Legislative Office

Vania Leveille, Legislative Counsel
ACLU Washington Legislative Office

I. Introduction

The American Civil Liberties Union (ACLU) is a national, nonpartisan public interest organization of more than half a million members, countless additional activists and supporters, and 53 affiliate nationwide. [1] Founded ninety years ago, the ACLU is dedicated to protecting the constitutional and civil rights of individuals and has worked to end sex discrimination and to promote recognition and respect for human rights.

The ACLU thanks the Senate Judiciary Subcommittee on Human Rights and the Law for turning its attention to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by convening this hearing. The ACLU welcomes this opportunity to express its strong support for U.S. ratification of CEDAW – a "bill of rights" for the women of the world.

In this global era, inequality anywhere is a threat to equality everywhere. No matter where they occur, violations of women's human rights are a matter of pressing concern to the American people. [2] ACLU members share the revulsion of all Americans at atrocities such as the disfigurement of Afghan women by their relatives, and the use of rape as a weapon of war in the former Yugoslavia, the Democratic Republic of Congo, and Sudan. There is an ongoing epidemic of such violence against women and girls around the world, especially in conflict and post-conflict situations. In many countries, moreover, young girls are forced or sold into marriage, trafficked for slavery or forced labor, or denied access to even basic education, among other violations of their fundamental rights. As Americans, we simply do not accept such treatment of women and girls.

CEDAW is a landmark international agreement affirming principles of fundamental human rights and equality for women around the world. It provides a universal definition of discrimination against women so that those who would discriminate cannot claim that a clear definition does not exist. Recognizing that women's rights are human rights, CEDAW seeks to end sex trafficking and violence against women, prohibit forced marriage and child marriage, expand girls' access to education, ensure women's right to vote, fight maternal mortality, and end workplace discrimination against women. By providing a practical blueprint for achieving progress on these and other goals, CEDAW promotes the American values of dignity and equality around the world. For example:

- ***CEDAW seeks to end violence against women***: Such violence includes domestic violence, dowry deaths, acid attacks, female genital mutilation, and compulsory abortion and sterilization.[3] The United Nations

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[1] This statement was prepared with the assistance of Lenora Lapidus, director of the ACLU Women's Rights Project, Jamil Dakwar, director of the ACLU Human Rights Program and Mie Lewis, senior staff attorney at the ACLU's Women's Rights Project.

[2] According to a national poll conducted by the Opportunity Agenda, Americans care deeply about human rights here at home and consider human rights to be crucial to our national identity. Opportunity Agenda, *Human Rights in the U.S.: Opinion Research with Advocates, Journalists, and the General Public* (Aug. 2007), *available at* http://opportunityagenda.org/files/field_file/Human%20Rights%20Report%20-%202007%20public%20opinion.pdf.

[3] CEDAW Committee General Recommendation 19, ¶ 7 ("Gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international

Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW Committee) has encouraged countries to act to end violence against women through civil and criminal penalties for perpetrators, and assistance to victims such as shelters and counseling.[4] These recommendations reflect the values motivating the U.S. Violence Against Women Act (VAWA) as well laws in all fifty states outlawing violence against women and provide a range of protections and services to battered women.

- ***CEDAW condemns the trafficking of women:*** Worldwide, approximately 12.3 million adults and children are suffering in forced labor, bonded labor, and forced prostitution.[5] One important goal of CEDAW is to "suppress all forms of traffic in women and exploitation of prostitution of women."[6] Like the U.S. State Department's Office to Monitor and Combat Trafficking in Persons, the CEDAW Committee identifies States serving as countries of origin, transit, and destination for trafficked women and girls, and encourages the strengthening of efforts to combat and prevent trafficking.[7] CEDAW's strong stance against trafficking mirrors the U.S. Trafficking Victims Protection Act,[8] which provides stiff penalties for traffickers and assists and protects victims.[9]

- ***CEDAW promotes equal educational opportunity:*** Nearly two-thirds of the world's illiterate adults are women, and two-thirds of its unschooled children are girls.[10] CEDAW promotes equal educational opportunity and access to learning resources for women and girls at all levels, from preschool to professional training. CEDAW's focus on education is consistent with the high value Americans place on learning, as well as our recognition of the key role played by public education in allowing all young people to achieve the American dream. Here in the U.S., long-

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law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention."). *See also id.* ¶¶ 7(b) 11, 20, 22.

[4] CEDAW Committee General Recommendation 19, ¶¶ 9, 24; Jan Arno Hessbruegge, *Human Rights Violations Arising From Conduct of Non-State Actors*, 11 BUFF. HUM. RTS. L. REV. 21, 81 (2005).

[5] Office to Monitor and Combat Trafficking in Persons, Trafficking in Persons Report 2010 7 (U.S. Department of State 2010) *available at* http://www.state.gov/g/tip/rls/tiprpt/2010.

[6] CEDAW, Art. 6.

[7] Burundi, ¶¶ 27-28, U.N. Doc. CEDAW/C/BDI/CO/4 (2008); Finland, ¶¶ 17-18, U.N. Doc. CEDAW/C/FIN/CO/6 (2008); Luxembourg, ¶¶ 31-32, U.N. Doc. CEDAW/C/LUX/CO/5 (2008); Nigeria, ¶¶ 35-36, U.N. Doc. CEDAW/C/NGA/CO/6 (2008); Saudi Arabia, ¶¶ 23-24, U.N. Doc. CEDAW/C/SAU/CO/2 (2008).

[8] 22 U.S.C. § 7101 et seq. (2000).

[9] *Id.*

[10] United Nations Educational, Scientific and Cultural Organization (UNESCO), *Gender and Education for All: The Leap to Equality* (2003) 88, 129 *available at* http://unesdoc.unesco.org/images/0013/001325/132513e.pdf.

standing federal and state laws require equal access to educational institutions and opportunities for boys and girls alike.[11]

- ***CEDAW promotes equal access to essential health care services:*** CEDAW seeks to end discrimination against women in health care, and to encourage the provision of prenatal and obstetrical care to all who need it.[12] CEDAW seeks to improve women's health throughout their life spans, from birth to old age. CEDAW's focus on health is fully in line with the value placed on promoting women's health in the United States. For example, U.S. law prohibits sex discrimination in federally funded health care services,[13] and the U.S. National Institute of Health has worked to ensure that women, as well as men, are included in clinical research studies.[14]

It is little wonder that CEDAW's provisions are so in line with American values, because the United States played an important role in drafting CEDAW prior to its adoption by the United Nations in 1979. In the intervening decades, 186 other nations – almost all the countries of the world – have ratified CEDAW, but the U.S. has not done so. In September 1995, at the historic United Nations Conference on Women in Beijing, the U.S. made a public commitment to ratify CEDAW. The U.S. should make good on this commitment, join the rest of the global community, and affirm the principles of fundamental human rights and equality for women and girls, by ratifying CEDAW.[15]

II. Serving American Interests Through CEDAW

United States ratification of CEDAW would formally reclaim for the U.S. the status of global defender of the rights of women. The benefits of ratification to the U.S. are many. Formally embracing the internationally accepted minimum standards pertaining to women's human rights would send a powerful message to the rest of the world that the U.S. stands behind its commitment to providing equal opportunity for all – a commitment that is part of our Constitution and laws. It would instantly strengthen the credibility of U.S. criticism of women's rights abuses in other nations.

Ratification would also entitle the U.S. to participate in the CEDAW Committee, the body charged with monitoring its implementation and advising countries on measures to ensure greater treaty compliance. The U.S. could thereby contribute its unique

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[11] *See e.g.* U.S. Const. Amend. XIV (Equal Protection Clause); Title IX, 20 U.S.C. § 1681(a) ("No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...").

[12] CEDAW, Article 12.

[13] Affordable Care Act, 42 U.S.C. § 18116.

[14] 42 U.S.C. § 289a-2; *see also* Office of Research on Women's Health, Inclusion of Women in Research, *available at* http://orwh.od.nih.gov/inclusion.html.

[15] As set forth in the ACLU's prior testimony before this body regarding U.S. treaty ratification practices, the adoption of extensive reservations, understandings, and declarations concurrent with ratification may undermine treaty objectives; ratification absent such qualifications is therefore preferred. *See* American Civil Liberties Union, Testimony Before the U.S. Senate Committee on the Judiciary Subcommittee on Human Rights and the Law, submitted December 16, 2009.

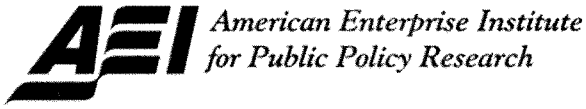
III. Continuing Our Heritage Of International Engagement

CEDAW ratification would open yet another chapter of our nation's long-standing history of international engagement and leadership. Over sixty years ago, the United States led the movement that gave rise to the Universal Declaration of Human Rights (UDHR). Former first lady Eleanor Roosevelt, who headed the U.S. delegation to the United Nations Commission on Human Rights in the 1940s, called the UDHR "the Magna Carta for humanity." This landmark document was modeled after the U.S. Bill of Rights. The UDHR's passage brought about worldwide awareness of the basic rights and protections to which all human beings, everywhere, are entitled.

Our domestic civil rights movement also inspired other nations and new democracies to work for greater human rights protections for all. At the same time, the fundamental importance of promoting human rights was endorsed by civil rights leaders such as W.E.B. Du Bois and Dr. Martin Luther King Jr. ACLU founder Roger Baldwin eloquently explained the convergence between American democracy and the international human rights movement in his testimony to Congress three decades ago:

> You may ask…why a national organization, such as the American Civil Liberties Union, undertakes to support these international efforts. We do it because we think our own rights and liberties will be more secure if they are part of a legal system which binds other nations as well as ours; also because we think we can contribute to the operation of these instruments the long and successful experience of the United States….
>
> The United States has been a leader in this movement in the United Nations and in the world. We are morally, if not legally, committed to this movement. Today our leadership should lead us to take the next step.
>
> Law will give us the opportunity to influence other nations. It will give us fora…in which we can confront our opponents and hopefully prevail with the intentions that have made the United States a leader in the world in the field of human rights.

Since that time, the U.S. has continued to play a leadership role in promoting human rights abroad. Human rights are – rightly – a thoroughly bipartisan concern. Presidents Carter, Reagan, Bush, Clinton, and congressional leaders from both sides of the aisle championed the ratification of important international agreements seeking to end torture, genocide, and racial discrimination. The United States is currently a party to a wide range of human rights treaties and protocols, including the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Genocide Convention, the Protocol Relating to the Status of Refugees, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.



Statement for Submission to the Subcommittee on Human Rights and Law

of the Senate Judiciary Committee

on

U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Christina Hoff Sommers
Resident Scholar
American Enterprise Institute
November 18, 2010

The views expressed in this testimony are those of the author alone and do not necessarily represent those of the American Enterprise Institute.

Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee: thank you for this opportunity to submit testimony on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

CEDAW has been ratified by nearly every nation except the United States. There is growing momentum for the U.S. to finally sign: Pres. Barack Obama, Secretary of State Hillary Clinton, women's groups such as the National Organization for Women, and broad-based organizations such as AARP, the AFL-CIO, the American Bar Association, and even the Audubon Society all support ratification. But a close look at the content of the treaty shows that the Senate has been wise to resist ratification for 31 years.

The question the Senate has to consider is not "Should the United States help women in the developing world?" Of course we should and we do. No other nation gives more in foreign aid or has more philanthropies and religious groups dedicated to international women's causes. Voters across the political divide welcome innovative programs to help women struggling with repressive governments and barbaric traditions such as child marriage, dowry burnings, genital cutting, and honor killings. What the Senate must decide is whether CEDAW is a necessary and worthy addition to an already vibrant national effort to help the world's women—and whether the high toll it will exact from the basic rights and liberties of Americans is worth it. Previous Senates have said no, and I hope you do as well.

The treaty is an eccentric document that espouses a style of feminism that flourished in the 1970s, when the treaty was first drafted, but has since gone out of fashion. For instance, it defines discrimination against women as "any distinction" based on sex. It urges governments to take measures to eliminate all sex roles and all behaviors that evince sex stereotypes. Under CEDAW, even private behavior—such as how couples divide household and child care chores—is subject to government oversight and modification. The treaty mandates programs and policies that American voters, legislators, and courts have explicitly rejected time and again: gender quotas, reverse-discrimination programs, mandatory paid maternity leave, government-funded daycare, and equal pay for comparable work.

Some CEDAW proponents insist that the treaty will have little or no effect on American laws or customs. It is, they say, a foreign policy initiative to help oppressed

women in the developing world. In fact, the CEDAW monitoring committee—23 gender experts—devotes disproportionate energies to monitoring European democracies and urging them to realize gender neutral ideals in all spheres of life. It recently advised Spain to organize a national "awareness raising campaign against gender roles in the family." Finland was urged "to promote equal sharing of domestic and family tasks between women and men." Slovakia's instructions were to "fully sensitize men to their equal participation in family tasks and responsibilities." Liechtenstein was closely questioned about a "Father's Day project" and reminded of the need to "dismantle gender stereotypes." If the U.S. ratifies CEDAW, there will be a three-ring circus each time we come up for review. American laws, customs, and private behavior will be evaluated by 23 U.N. gender ministers to see if they comply with a feminist philosophy that is 30 years out of date.

Consider what happened during Iceland's formal CEDAW review in July of 2008. Iceland has one of the most extensive gender-equity bureaucracies in the world; there are equity ministers, equity councils, equity advisors, and a Complaints Committee on Gender Equality whose rulings are binding. More than 80 percent of Icelandic women are in the labor force, and parents enjoy paid maternity and paternity leave, including one month of pre-birth leave. Its current prime minister is the first openly lesbian head of government in the world. No wonder Iceland is ranked first in the World Economic Forum's 2009 Global Gender Gap Report. Iceland would appear to be a model of egalitarianism. But it falls short of the CEDAW Committee standards.

The Committee praised Iceland for its "strides" toward gender parity, but several members found it to be remiss in its efforts to stamp out sexism. Hanna Beate Schopp-Schilling, an expert from Germany, was concerned that for all of the government's gender and equity committees, the Parliament itself had not formed a committee on gender equity. The expert from Algeria wanted to know why so few women were full professors at the University of Iceland. Magalys Arocha Dominguez, a gender authority from Cuba, was unhappy to find that many Icelandic women held part-time jobs and spent much more time than men taking care of children. She was also displeased by survey findings that Iceland's women were allowing family commitments to shape their career choices. She demanded to know, "What government measures have been put in place to change these patterns of behavior?"

Here is the case against the women's treaty in a nutshell: The United States takes its treaty obligations seriously: if we ratified CEDAW we would be honor bound to abide by its rules. But many of those rules are antithetical to American values, and any good faith effort to incorporate them into American law would conflict with our traditions of individual freedom. Verdict: do not ratify CEDAW.

Proponents of ratification have heard this sort of argument many times and they have a ready answer. They point out that:

1) the CEDAW Committee has no powers of enforcement in American courts,

2) the treaty is not "self-executing"—i.e. once ratified, it would not become the law of the land until our legislators took action to make it law,

3) the U.S. can ratify it with a long list of caveats and stipulations knows as RUDs (reservations, understandings, and declarations) that will uphold U.S. sovereignty and protect American rights and freedoms.

The CEDAW proponents are wrong on all three counts:

1) While it is true that rulings and recommendations of the UN Monitoring Committee would not be legally enforceable in U.S. courts, this does not mean that they would have no effect on policy developments within the United States. The official nature of the UN Committee, and the legal authority conferred upon it by the international community, ensures that its judgments would become a powerful persuasive force in American politics. Many judges and legislators would feel morally obligated to modify domestic law as necessary to bring it in line with CEDAW's requirements.
2) Although the Committee's remedies will not be "self-executing," and judges could not directly enforce the provisions of CEDAW absent the passage of additional domestic legislation, CEDAW would serve as an impetus and a justification for judges to make radical new rulings in cases touching on gender issues.
3) As for the RUDs, their legitimacy is one of the most hotly contested areas of international law. Legal experts disagree about the power of reservations to insulate a country from provisions of a treaty it has committed itself to honor. CEDAW itself states, "A reservation incompatible with the object and purpose of the present Convention shall not be permitted."

Defenders of CEDAW make one final argument that deserves a reply. They point out that the U.S. has signed other human rights treaties and these have not undermined our freedoms. Why assume CEDAW will be different? Because unlike other human rights instruments, CEDAW will be used as a weapon by the large and determined lobby of hardline women's groups. The National Organization for Women, the Feminist Majority Foundation, and the National Women's Law Center—along with hundreds of other groups—would view the ratified CEDAW as a mandate to implement their 30-year-old agenda *in the United States*. It would be a license to sue, re-educate, and re-socialize their fellow citizens—opportunities that have eluded them under the U.S. Constitution. They are open about their intentions.

The Feminist Majority Foundation recently released a rap video celebrating the "sea change" CEDAW could bring to American life and law; Janet Benshoof, president of the Global Justice Center, speaks of the treaty's revolutionary potential: "American women need legal tools to fight patriarchy"; in a March 2010 letter to President Obama urging him to do everything in his power to ratify CEDAW, NOW president Terry O'Neill said: "U.S. women have endured denials of their basic human rights long enough—please don't make us wait any longer." For hardline feminist groups still mourning the loss of the Equal Rights Amendment, the treaty is a lifeline. And they would have new allies—UN officials and international NGOs would join them in cultivating American pastures under the legal and moral authority of the Women's Treaty. For the women's groups, dismantling the American "patriarchy" would be exhilarating and gratifying. For the majority that has no such agenda, it would be oppressive.

CEDAW contains many worthy and indeed noble declarations, but its key provisions are 1970s feminism preserved in diplomatic amber. Releasing those aged provisions in twenty-first-century America would be strange at best, and at worst they could seriously compromise the privacy, well-being, and basic freedoms of Americans.

Office of Government and International Affairs
1156 15th Street, NW
Washington, DC 20005
t: 202.785.4200
f: 202.785.4115
www.ajc.org

November 16, 2010

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

We write on behalf of AJC, a global Jewish advocacy organization representing more than 175,000 members and supporters nationwide, to urge you to support ratification of the United Nations Convention to Eliminate All Forms of Discrimination Against Women (CEDAW).

CEDAW is a landmark agreement that affirms the principles of fundamental human rights and equality for women and girls. Indeed, it is the only international human rights treaty to focus exclusively on the rights of women. CEDAW addresses issues that the United States has recognized as fundamental to protecting women's rights around the world, including combating violence against women, sex trafficking, and workplace discrimination, and ensuring women's right to vote and access to education. Around the world, women in countries that have ratified CEDAW have relied on the treaty in pushing their governments to identify and address gender disparities in law and policy. In doing so, they have won concrete advancements for women's equality in countries as wide-ranging as Mexico, Kuwait, the Philippines, and Bangladesh.

The United States has long been a leading supporter of women's rights at home and throughout the world, recognizing that the empowerment of women is a catalyst for political stability, poverty reduction, and development. The United States played an instrumental role in drafting CEDAW and signed the treaty in 1980, soon after its adoption by the United Nations in 1979. Since that time, CEDAW has been ratified by 186 of 193 countries worldwide. However, the United States remains one of seven countries -- including Iran, Somalia, and Sudan -- that have failed to ratify CEDAW.

As an organization committed to guaranteeing human rights for all, both at home and abroad, the AJC urges the Senate to enhance the United States' leadership in the promotion of freedom and equality for women worldwide by ratifying CEDAW. Doing so will bolster America's moral and political authority to promote women's rights abroad; provide the United States with access to a valuable forum in which to assert that all countries have an obligation to safeguard women's rights and to effectively combat violence and discrimination against women; and confirm to women, girls, and their advocates worldwide that the US government is committed to advancing CEDAW and the principle that women's rights are human rights.

For all of these reasons, we urge you to support CEDAW and to press for its early movement to ratification.

Thank you for considering our views on this important matter.

Respectfully,

E. Robert Goodkind
AJC President Emeritus, and Chair
Jacob Blaustein Institute for the Advancement of Human Rights

Richard T. Foltin
Director
National and Legislative Affairs

Written Statement for the Record

Gwendolyn Puryear Keita, Ph.D.

Executive Director of the Public Interest Directorate

American Psychological Association

Submitted to the

Senate Committee on the Judiciary

Subcommittee on Human Rights and the Law

on the Ratification of the

Convention on the Elimination of all Forms of Discrimination

Against Women (CEDAW)

November 18, 2010

750 First Street, NE
Washington, DC 20002-4242
(202) 336-5500
(202) 336-6123 TDD

Web: www.apa.org

Chairman Durbin and Ranking Member Coburn, on behalf of the 155,000 members and affiliates of the American Psychological Association (APA), I want to thank you for providing us the opportunity to comment on the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), also known as the Treaty for the Rights of Women. APA strongly supports the fundamental principles of human rights and equality for women and girls as affirmed in CEDAW. In 2002, when United States (U.S.) ratification of the treaty was previously considered, APA sent letters to the full Senate and to then President George W. Bush urging ratification. Today APA once again urges the Senate to support ratification of CEDAW.

APA is the largest scientific and professional organization representing psychology in the U.S. and is the world's largest association of psychologists. Comprised of researchers, educators, clinicians, consultants, and graduate students, APA works to advance psychology as a science, a profession, and a means of promoting health, education, and human welfare.

APA has long served as an advocate for the rights of women, both in this country and abroad. APA's efforts to promote equality for women reflect the strong commitment of our members and of the organization as a whole. APA's Women's Programs Office, Committee on Women in Psychology, and membership division entitled, Society for the Psychology of Women, all work to improve the health, well-being, and status of women within the field of psychology and women generally.

APA's vigorous support for women's rights and equality is founded on a strong social science research record. Over the years, APA's Council of Representatives, its governing body, has passed resolutions to: affirm a commitment to continue efforts to eliminate discrimination against women (1970); support passage of the Equal Rights Amendment (1975); adopt Guidelines for Avoiding Sexism in Psychological Research (1988); define alcohol and drug abuse among women as a public health problem warranting a mental health rather than criminal justice response (1991); document the impact of male violence against women and identify means by which violence can be effectively addressed (1999); document the disproportionate impact of poverty on women and their families and identify means of moving individuals and families out of poverty (2000); and report the effects of the sexualization of girls in the media (APA, 2007).

APA's efforts to establish fully the equality of women are based on the fundamental assumption that inequality between men and women not only disadvantages women, but substantially depletes essential human capacity in all corners of the world. For example, in many countries, women confront high rates of maternal and child mortality, which could be reduced by increasing the availability of prenatal care and skilled birth attendants (United Nations, 2010). Additionally, women represent more than half of those living with HIV/AIDS in sub-Saharan Africa, North Africa, and the Middle East (United Nations, 2010). Strategies are needed to reduce women's vulnerability to this disease, and treatment is needed for those who are infected. Finally, women and girls need greater access to education (United Nations, 2010). Two-thirds of the world's 774 million illiterate adults are women, a proportion that has not changed over the past 20 years (United Nations, 2010).

Additionally, human trafficking is dramatically increasing annually. The U.S. Department of State (USDOS, 2005) suggests that between 600,000 and 800,000 people have been recently trafficked in and within the U.S. alone. Approximately 80 percent of those trafficked across U.S. borders are women, with about half also being minors. Among the females trafficked, approximately 70 percent are trafficked for prostitution and other forms of sexual exploitation, the largest subset of human trafficking (Curtol, Decarli, Di Nichola, & Savona, 2004; Hodge & Lietz, 2007; UNODC, 2009, 2010). The International Labour Organization (2005) estimates that nearly half of all victims (43 percent) worldwide are trafficked specifically for sexual exploitation, 32 percent for labor exploitation, 25 percent for a combination of both, and about half are under the age of 18.

While women in the U.S. enjoy opportunities and status that are not available to many women in other parts of the world, few would dispute that more progress is urgently needed. For example, domestic violence remains a serious problem in the U.S., with an average of four women per day murdered and 5.5 million women per year physically assaulted or raped by intimate partners (Catolon, Smith, Snyder, & Rand, 2009). In addition, compared to men, U.S. women continue to face issues of pay discrimination, higher high school drop-out rates, higher rates of poverty, and discrimination in education. CEDAW would provide a stimulus for greater focus on these disparities and increased enforcement of anti-discrimination laws.

Thank you again for the opportunity to provide a statement on promoting equal rights for women globally and domestically. The Treaty for the Rights of Women represents a significant step toward addressing such atrocities and infringements on the rights of women. We hope that the U.S. Senate will concur and vote in support of the Treaty. For further information, please contact Shari E. Miles-Cohen, Ph.D., APA's Director of the Women's Programs Office, at (202) 336-6156.

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Testimony of
Mr. William L. Saunders, Senior Vice President and Senior Counsel
Americans United for Life
Before the United States Senate Judiciary Committee's
Subcommittee on Human Rights and the Law
on the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women by the United States

My name is William L. Saunders and I am Senior Vice President and Senior Counsel at Americans United for Life, the oldest national pro-life public-interest law and policy organization. I have been a human rights lawyer for over twenty years, and have witnessed first-hand the threats to women's well-being internationally.

Americans United for Life is opposed to the ratification by the U.S. Senate of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The CEDAW committee (established by the CEDAW treaty itself) has made clear, in a number of interpretive statements directed to nations that have already ratified CEDAW, what CEDAW means by "discrimination" against women, e.g., CEDAW bans Mother's Day (as it told Belarus in 2000[1]) and requires the legalization of prostitution (as it advised China in 1999[2]).

The CEDAW committee has also made clear its intent to pressure nations who ratify CEDAW to legalize or increase access to abortion and abortifacients. By one count, the CEDAW committee has pressured 83 nations, including Argentina, Australia, Ireland, Mexico, Italy, Croatia, and France, to legalize abortion, thereby violating the most fundamental of all human rights—the right to life.[3]

In Article 5, CEDAW mandates social engineering—the changing of cultural norms and patterns—to conform to its terms. If ratified, CEDAW is, per Article 6 of the U.S. Constitution, "the supreme law of the land." Thus, CEDAW would override conflicting state and federal law.

Even if the United States were to attach formal "reservations" to its ratification of CEDAW, that would not protect our domestic laws and institutions. A federal judge could hold that those reservations were void.

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[1] *See* CEDAW Committee, 22nd Sess. (2000), "Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Belarus," Para. 361.
[2] *See* CEDAW Committee, 20th Sess. (1999), "Concluding Observations of the Committee on the Elimination of Discrimination Against Women: China," Para. 288-289.
[3] *See* http://www.c-fam.org/docLib/20101022_CEDAWAbortionRulings95-2010.pdf.

Further, as I have detailed in a recent article for The Human Life Review[4], the CEDAW committee's statements are being used as part of a complex strategy by abortion activists to prepare for the day *Roe v. Wade* is finally reversed by the Supreme Court. On that day, the issue of abortion should be returned where it belongs – to the people and their elected representatives. However, pro-abortion lawyers are already arguing (for example in *ABC v. Ireland* pending before the European Court of Human Rights) that an *international* "right to abortion" exists. On the day *Roe* is reversed, abortion supporters will surely seek, yet again, to remove abortion from the democratic deliberations of the people by arguing that U.S. courts must recognize abortion as a "human right." Who can doubt that agenda-driven U.S. judges, such as those who decided *Roe* itself, will do so?

The United States Senate should not make that argument any more plausible by ratifying this deeply-flawed treaty.

[4] *See* http://www.humanlifereview.com/index.php?option=com_content&view=article&id=113:the-abcs-of-an-international-right-to-abortion&catid=52:2010-summer.

United States Senate
Committee on the Judiciary
Subcommittee on Human Rights and the Law
"Hearing on Women's Rights Are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)"
November 18, 2010
Statement by Amnesty International USA

Introduction
Amnesty International USA ("AIUSA") welcomes this opportunity to address the Senate Judiciary Subcommittee on Human Rights and the Law. This hearing comes at an important time. On the occasion of the United Nation's Millennium Development Goals Summit in September, President Obama restated the commitment of the US Government to placing human rights at the heart of its efforts to provide leadership in the world. We believe the Senate has an important role to play in supporting the U.S. Administration in its efforts to realize fully its human rights commitments, including by ratifying the Convention on the Elimination of All Forms of Discrimination Against Women, or "CEDAW" treaty. **Accordingly, AIUSA calls on the U.S. Government to ratify CEDAW without further delay.**

When presenting its candidacy for election to the UN Human Rights Council ("HRC"), the U.S. Government pledged to consider ratifying CEDAW, which it signed in 1980.[1] Ratification of CEDAW was a key recommendation made by the majority of Member States to the U.S. at the Universal Periodic Review of the U.S. before the HRC earlier this month.

Amnesty International believes that ratification would be a critical demonstration of the U.S. Government's commitment to women's equal protection and equality of treatment before the law. This year marks the 15th anniversary of the adoption of the Beijing Declaration and Program of Action, the most comprehensive governmental agreement to date on what needs to be done to achieve women's empowerment, the full realization of women's rights and substantive gender equality. U.S. ratification of CEDAW would be a worthy commemoration of this milestone event.

The importance of ratifying international human rights treaties
In 1948, the Member States of the United Nations (UN) proclaimed the Universal Declaration of Human Rights as "a common standard of achievement for all peoples and all nations". The rights enshrined in the Universal Declaration of Human Rights have since been codified in nine core human rights treaties. CEDAW is among these.

Under the UN Charter, Member States of the UN pledged themselves to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion". These aims are strengthened by Member States' adherence to the international instruments, such as CEDAW, which translate the principles embodied in the Universal Declaration of Human Rights into a more detailed legal form. Indeed, discrimination against women

[1] UN Doc. A/63/831, letter dated 22 April 2009 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the General Assembly, 24 April 2009. The pledge also referred to possible ratification of International Labor Organization (ILO) Convention 111 concerning Discrimination in Respect of Employment and Occupation.

undermines the principle of equal rights for men and women set out in the UN Charter, and respect for all human rights.

The ratification of human rights treaties is a basic but essential step which every government can take to demonstrate its commitment to protecting human rights. When a government becomes a party to international human rights treaties, it affirms to the international community its determination to respect the dignity and worth of the human person.

Acceptance of international obligations helps to establish more durable commitments in the field of human rights protection. Adherence to these instruments not only invigorates domestic efforts at implementation but also preserves the achievements of today's governments against retrogression by those of tomorrow. Adherence by all states to these important instruments would be a major step forward in the further development and strengthening of international human rights protection for the benefit of all people.

The United States is one of only seven countries that have not yet ratified CEDAW, including Iran, Sudan, Somalia, Nauru, Palau, and Tonga. The United States has the dubious distinction of being the only country in the Western Hemisphere and the only industrialized democracy that has not ratified this treaty. The U.S. Government's failure to ratify serves as a disincentive for other governments to uphold CEDAW's mandate and their obligations under it to end discrimination against women. With U.S. ratification, CEDAW would become a much stronger instrument in support of women's struggles to achieve the full realization of their human rights.

A Landmark Treaty

CEDAW and its Optional Protocol remain the only international treaties devoted to the rights of women. Partly due to the success of CEDAW, there have been significant advances in women's rights in the more than thirty years since CEDAW was adopted, although much remains to be done. The treaty has been ratified or acceded to by 186 countries, making it second only to the Convention on the Rights of the Child in terms of universal acceptance.

Adopted by the UN General Assembly in 1979, CEDAW obliges states parties to undertake legislative, administrative and practical measures to eliminate discrimination against women, in order to enable women to enjoy civil and political, as well as economic, social and cultural rights, as embodied in the treaty. States parties are required to condemn discrimination against women, devise policies for its elimination and take steps to ensure the full development and advancement of women.

States parties undertake to submit reports to the Committee on the Elimination of Discrimination against Women at least every four years. The review of a state party report provides an opportunity for national-level review of implementation and the identification of obstacles which impede the enjoyment of the rights protected by CEDAW. The outcome of these reviews, as contained in the concluding comments of the Committee on the Elimination of Discrimination against Women, provide an important benchmark for measuring present compliance and future progress for the state party, civil society and different UN actors seeking to integrate them into country-based initiatives.

CEDAW is consistent with U.S. law and policy objectives.

The principles espoused in CEDAW are consistent with U.S. law and with U.S. foreign and domestic policy objectives. Ratifying the treaty would guide and bolster efforts to enhance U.S. law and policy with respect to ending violence against women, improving access to legal protections, and

guaranteeing other human rights. Furthermore, much of the content of CEDAW constitutes obligations that already exist under customary international law; for the U.S. to ratify CEDAW and participate in periodic monitoring would greatly enhance implementation of these obligations.

CEDAW ratification would facilitate dialogue at the national and international level to advance women's rights at home and abroad.
As discussed above, international human rights treaties, such as CEDAW, are monitored by committees of independent experts known as treaty bodies. States parties provide periodic reports to the treaty bodies which are considered in public session. Non-governmental organizations ("NGOs")are able to submit to the committee their own analysis of the state's implementation of the treaty. This usually follows a process at the national level whereby NGOs coordinate their efforts to produce reports which cover a diverse range of issues pertaining to the treaty and which reflect NGOs' direct experience working to address these issues. These reports help create an informed and comprehensive dialogue between the state and the treaty body members about the application of the treaty at the national level, with viewpoints from many stakeholders affected and concerned by the issues. At the end of the dialogue, the committee issues its "concluding observations". These are among the most in-depth and authoritative recommendations that come from the UN human rights system and, as such, can provide a focus for other parts of the human rights system. The state being reviewed is obliged to publish and widely disseminate the concluding observations to the general public as well as to the judicial, legislative and administrative authorities at home. The U.S. would undoubtedly benefit from such a dialogue about women's human rights following ratification of CEDAW.

The independent experts of the treaty bodies play a valuable role in identifying shortfalls in the application of treaties in respect to law, administration and policy for all of the states which are party to the treaties. Through their in-depth consideration of the reports prepared by governments and their discussions with state representatives at the public meeting, the treaty body members highlight positive aspects of implementation as well as areas of concern and make recommendations. By ratifying CEDAW, the U.S. will have an opportunity to participate in constructive dialogue aimed at strengthening its ability to advance the rights of women and girls. By opening up this process to the public, the U.S. will continue its tradition of open government and set an important example for other countries of its commitment to transparency, public participation, and accountability.

Amnesty International calls on the U.S. Government to ratify CEDAW without attaching limiting conditions.
Article 19 of the Vienna Convention on the Law of Treaties provides that a State may, when signing or otherwise acceding to a treaty, formulate a reservation unless it is "incompatible with the object and purpose of the treaty". This is reflected in specific provisions found in most major international human rights treaties. Specifically, Article 28 (2) of CEDAW states: "A reservation incompatible with the object and purpose of the present Convention shall not be permitted."

The Beijing Declaration and Platform of Action of 1995 emphasizes that it is necessary to avoid, as far as possible, resorting to reservations, in order to protect the human rights of women. The document stresses that "unless the human rights of women, as defined by international human rights instruments, are fully recognized and effectively protected, applied, implemented and enforced in national law as well as in national practice in family, civil, penal, labour and commercial codes and administrative rules and regulations, they will exist in name only" and recommends that states:

> limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women; formulate any such reservations as precisely and as narrowly as possible; ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law and regularly review them with a view to withdrawing them; and withdraw reservations that are contrary to the object and purpose of the Convention on the Elimination of All Forms of Discrimination against Women or which are otherwise incompatible with international treaty law.

Amnesty International is concerned that the U.S. has conditioned its previous treaty ratifications by attaching reservations, understandings and declarations, or RUD's, to various treaty articles. The effect has been to limit the application of treaties by ensuring that they confer no greater protection than already exists under U.S. law. While the U.S. has many laws and mechanisms to protect human rights, there are areas where U.S. law or practice falls short of international treaty provisions.

Therefore, Amnesty International calls on the U.S. not to enter reservations to CEDAW which would limit its effectiveness in any way. Restrictive interpretations of treaties, as much as reservations, inhibit the effective implementation of human rights. This applies to reservations and restrictive interpretations relating to temporal or personal jurisdiction, as well as substantive scope.

Amnesty International calls on the U.S. to embrace CEDAW as a tool that has already helped to improve the lives of women throughout the world.
CEDAW is a tool that women around the world are using effectively to bring about change in their conditions. CEDAW ratification has encouraged the development of citizenship rights in Botswana and Japan, inheritance rights in the United Republic of Tanzania, and property rights and political participation in Costa Rica. CEDAW has fostered development of domestic violence laws in Turkey, Nepal, South Africa, and the Republic of Korea and anti-trafficking laws in Ukraine and Moldova.

The United States has long been a world leader in the promotion and defense of human rights. U.S. ratification of CEDAW would build on this legacy and help to position the U.S. as champion for the human rights of women and girls in the U.S. and around the world.

Amnesty International strongly urges the Senate to use this hearing as a first step in the ratification of CEDAW. In addition, we urge the Senate to not attach any limiting interpretations, declarations and reservations to the ratification of CEDAW and to ensure that all U.S. laws, policies and practices conform to the principles espoused in CEDAW.

November 14, 2010

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

As members of Amnesty International Group 181 in Cedar Rapids, Iowa, we are writing to thank you for holding a hearing on the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and to express our strong support for U.S. ratification.

Amnesty International undertakes research and action to prevent and end grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination of people around the world. Our work is based on the Universal Declaration of Human Rights and the standards agreed upon in the United Nations treaties and Conventions on human rights. As the only internationally accepted document which comprehensively defines what constitutes discrimination against women and girls, CEDAW is vital to our work.

In countries that have ratified CEDAW, women have used this Convention to protect their human rights in a variety of ways. For example, women in Nepal and Mexico have used CEDAW to reduce sex trafficking and domestic violence. With the backing of their government's commitment to CEDAW, Kuwaiti women won their right to vote and run for office. Women in Morocco and Kenya have used CEDAW in their struggle to end child marriage, forced marriage and inequality of inheritance rights.

When we write to government officials around the world as Amnesty International members, we ask them to respect and abide by their commitments as States Parties to the standards defined by CEDAW and other U.N. Conventions. However, as American citizens, our efforts are undermined by our own government's failure to ratify those same standards for women and girls living here.

The U.S. is now one of only 7 countries that have not yet ratified CEDAW, along with Iran, Somalia, Sudan, Nauru, Palau and Tonga. Our country is the only industrialized and the only Western Hemisphere country that has not ratified the Convention, which leaves us outside the norms of our peers. America has traditionally been a world leader in support of upholding human rights, and it is time to restore our country's integrity and global leadership in supporting the human rights of women and girls, both here at home, and around the world.

Sincerely,
Alice Dahle
Alice Dahle
On behalf of Amnesty International Group 181
Amnesty International Area Coordinator for Iowa

Phone: (319)364-4999

GROUP 181 • P.O. BOX 5914 • CEDAR RAPIDS, IA 52406-5914

AMNESTY INTERNATIONAL is a worldwide grassroots movement that promotes and defends human rights.

Honorable Members of the Senate Judiciary Committee
Senate, the United States of America

Good Morning,

We would like to make a short submission before you in the interest of women around the world. Please consider it sympathetically.

Honorable Senators,

Aurat Foundation (AF) is a women's rights organization committed to working for women's empowerment in Pakistan. Pakistan ratified the Convention on the Elimination of all Forms of Discrimination against Women CEDAW in 1996. Since then Aurat Foundation* has been actively engaged in training, lobbying and advocacy for implementation of the CEDAW. It has been contributing in preparation of 'Shadow Reports' through monitoring of legislative, political and administrative developments, data collection and provision of law reform input to policy-makers.

As you must be aware of the fact that CEDAW is one of the core human rights conventions and a legal treaty; a guide book, the mandatory one, for governments and civil society organizations to undertake actions, monitor and measure progress on women's human rights and empowerment against minimum standards and benchmarks on women's rights in all areas of life given in the Convention.

We, in Pakistan, have successfully connected the movement for women's rights with the State Obligations in CEDAW for implementation of its Articles and reclaiming rights and entitlements for women; and it has greatly contributed towards securing better laws and policies and even some court judgments in accordance with the CEDAW Articles, and in the favor of women.

We particularly applied the Convention for providing information on the real situation of women and highlighting inadequacies and gaps in laws and policies and violations of women's rights to the government and civil society in Pakistan, and more importantly, to the United Nations through the CEDAW Committee. Our main experience or lesson learnt is that governments usually listen more to the outcry in the world outside than to the clamor inside.

We would like to see that United States of America stand proudly with the overwhelming majority of states (186) in the international community, those who have ratified this Convention, rather than to stay in the notorious club of seven that is not complying with the will of the women around the world.

Wish you good luck!

Yours sincerely,

On behalf of Aurat Foundation:

Naeem Ahmed Mirza
Chief Operating Officer
Aurat Foundation
Islamabad, Pakistan

Website: www.af.org.pk
* Aurat literally means women

Senator Barbara Boxer
Statement at Senate Judiciary Subcommittee Hearing—
"Women's Rights are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
November 18, 2010

Good afternoon Chairman Durbin and Ranking Member Coburn. Thank you for giving me the opportunity to submit to the Senate Judiciary Subcommittee on Human Rights and the Law a statement on the importance of CEDAW—the Convention on the Elimination of All Forms of Discrimination Against Women.

I'd also like to thank the many distinguished witnesses who will testify today.

I have long supported U.S. ratification of CEDAW.

As you know, CEDAW "calls for Parties to eliminate discrimination against women in all areas of life, including healthcare, education, employment, domestic relations, law, commercial transactions, and political participation" and requires participating countries to provide periodic national status reports on progress toward meeting these objectives.

This is important, because every day, women and girls around the globe are mistreated or denied opportunities and basic rights simply because of their gender.

I'd like to list a number of troubling statistics involving women from the 2008 State of the World's Population Report compiled by the United Nations Population Fund (UNFPA):

- Of the world's one billion poorest people, three fifths are women and girls.
- Of the 960 million adults in the world who cannot read, two thirds are women.
- Seventy percent of the 130 million children who are out of school are girls.
- Up to half of all adult women have experienced violence at the hands of their intimate partners.
- Each year, half a million women die and 10 to 15 million suffer chronic disability from preventable complications of pregnancy and childbirth.

These figures are deeply troubling, and warrant our sustained attention.

I am under no illusion that CEDAW can solve every issue affecting women and girls, but it does help ensure that the empowerment and equal treatment of women and girls remains a priority.

For example—in the Philippines, women's rights organizations used CEDAW to help draft the Magna Carta of Women's Rights, which was signed into law in 2009. According to the United Nations Development Program, the Magna Carta is "comprehensive women's human-rights legislation that seeks to eliminate discrimination against women and outlines the duties of the state in recognizing, protecting, fulfilling and promoting the rights of women, especially the marginalized."

And in Ghana, CEDAW was used to draft and enact a domestic violence law in 2007 following the brutal murder of 32 women in the capital of Accra.

These accomplishments, along with many others like them, are tangible examples of how CEDAW has been used effectively to change the lives of women around the globe.

So I hope that one day soon, the United States will join with the 186 member states of the United Nations who have ratified CEDAW.

The United States is a powerful force for human rights and freedoms around the globe, and there is simply no reason that we should be standing with the few countries like Sudan, Iran and Somalia which have failed to ratify this treaty.

Thank you.

P.O. Box 21034
Washington, DC 20009
Phone: 202.824.0707
Fax: 202.824.0747

November 16, 2010

Chairman Richard Durbin
Senate Judiciary Committee
Subcommittee on Human Rights in the Law
U.S. Senate
309 Hart Senate Building
Washington, DC 20510

Ranking Member Tom Coburn
Senate Judiciary Committee
Subcommittee on Human Rights in the Law
U.S. Senate
172 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

Break the Cycle is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women [CEDAW].

Break the Cycle is the leading, national nonprofit organization addressing teen dating violence. We work every day towards our mission to engage, educate and empower youth to build lives and communities free from domestic violence. Break the Cycle provides innovative prevention education and help services that schools and communities nationwide use to address dating violence. We also advocate for changes in laws and systems to better protect the rights and promote the health of teens nationwide. Break the Cycle provides a critical leadership role in the effort to end teen dating violence, and is an essential collaborative partner in the community working to end violence.

The United States has long been recognized as a leading voice for women's rights and human rights, which makes our failure to ratify CEDAW all the more troubling. We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. (The others are Iran, Sudan, Somalia, and three small Pacific Islands.) The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

CEDAW, unquestionably, embodies American values. It seeks to end violence against women and trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous, stable societies. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

Sincerely,

Juley Fulcher
Director of Policy Programs

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The California Partnership to End Domestic Violence (CPEDV) is pleased to submit a statement in support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women [CEDAW].

CPEDV is the federally recognized state domestic violence coalition for California. Like other Domestic Violence Coalitions throughout the U.S. States and territories, CPEDV is rooted in the battered women's movement and the values that define this movement, including working toward social justice, self-determination, and ending the oppression of women. Together with our over 150 member organizations and individuals across the entire state, CPEDV has built upon the 30-year history of providing statewide leadership, and successfully passing legislation to ensure safety and justice for domestic violence survivors and their children.

CPEDV's mission and work are focused on protecting the safety of domestic violence victims and their children, the majority of whom are women. Our agency recognizes the role that sexism plays in perpetuating domestic violence in our society, and is committed to working to end all forms of sex-based discrimination. The United States' failure to ratify CEDAW is troubling. We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. (The others are Iran, Sudan, Somalia, and three small Pacific Islands.) The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

CEDAW seeks to end violence against women and trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous and stable. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

Sincerely,

Jane Sharboneau

Executive Director
California Partnership to End Domestic Violence

Statement of

The Honorable Benjamin L. Cardin

United States Senator
Maryland
November 18, 2010

Opening Statement for the Record
of
Senator Benjamin L. Cardin

Women's Rights Are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

November 18, 2010

The elimination of discrimination against women is a priority issue both at home and abroad.

In the U.S., we have made great strides in advancing women's human rights and as a result many of our laws are in accord with CEDAW – the Convention on the Elimination of All Forms of Discrimination Against Women; however, there is much more progress to be made because American women still confront issues such as lack of equity in pay, threats to economic security, inadequate maternal health care, human trafficking and violence against women.

Abroad the issues women confront are much more immense. One out of every three women worldwide will be physically, sexually or otherwise abused during her lifetime, with rates reaching as high as 70 percent in some countries-- ranging from rape to domestic violence and acid burnings to dowry deaths and so-called honor killings. In Kenya, 95 percent of the women who had experienced sexual abuse in their workplace were afraid to report the problem for fear of losing their jobs. We are all aware of the horrific instances of mass rape in the Democratic Republic of Congo, where each year, up to 15,000 women are victims of brutal sexual violence. Women around the world are working desperately to change the laws and battle outdated customs in their countries that routinely allow women and girls to be raped, beaten or deprived of any legal rights, even the ability to see a doctor or leave the house alone.

But gender inequality goes far beyond those issues. Women are much more likely to be among the world's poorest, living on a $1 a day or less; this prevents them from getting an education, going to work, and earning the income they need to lift their families out of poverty. And lift their families is indeed what happens when women are given opportunities for education. They are the drivers for bettering their families and communities. Educating and empowering women has a well-proven economic multiplier effect. CEDAW is a key part of this fight around the world and it should become a symbol that the U.S. stands for women's rights everywhere.

The U.S. has always been a committed and active leader on human rights. The promotion and

protection of human rights has become a core value in our society. The U.S. has ratified similar treaties on genocide, torture, race and civil and political rights. Despite this positive track record, we have failed for 30 years to ratify the only comprehensive international human rights treaty concerned solely with the rights of women. With 186 of 193 countries having already ratified the treaty, we are the only industrialized democracy who has not done so. It is time for us to stop holding international governments to a higher standard than the one we proscribe to.

Finally ratifying this treaty will help open the lines of communication at home and aboard. We will be able to discuss how best to promote healthier and more secure lives of women at home and abroad. In the international forum, we can gain insights from countries like Germany, Poland, Portugal, Spain or the U.K., which have all improved maternity leave and child care for working women. Best practices from their experiences can serve as a blueprint on how to further progress towards the total realization of the human rights for U.S. women.

We will also be able to more legitimately engage in the discussions which highlight where more attention is needed, how to develop strategies to move forward, and lend our expertise to other countries. These actions will send the strong signal to other governments that women's human rights are a global priority to which the U.S. is wholeheartedly committed.

For many women around the world, severe gender inequality is deeply enshrined in law, whether it's the lack of protection from violence, or the lack of secure property rights. In the U.S., we have yet to fully integrate gender considerations into our foreign assistance programming so that we take into account both women's and men's roles in solving today's global challenges. Ratifying CEDAW would be a powerful step in that direction.

My interest in and commitment to human rights, civil rights and, therefore, women's rights, has been long-standing. In the many decades I have committed to this cause, I believe that no one has succinctly described the issue as well as then-First Lady and now Secretary of State Hillary Rodham Clinton when she stated to the Beijing World Conference on Women 15 years ago that: "Women's rights are human rights."

For all of these reasons, and on behalf of all of the women in the U.S. and around the world, as a member of the Senate Foreign Relations Committee and Chairman of the U.S. Helsinki Commission, I am fully committed to the ratification of CEDAW and urge my colleagues to allow a long-overdue vote on this treaty.

Does CEDAW Promote Abortion?

Briefing for Senate Judiciary Committee, Subcommittee on Human Rights and the Law

Submitted by Susan Yoshihara, Ph.D.
Vice President and Director of Research,
Catholic Family & Human Rights Institute, New York
November 18, 2010

I submit this testimony as an expert on CEDAW having followed the treaty for many years and personally witnessed many CEDAW committee country reviews.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is not just a document declaring the equal rights of women, it is a binding treaty that if ratified would be the law of the land. It is prudent to take a hard look at the work of the treaty monitoring body, the CEDAW committee, since they will be reviewing and recommending American social law and policy if the treaty is ratified.

CEDAW's advocates dismiss criticisms that CEDAW promotes abortion, saying the treaty is silent on abortion. They are right.

At the same time, both the pro-choice Human Rights Watch and pro-life Focus on the Family have documented the fact that the CEDAW committee has directed more than 80 nations to change their laws on abortion even though the treaty is silent on abortion.[1] What explains this?

The answer is that the CEDAW committee routinely oversteps its mandate and misinterprets the treaty by reading abortion and other controversial policies into the document as "rights." This despite the fact that the treaty never mentions abortion.

Some say the work of the committees is meaningless, with no effect on sovereign states. This is false. In Colombia, the constitutional court struck down that nation's laws

[1] Human Rights Watch, "International Human Rights Law and Abortion in Latin America," July 2005, 5; Focus on the Family, "*CEDAW Committee Rulings Pressuring 83 Party Nations to Legalize Abortion 1995-2010.*" Available at http://www.c-fam.org/docLib/20101022_CEDAWAbortionRulings95-2010.pdf

against abortion citing the CEDAW committee's views. When the high court of Mexico upheld the new liberal abortion laws of Mexico City, two judges writing in accordance with the ruling also cited treaty obligations under CEDAW.

Thus it is disingenuous to say that even if the U.S. ratifies CEDAW it will not affect any U.S. laws. If ratified, CEDAW will become adjudicable and be subject to myriad lawsuits.

Passage of CEDAW by the United States will ensure that CEDAW is referenced when Roe v. Wade is revisited by the Supreme Court. The treaty will either be referenced by the majority upholding Roe or by the minority when Roe is overturned. The Supreme Court of the United States has already begun referencing international instruments, so CEDAW will likely be referenced the same way.[2]

I addressed U.S. ratification with the CEDAW committee, and asked committee member Shanthi Dairian what the committee's position would be regarding U.S. abortion law. Specifically, I asked her whether she believed the American Bar Association's fact sheet stating that abortion rights are not part of the treaty was accurate. She responded by saying "abortion rights are in the spirit of the treaty."[3] She explained that abortion rights are implicit in the treaty's non-discrimination article, and in other places, including article 12 on health.

Why would a committee member feel so emboldened as to state for the record that CEDAW would hold the United States to such an obligation? What explains such overconfidence? The committee has grown so accustomed to pressuring states parties to liberalize abortion, that they have no qualms speaking openly about the treaty's implicit right to abortion.

This was not the case before 1996. That year a group of UN staff, abortion rights groups, and members of the six UN human rights treaty bodies met at Glen Cove, New York and set forth a strategem for creating an international right to abortion through the treaty monitoring bodies.[4] In 1998, the CEDAW committee welcomed the outcome document from that meeting, called the Roundtable Report.[5]

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[2] *See* Roper v. Simmons, 543 U.S. 551 (2005), which references article 37 of the Convention on the Rights of the Child to support the holding that the death penalty for juveniles constitutes "cruel or unusual punishment" under the 8th Amendment of the U.S. Constitution. The United States has not ratified the Convention on the Rights of the Child; *See also* Lawrence v. Texas, 539 U.S. 558 (2003). The majority cited an amicus brief by former Irish president Mary Robinson urging the justices to consider international law when they overturned Texas' sodomy laws.

[3] Shanthi Dairian, CEDAW committee expert, statement at the Commission on the Status of Women, March 5, 2007.

[4] Douglas Sylva and Susan Yoshihara, "Rights by Stealth: The Role of UN Human Rights Treaty Bodies in the Campaign for an International Right to Abortion," *National Catholic Bioethics Quarterly*, vol.7, no.1 (2007), 100-104.

[5] General Assembly, Fifty-third Session, "Report of the Committee on the Elimination of Discrimination against Women, 18th and 19th Sessions," supplement 38, 1998 (A/53/38/Rev. 1), 37-38, http://www.un.org/womenwatch/daw/cedaw/reports/18report.pdf , cited in Douglas Sylva and Susan Yoshihara, "Rights by Stealth: The Role of UN Human Rights Treaty Bodies in the Campaign for an International Right to Abortion," 100.

The next year, the committee created its own interpretation of the articles of the treaty to find a right to abortion. Most pertinent is the committee's "general recommendation 24" by which it interprets the health article.[6] That interpretation states that, "When possible, legislation criminalizing abortion should be amended."[7] The interpretation promotes judicial activism to promote abortion, warning states that they "must also put in place a system that ensures effective judicial action. Failure to do so will constitute a violation of article 12."

If the states that negotiated the treaty had thought that the health article might be interpreted to include abortion, they would have made reservations or statements at the time they adopted or ratified the treaty. But not a single one of the 185 countries that ratified the treaty has made a reservation to article 12, even those with restrictive laws against abortion. This is true even though states made far more reservations to CEDAW than they did to similar treaties. Yet the CEDAW committee continues to say that the "spirit of the treaty" includes a right to abortion.

In addition to abortion, litigious activists will use a ratified CEDAW to change other American laws. For instance, the CEDAW committee regularly misinterprets the treaty to pressure states to impose a quota system called "gender balancing," insisting that national and local governments should be half male and half female. If the United States ratifies CEDAW, it would be used in attempts to impose a quota system for federal and state political office holders.

Legal activists are already preparing for this. Janet Benshoof said that U.S. ratification of CEDAW would bring "radical transformation of American law." Benshoof, the founder of the abortion advocacy law firm Center for Reproductive Rights, and two UN officials stated recently that the United States would need to impose the "temporary special measures" of CEDAW article 4 to bring about equal participation of women in all areas of society.[8]

The Obama administration recently said it "views CEDAW as a powerful tool for making gender equality a reality." The style of gender equality in the treaty is based upon outcomes and not opportunities, and thus is incompatible with American law. As CEDAW committee member Hanna Beate Schopp-Schilling recently said, the treaty "defines discrimination both as an intentional and an unintentional act, the latter being discriminatory in its *effect*."[9] It appears that the Obama administration welcomes the

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[6] CEDAW Committee, General Recommendation 24, available at http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom24

[7] General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), resolution 34/180 (December 18, 1979), General Recommendation 24.

[8] Terrence McKeegan, "NYU Law Panelist: CEDAW Would Bring 'Radical Transformation of American Law,'" C-FAM *Friday Fax*. Available at http://www.c-fam.org/publications/id.1605/pub_detail.asp

[9] Hanna Beate Schopp-Schilling, "The Nature and Mandate of the Committee," in Hanna Beate Schopp-Schilling and Cees Flinterman, *The Circle of Empowerment: Twenty-Five Years of the UN Committee on the Elimination of Discrimination Against Women* (New York: The Feminist Press at the City University of New York, 2007), 17. Emphasis original.

committee's definition of gender equality, since in referencing the need for ratification it said that "gender equality does not yet exist in any country,"[10] including the United States.

I have personally witnessed dozens of CEDAW committee country review sessions and have heard committee members routinely badger states parties in attempts to promote radical social policies. I heard committee member Tiziana Miaolo congratulate the Netherlands for legalizing prostitution "just like any other profession" and tell national officials they needed to document the amount of time Dutch men spend doing household chores. I heard committee member Glenda Simms warn an Indonesian official that he must instruct men how to treat their wives who had immigrated from more progressive societies.

I can recount numerous other examples of the committee using its valuable time to press for social policies not even addressed in the convention, rather than promote genuine needs of women who still need basic civil rights. Imagine the committee humiliating U.S. officials with such overbearing attitudes. What would the American people think about having an elite UN committee like CEDAW bypass their national, state, and local elected officials in dictating social policy?

One reason the committee oversteps its mandate is that members act in their personal capacity and do not report to any elected official. In effect, they are unaccountable. A second reason is that nearly half come from activist non-governmental organizations (NGOs) and promote their own agenda. For example, Silvia Pimentel, one of the longest serving CEDAW members, was the founder of CLADEM, a Latin American abortion advocacy group.

Third, committee members remain closely linked to other activist NGOs. In fact, in the last two years the committee increased the amount of time they allow NGOs to lobby the committee with "shadow reports" in the weeks before country review sessions. The abortion rights law firm Center for Reproductive Rights routinely submits such reports while simultaneously bringing lawsuits against abortion laws in the countries under review which, in turn, cite CEDAW committee pronouncements. In the case of Colombia, this interlocking stratagem was successful in getting that nation's constitutional court to liberalize abortion. The same stratagem is in play in numerous other nations and would be used in U.S. courts.

Fourth, many of the committee members retain virtually permanent appointments. Rosario Manalo served on the CEDAW committee for seventeen years, and between 1997 and 2006 led the committee's pressuring of Australia, Chile, Colombia, the Dominican Republic, Ecuador, Ethiopia, Ireland, Italy, Jordan, Lebanon, Luxembourg, Mexico, Nepal, Northern Ireland (UK), Paraguay, Portugal, Togo, and Zimbabwe to liberalize their abortion laws or policies.[11]

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[10] U.S. State Department spokesman Robert Wood, "Thirtieth Anniversary of the United Nation's Adoption of CEDAW." Available at http://www.state.gov/r/pa/prs/ps/2009/dec/133893.htm

[11] Douglas Sylva and Susan Yoshihara, "Rights by Stealth: The Role of UN Human Rights Treaty Bodies in the Campaign for an International Right to Abortion," 117.

Fifth, in the words of CEDAW expert Ferdous Ara Begum, the committee sees the treaty as a "living instrument."[12] The problem with this is that if the committee can reinterpret the treaty at will, then nations do not know what they are obligated to do from year to year. This erodes consent, the very foundation of international law.

Committee members have taken it upon themselves to interpret the treaty as though they were jurists with the authority to interpret the law. The fact is that most of the 23 members of the committee have no law degree or any legal background at all. Legal activists then cite the committee's recommendations and interpretations as high legal authorities in order to press their cases for new "rights" in domestic courts.

Indeed, the committee has no mandate to interpret the treaty. Article 17 of the treaty states that the committee was established "For the purpose of *considering the progress* made in the implementation of the present Convention."[13] Committee member Hanna Beate Schopp-Schilling has admitted to a gross overstepping of the committee mandate: "The Committee addresses its general recommendations, through which it *interprets* the meaning of the Convention's articles, to States Parties. Such interpretations proved contentious in the early years due to political and legal differences among experts. Committee members disagreed about whether the Committee had a mandate to interpret the Convention."[14]

It is remarkable that committee members speak so openly about their overreach and their disregard for the will of sovereign states. It is even more remarkable that the United States might subject itself to review by such a committee.

The Obama State Department says that "no other document comprehensively provided protection for the rights of women."[15] But the fact is that the U.S. Constitution protects Americans to a far greater degree than this controversial treaty. After 30 years, there is little evidence that the CEDAW treaty or committee has done as much for women.

The just-released UN Human Development Report finds that the highest gender inequality in the world is found in states that ratified CEDAW decades ago.[16] UN Secretary General Ban ki-Moon recently admitted that violence against women is "severe and pervasive" around the world despite UN efforts and despite the fact that 186 nations have ratified CEDAW.[17] Does anyone think, as some witnesses before this committee

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[12] Ferdous Ara Begum, "Ageing, Discrimination, and Older Women's Human Rights From the Perspective of the CEDAW Convention," 3 (March, 2010). Available at http://www.globalaging.org/agingwatch/cedaw/cedaw.pdf

[13] Convention on All Forms of Discrimination Against Women, article 17. Available at http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article17. Emphasis added.

[14] Hanna Beate Schopp-Schilling, "The Nature and Mandate of the Committee," in Hanna Beate Schopp-Schilling and Cees Flinterman, *The Circle of Empowerment: Twenty-Five Years of the UN Committee on the Elimination of Discrimination Against Women* (New York: The Feminist Press at the City University of New York, 2007), 255. Emphasis added.

[15] Ibid.

[16] United Nations Development Program, *Human Development Report 2010: The Real Wealth of Nations, Pathways to Human Development* (New York: Palgrave Macmillan, 2010), 94.

[17] "Violence Against Women 'Severe, Pervasive' Worldwide, U.N. Report Says," *Medical News Today*, October 16, 2006. Available at http://www.medicalnewstoday.com/articles/54043.php

asserted, that if the United States ratified CEDAW that the Taliban would stop throwing acid in women's faces?

Ratifying CEDAW will not enhance the moral standing of Americans on the issue of women's rights. The fact that the United States ratified the International Covenant on Civil and Political Rights (ICCPR) and other international instruments has not stopped human rights violations across the globe, mostly by parties to the same treaties.

The world measures U.S. moral leadership not by what treaties it has ratified but by what it does for women everyday, at home and abroad: delivering security, civil rights, good governance, access to clean water, basic health care, and better education. Not only must the U.S. reject ratifying CEDAW, it should call on states parties to defy the CEDAW committee when it pressures them to liberalize abortion, legalize prostitution, and when it otherwise abuses its elite UN position to exploit the hopes of women in order to push a radical social agenda.

Rejecting the controversial CEDAW treaty and its discredited version of women's rights is an important step for advancing American credibility on human rights and restoring a proper understanding of international law and human rights.

CATHOLICS
FOR
CHOICE

IN GOOD CONSCIENCE

November 18, 2010

The Honorable Richard Durbin
Chairman, Subcommittee on Human Rights and the Law
Committee on the Judiciary
US Senate
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

Catholics for Choice is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women [CEDAW].

Catholics for Choice works to shape and advance sexual and reproductive ethics that are based on justice, reflect a commitment to women's well-being and respect and affirm the capacity of women and men to make moral decisions about their lives. For more than 35 years, CFC has been at the forefront of national and international debates on the intersection of faith, women's health and reproductive rights and justice.

The provisions in CEDAW reflect the values of American Catholics, as well as those of millions of people who subscribe to other faiths or none across this country. CEDAW aims to end trafficking and violence against women, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that treat women equally are prosperous, stable societies.

The United States' conspicuous absence from the global consensus supporting this convention undermines both the ideals of opportunity and equality set out in CEDAW and this country's ongoing commitments to be a global leader in advancing the rights and health of women and girls. Ratification of CEDAW would signal the United States' commitment to women's progress around the world, and here at home. The Senate should vote to ratify CEDAW now.

Sincerely,

Jon O'Brien
President

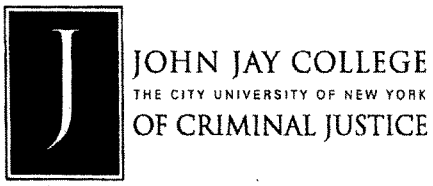
[illegible] NW, [illegible] • Washington, DC [illegible] • tel [illegible] • fax [illegible]
[illegible]

PRESIDENT
[illegible]

VICE PRESIDENT
[illegible]

BOARD OF DIRECTORS
[illegible]

INTERNATIONAL PARTNERS
[illegible]



REBECCA LANDY, JD
ASSISTANT DIRECTOR, CENTER FOR INTERNATIONAL HUMAN RIGHTS

November 15, 2010

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The Center for International Human Rights at John Jay College of Criminal Justice is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women [CEDAW].

The Center for International Human Rights (CIHR) at John Jay College of Criminal Justice was established in 2001 with a mandate to study the main challenges to the promotion and protection of internationally recognized human rights norms; analyze and assess the intersections between human rights violations and international crimes; investigate genocide historically and in the contemporary world; and devise educational programs aimed at increasing awareness of these norms. Since its establishment, the Center has been very active in the areas of research and outreach activities and has provided, via research assistantships, opportunities to CUNY students for involvement in Center-led activities. The research, events, and outreach of the CIHR demonstrate our commitment to the full protection of international women's human rights and an end to discrimination against women.

The United States has long been recognized as a leading voice for women's rights and human rights, which makes our failure to ratify CEDAW all the more troubling. We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. (The others are Iran, Sudan, Somalia, and three small Pacific Islands.) The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

CEDAW, unquestionably, embodies American values. It seeks to end violence against women and trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous, stable societies. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

Sincerely,

Rebecca Landy

755 57th STREET, SUITE 607 . NEW YORK, NY 10019 T.212.484.1352 F.646.557.4570 rlandy@jjay.cuny.edu

WOMEN'S RIGHTS ARE HUMAN RIGHTS:
U.S. RATIFICATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Statement Presented by: New England Law | Boston
Center for International Law & Policy*

Submitted to: Senate Judiciary Committee
Subcommittee on Human Rights and the Law

The Honorable Richard J. Durbin, Chairman

November 18, 2010

GENERAL OVERVIEW OF CEDAW

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted in 1979. As of 2010, 186 States are parties to this treaty. The Committee that monitors implementation of the Convention is composed of 23 experts who provide guidance on best practices in the area of women's rights. This expert body makes recommendations, which are not binding, with the goal of eliminating discrimination against women.

The CEDAW Committee (the Committee) is not a court and its members are not judges. They are experts in the subject matter to which the Convention pertains. The role of the Committee is not to denounce violations of the Convention, but to assist States Parties in their efforts to comply with their obligations.[i] It is for this reason that the Committee, in fulfilling its role under the Convention, envisions its interaction with States Parties as a "constructive dialogue."

The Committee implements its mandate primarily through a process of periodic reporting. States Parties send an initial report to the Committee within one year of becoming a party, and thereafter every four years. The report sets forth the measures the State Party has taken to give effect to its obligations under the treaty. On the basis of this report, the Committee engages in a constructive dialogue with the State Party in an attempt to assist it in further implementing its obligations. As part of this process, the Committee typically makes recommendations on issues affecting women's equality to which it believes a particular State should devote more attention. The recommendations are reflected in the Committee's "Concluding Observations," which are adopted by consensus and issued publicly at the conclusion of the meeting.

The CEDAW Committee recommends measures that it believes will be favorable to achieving gender equality. The way that each State is approached differs depending on the various circumstances of that State and what the Committee believes are best practices for achieving the Convention's goals in the specific context of the individual State.

The Committee makes use of its particular expertise when making recommendations to States Parties, and is careful not to over-step its mandate. Individual Committee members may comment on ways to deal with specific gender equality issues during the review process. These individual opinions, which can sometimes be taken out of context or occasionally be perceived of as extreme, are of little authority. Further, the fact that the Committee does not officially adopt these suggestions in their Concluding Observations shows that the Committee is not unduly influenced by individual views that do not conform to overall best practices. The recommendations made in the Concluding Observations are a consensus of the Committee's

expert opinions on best practices, rather than a reflection of individual committee members' idiosyncratic opinions.

The Committee has also developed a practice of issuing General Recommendations, in line with the practice established by other human rights treaty-bodies, such as the Committee Against Torture, the Human Rights Committee, and the Committee on the Elimination of All Forms of Racial Discrimination, all of which were established under treaties to which the US is a party. These non-binding opinions reflect the Committee's interpretations of the Convention. They are issued by the Committee with the goal of helping to clarify provisions in the treaty that may be ambiguous. As such, they represent a useful starting point for discussions among the States Parties regarding the scope of CEDAW's provisions with respect to contexts in which the meaning of the Convention's provisions may not be readily apparent.

WHY THE US SHOULD RATIFY CEDAW

As a State Party to CEDAW, the United States would have the opportunity to constructively participate in the interpretation and application of the treaty. With ratification, the U.S. would be able to share its own experiences and views on issues affecting gender equality. In addition, the U.S. would be able to contribute its ideas on best practices for achieving gender equality with the Committee, as well as with other States Parties, and would also have the chance to nominate an expert to serve on the Committee. Furthermore, ratification would give the United States standing to protest other States Parties' violations of the treaty. Overall, ratification would grant the U.S. an opportunity to shape the dialogue on women's rights and further help in the transition towards human rights for all.

U.S. ratification would send a strong symbolic message of support for international women's rights. Implementation of CEDAW has led to the improvement of women's rights in numerous States Parties. It has provided women with greater legal protections and has been largely effective in addressing many issues of societal inequality. From the implementation of legislation combating domestic violence, sexual harassment, and the exploitation of prostitution, to the establishment of property and other citizenship rights in States Parties, there are numerous examples of women who have benefited from CEDAW.[ii] Overall, it has been an invaluable tool for women around the world in combating various forms of gender discrimination. U.S. ratification would further bolster global efforts to eliminate discrimination against women.

By becoming a party to CEDAW, the United States would be reinforcing its commitment to women's rights both domestically and abroad. There are some States Parties that do not take all CEDAW obligations seriously and are hypocritical in their implementation of the Convention. The U.S. needs to actively engage with States Parties to move things in the right direction, to get its views taken seriously, and to share the benefits of its own experience.

Ratification can help in that effort and can also be the basis for closely looking at internal performance. It must be recognized that there may be ways in which the U.S. can also benefit from the Committee's work on best practices and instances where domestic laws might be discussed and refined through the legislative process.

Following is a review of how the Committee has dealt with specific issues of gender-based discrimination and an analysis of how CEDAW would likely affect the United States, if it were to ratify the Convention:

GENDER STEREOTYPES

Article 5(a) of the Convention states that Parties "shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."[iii] Deep-rooted cultural stereotypes that portray women *exclusively* as wives and mothers continue to negatively affect women in their pursuit of equality. These stereotypes create difficulties for women who want to pursue higher education and participate in the workforce, and, in some cultural contexts, place women in a subordinate role within the family dynamic. The Committee does not contend that women should not be seen or thought of as wives and mothers, but rather that they be should placed on an equal footing with men so that they may pursue any path they choose.[iv]

The Committee generally recommends that States foster and support awareness-raising campaigns that aim to eradicate negative cultural stereotypes regarding women.[v] In doing so, the Committee sometimes encourages media outlets to promote messages of gender-equality[vi] and generally suggests that negative gender-based stereotypes be removed from State educational systems in order to foster the growth of positive images in children from a young age.[vii] The Committee also usually suggests that States collaborate with organizations, community leaders and other entities that are working to foster positive cultural images.[viii] Additionally, it may ask the State to increase the number of women in government and decision-making organizations in order to promote positive images of women in the workforce and public arena.[ix]

There has been some controversy related to one recommendation made to Belarus, where there is a significant problem with women being limited to the singular role of mother. From all of the information gathered from Belarus, the CEDAW Committee believed that Mother's Day was used in the specific context of Belarussian society in order to perpetuate negative gender stereotypes there.[x] In this one isolated case, the Committee suggested the elimination of the holiday due to the specific cultural context that existed in Belarus.[xi] However, this was only one of the strategies suggested for the achievement of more equality in Belarusian society. Apart

from this one instance, the existence of Mother's Day has never been a factor in any of the other recommendations made by the CEDAW Committee in their Concluding Observations.

If the U.S. were to ratify CEDAW, there would be no suggestion that Mother's Day be eliminated. Gender stereotypes are not as prevalent in the United States as they are in other States Parties. While the Committee may point to instances where the U.S. could do better in eradicating stereotypes, either through media portrayals or educational materials, there would be no need for the extraordinary recommendations seen in the situation of Belarus.

FAMILY DYNAMIC

The Committee strongly encourages the continuation of the family unit and the essential benefits of such, and only seeks to eliminate discriminatory practices within the family unit.[xii] In many States, men are seen as the primary bread winner and women as the primary caregiver. The Committee seeks only to rectify the discrepancy in certain States where gender roles discourage a woman's place in the workforce and hinder overall equality.[xiii] Women are free to marry, have children, and become homemakers if they so choose. At the same time, these should not be the only roles available to women. The Committee simply seeks to give women equal rights within the family unit.[xiv]

In doing so, the Committee generally encourages States to: introduce maternity leave with pay or with comparable social benefits in order to protect mothers from discrimination and establish more equality in the workforce;[xv] encourage options for paternal leave so that men can have the opportunity to share in family responsibilities;[xvi] implement programs which promote men and women as equal partners in the home [xvii] and; facilitate the establishment of child care facilities so that women may more readily enter, and remain a part of, the workforce.[xviii] The Committee also strongly encourages equality in marriage and family relations and heavily discourages discriminatory traditional cultural practices such as polygamy and the marriage of minors.[xix]

With ratification, the United States would already be in compliance with CEDAW obligations regarding gender equality within the family and workforce. The Committee only tries to ensure that the opportunities for equality exist, and they already largely do in the United States. While the Committee could make suggestions for possible improvements, these would simply be recommendations drawn from best practices.

REPRODUCTIVE HEALTH

Under CEDAW, States Parties agree to take "all appropriate measures" to "eliminate discrimination against women" in access to information, resources, and services dealing with

family planning. They also commit to ensuring women equality in deciding on the number and timing of their children.

The Committee issues both general guidelines and State Party-specific guidelines on measures States Parties should take in light of the reproductive health obligations outlined in the Convention. The Committee has offered strategies to reduce unplanned pregnancy through safe and legal means available in individual States Parties. The Committee supports access to legal abortion in some circumstances, but it has discouraged the use of abortion as a means of birth control. The Committee has also offered approaches to reduce the incidence of abortion, whether legal or illegal, without negatively affecting women's health. Where abortion is illegal the Committee has offered strategies to maximize women's access to available health services in emergency situations.

The Convention calls on States Parties to take "all appropriate measures" to grant equality in access to health care and family planning information and services, but it does not mention a right to abortion.

Many of the States Parties to the Convention have extremely restrictive laws surrounding abortion. Indeed, thirty of the States Parties do not allow access to abortion even to save the life of the mother.[xx] Another thirty-three States Parties specifically limit access to abortion to instances where it necessary to save the life of the mother.[xxi] Of the sixty-three States Parties that prohibit abortion, even in cases of rape, incest, or to preserve the health of the mother in non-life-threatening situations, only Malta[xxii] and Monaco[xxiii] have made reservations explicitly stating they would not consider themselves to be bound by Article 16(1)(e) if it were to be interpreted as requiring the legalization of abortion.

The Committee has expressed concern when restrictions on reproductive health services have led to, or created a risk of, a negative impact on women's health or increases in maternal mortality rates. Regarding Timor Leste (East Timor), the Timorese government, in its initial report to the Committee, reported that its new penal code criminalized abortion. It also reported one of the highest maternal mortality rates in the region (660 per 100,000 births) and a high incidence of teenage pregnancy. Although the Timorese government stated that there were plans to reduce maternal mortality, the Committee was concerned about the health and safety of women and girls with such a restrictive ban placed on abortion.[xxiv] The Committee has not posted the Concluding Observations, regarding Timor Leste, but they will likely include asking the Timorese government to reexamine the prohibition on abortion and their negative implications for women's reproductive health.

Regarding Argentina's most recent report, the Committee was "concern[ed] about the high pregnancy rate among adolescent girls and about high maternal mortality, one third of

which is caused by illegal abortion."[xxv] The Committee urged the Argentine government to take further measures, such as increased access to reproductive health information and services for women and girls that would help in reducing unplanned pregnancies. The Committee also suggested that the Argentine government reexamine legislation related to removing some restrictions on abortion and reducing related maternal mortality.

The United States is currently in compliance with the reproductive health portions of the Convention. The United States provides adequate reproductive health information, education and resources sufficient to comply with the Convention. Although not required by the Convention, the United States has some of the most liberal abortion laws in the world. The access women in the U.S. have to abortion helps to avoid the risks of the secondary health issues prevalent in countries where abortion is highly restricted.

EXPLOITATION OF PROSTITUTION

Exploitation of prostitution exists in many States. Article 6 of the CEDAW Convention states that, "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."[xxvi] Thus, the CEDAW Committee works with all States Parties in eliminating the exploitation of prostitution.[xxvii] In most States where prostitutes are punished and those who solicit or profit from prostitution go unpunished, the CEDAW Committee has consistently recommended that such States balance their disproportionate criminalization of prostitution. They also recommend that States do more to reintegrate prostitutes, who might be victims and whose circumstances might warrant leniency, back into society.[xxviii]

The Committee does not condemn punishment of prostitution, and it in no way advocates that all States Parties should legalize prostitution. Most prostitutes undertake the job only as a last result and only because they find themselves in the most destitute of circumstances. Victims of human trafficking are among the most victimized class of women and the Committee urges State Parties not to punish these women for complying with their trafficker's demands that they prostitute themselves. It is in this context that the Committee urges State leniency regarding punishment for prostitutes.

When the Committee urges State Parties to balance the criminalization of prostitution, it does so, in many instances, in the form of encouraging State Parties to punish human trafficking offenders. In many States, there is no punishment for those who exploit prostitutes or force women into prostitution. It is in this context that the Committee makes recommendations requiring punishment for offenders.[xxix]

In the case of Guatemala, the Committee noted that the State had legislation prohibiting the use of prostitution, but no sanctions for violations. This ambiguity resulted in the exploitation of prostitution on numerous levels and left women objectified and in a worse position than their male criminal counterparts. The Committee did not recommend Guatemala legalize prostitution; it only suggested those who exploit prostitutes be punished accordingly.[xxx]

States Parties, such as Mexico and Israel, were encouraged to take comprehensive steps to combat male exploitation of prostitution.[xxxi] General policies of discouragement of exploitation of prostitutes were recommended, not specific legislation.

In the case of Angola, the Committee urged the State Party to provide more alternatives for women and girls so as to limit the appeal of a lifetime of prostitution.[xxxii] In the case of Jamaica, the Committee urged the State Party to take appropriate measures to combat the serious problem of exploitation of prostitutes associated with tourism.[xxxiii] These incidences represent extremely serious and specialized instances specific to individual State parties' history and current inability, or unwillingness, to protect the women placed in these dire circumstances.

Indeed, the Committee does not generally encourage the legalization of prostitution because it can easily lead to the exploitation of women. In the case of the Netherlands, where prostitution is legal, the Committee expressed concern over the lack of inspection of the brothels and insufficient assessment of foreign women working in these brothels.[xxxiv] The Committee did not express judgment regarding the legality of prostitution but noted that since it was legal, the State had a duty to ensure the safety of the women working in the brothels.[xxxv]

The Committee has abandoned its general approach of not encouraging legalization of prostitution only in one highly specialized case. Prostitution in China is so widespread and HIV/AIDS runs so rampant that criminalization of prostitutes would only further exploit women. In the case of China, women are forced into prostitution because of severe poverty and economic deprivation. The Committee urged decriminalization of prostitution only in the highly specific and unique context of China.[xxxvi]

The Committee would not endorse or encourage that the U.S. legalize prostitution. The history of the U.S. and its current position differ so radically from that of China that the Committee would never recommend the same thing for both States Parties. There would be no reason for the Committee to depart from its general policy of discouraging legalization of prostitution when evaluating the United States.

QUOTAS

The Committee generally recommends the use of temporary special measures for the advancement of women in decision making positions.[xxxvii] The Committee believes that temporary special measures are necessary for the realization of de facto equality in a State.[xxxviii]

The above statement encompasses the Committee's position towards the controversial remedy of installing quota systems to ensure women are given equal opportunities in political, academic, and other arenas of life. Emphasis should be placed on the temporary nature of these special measures. Indeed, that quota systems are discussed only within the broader context of *temporary special measures* is truly indicative of the Committee's intentions that these quota systems be used only as an interim measure to begin the eradication of gender inequality in the public sphere.

In the case of Peru, where vast gender inequalities permeate every sector of life, the Committee urged the State to implement these special temporary measures.[xxxix] However, the language used in the recommendation placed full emphasis on the long-term goal of achieving gender equality in the political sector.[xl] Peru was encouraged to create its own time table and process for implementing these temporary special measures because the Committee understands that only the State can implement measures truly in the best interest of its people. No deadlines were given and the State Party was given full discretion for proper procedure for implementation of these measures. The Committee made clear that promotion of women's participation in the public sphere was the only goal to accomplish.

In the case of Italy, the Committee astutely observed the connection between Italy's unwillingness to use temporary special measures and the decline of political participation by women in recent years.[xli] In a state where women's participation was already alarmingly low, this connection was both obvious and cause for concern. Temporary special measures were encouraged as the only means available to overcome centuries of male dominance in the political sphere. Without formal measures in the form of temporary special measures as encouraged by the Committee, centuries of male domination in the political sphere could never be overcome. Emphasis should again be placed on this particular State Party's long history of male domination and unwillingness to implement any concrete measures to overcome this domination and achieve equality.

Were the U.S. to ratify CEDAW, the Committee would not fail to take into account the radically different history of the U.S. from State parties such as Peru or Italy. Each country's unique history is considered when the Committee is determining whether temporary special measures are appropriate. Given the U.S.'s rate of women's participation in the public sphere, it is not overreaching to hypothesize that temporary special measures would not be needed. In the unlikely event the Committee did decide temporary special measures were appropriate, the U.S. could take comfort in knowing that as soon as women achieved equality in the public sphere the

quota system would be abolished. The U.S. could also implement the measures as it sees fit and in accordance with its domestic laws and cultural norms.

The Committee seeks only to ensure women are placed on an equal footing with men, not to place women in a superior position. The temporary special measures are aimed at achieving just that; forcibly accelerating the pace at which cultural stereotypes of male dominance are overcome so women and men can reach their rightful equal positions in all facets of life.[xlii]

WOMEN IN ARMED FORCES

The Committee has taken an entirely different position from temporary special measures when it comes to the issue of women in the armed forces. Quota systems are never encouraged or even suggested. States are encouraged only to ensure women have the *opportunity* to participate in peacekeeping and conflict resolution. Women are never mandated to enter combat. The Committee has expressed concern regarding women's participation in the military only when that participation is so low as to be *de minimus*.

For India, "the Committee recommend[ed] that women be given an opportunity to make their contribution to peaceful conflict resolution."[xliii] In the extremely specialized case of Israel, the Committee did approve the new draft bill, which would require the armed forces to be comprised of 25% women.[xliv] Emphasis was placed on the nature of Israel's inception coupled with the persistence of violence and conflict in that State.[xlv] All of these factors made full implementation of the Convention impossible and it was only for this reason that the Committee approved this new draft bill. It should be noted that the Committee itself never proposed this quota for women in the military and encouraged Israel only to continue its efforts to involve women in the peacekeeping process. The Committee was, of course, concerned that in isolated instances, including the State Party of Cyprus, women are entirely excluded from military participation- a fact that is not applicable to the United States.[xlvi]

In the case of the United Kingdom, the U.K. responded to the Committee's questions regarding State's reservation concerning women's exclusion from a few positions in the military. The U.K. explained, to the satisfaction of the Committee, that women were prohibited from entering only a few, specialized, areas of the military where the nature of the missions mandated this bar.[xlvii] The U.K. is in the midst of creating more family friendly policies within their military and raising the rate of women's retention in the military.

Were the U.S. to ratify CEDAW, the Committee would be unable to ignore women's high enrollment and retention rate in the U.S. military. It is unlikely the Committee would encourage the U.S. to undertake any drastic measures to raise women's participation rates. Women would never be mandated to enter the armed forces because that would conflict with

existing Committee beliefs and recommendations. Even in the special case of Israel, the Committee was in no way responsible for the draft bill requiring 25% female participation in the military. For the U.S., not much would change regarding women in the military due to the U.S.'s own initiative of ensuring women's equality in the armed forces.

For the few countries where the issue of women in the armed forces has arisen during Concluding Observations, the Committee has only recommended that women be given a role in peace processes and conflict resolution. The Committee has never interpreted the Convention as requiring that women be placed in combat positions. Rather, the Committee has expressed concern when women are completely excluded from all opportunities of participating in the State Party's military.

CONCLUSION

The United Nations Division for the Advancement of Women states that "[b]y accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including: to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women; to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises."[xlviii]

All of these obligations are in line with current United States policy. If the U.S. were to ratify CEDAW, it would already be in compliance with the overall objectives and obligations of the Convention. As one of the principle drafters of CEDAW itself, the United States should ratify the Convention in order to uphold its core principles both domestically and abroad. The advancement of women's rights has been a fundamental commitment of the United States for a long time. It is time for the United States to ratify CEDAW.

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[*] Prepared by Bradford Merzigian (project coordinator), Andrew Turco, Senya Ann Waas, Stephanie Cunningham, Elizabeth Siegel, Jen Boger, Leslie McCarthy, and Amanda Tarzwell, under the supervision of Professor John P. Cerone, Director of the Center for International Law & Policy.

[i] Even for those states that have become parties to the Optional Protocol to CEDAW, which provides for inquiry and individual complaints procedures, the role of the Committee is not that of a court. The Committee is limited to presenting its "views" on the complaint. These procedures apply only to States Parties to CEDAW that have also separately expressed consent to be bound by the Optional Protocol to CEDAW.

[ii] The United Nations Development Fund for Women, *Bringing Equality Home: Implementing the Convention on All Forms of Discrimination Against Women (CEDAW)*, 1998, at: http://www.unifem.org/attachments/products/BringingEqualityHome_eng.pdf

[iii] *See CEDAW Convention (Article 5) December 18, 1979.*

[iv] *See CEDAW Convention (Articles 5, 10, 11, 16) December 18, 1979; General Recommendation No. 19 (11th Session, 1992); General Recommendation No. 21 (13th Session, 1994).*

[v] *See Czech Republic CEDAW Committee 36th Session (August 7-25, 2006) CEDAW/C/CZE/CO/3; Syrian Arab Republic CEDAW Committee 38th Session (May 14-June 1, 2007) CEDAW/C/SYR/CO/1.*

[vi] *See Egypt CEDAW Committee 24th Session (January 15-February 2, 2001) A/56/38; Albania CEDAW Committee 28th Session (January 13-31, 2003) A/58/38.*

[vii] *See India CEDAW Committee 37th Session (January 15-February 2, 2007) CEDAW/C/IND/CO/3; Kazakhstan CEDAW Committee 37th Session (January 15-February 2, 2008) CEDAW/C/KAZ/CO/2.*

[viii] *See Guinea CEDAW 39th Session (July 23-August 10, 2007) CEDAW/C/GIN/CO/6.*

[ix] *See Egypt CEDAW Committee 24th Session (January 15-February 2, 2001) A/56/38.*

[x] *See Belarus CEDAW Committee 30th Session (January 12-30, 2004) A/59/38*

[xi] *See Belarus CEDAW Committee 22nd Session (January 17-February 4, 2000) A/55/38*

[xii] *See CEDAW Convention (Article 5) December 18, 1979.*

[xiii] *See CEDAW Convention (Article 11) December 18, 1979.*

[xiv] *See CEDAW Convention (Article 5) December 18, 1979; General Recommendation No. 21 (13th Session, 1994) Equality in marriage and family relations.*

[xv] *See Guyana CEDAW Committee 25th Session (July 2-20, 2001) A/56/38; See Panama CEDAW Committee 19th Session (June 22-July 10, 1998) A/53/38/Rev.1..*

[xvi] *See Iceland CEDAW Committee 26th Session (January 14-February 1, 2002) A/57/38.*

[xvii] *Czech Republic CEDAW Committee 18th Session (January 19-February 6, 1998) A/53/38/Rev.1; Italy CEDAW Committee 17th Session (July 7-25, 1997) A/52/38/Rev.1.*

[xviii] *See Austria CEDAW Committee 37th Session (January 15-February 2, 2007) CEDAW/C/AUT/CO/6; Canada CEDAW Committee 28th Session (January 13-31, 2003) A/58/38.*

[xix] *See Gabon CEDAW 32nd session (January 10-28, 2005) A/60/38; France CEDAW Committee 40th session (January 14-February 1, 2008) CEDAW/C/FRA/CO/6.*

[xx] *Center for Reproductive Rights, Our Issues, Abortion, World Abortion Laws 2008 Fact Sheet,* http://reproductiverights.org/en/document/world-abortion-laws-2008-fact-sheet (Nov. 20, 2008).

[xxi] *Center for Reproductive Rights, Our Issues, Abortion, World Abortion Laws 2008 Fact Sheet,* http://reproductiverights.org/en/document/world-abortion-laws-2008-fact-sheet (Nov. 20, 2008).

[xxii] "The Government of Malta does not consider itself bound by sub-paragraph (e) of paragraph (1) of article 16 in so far as the same may be interpreted as imposing an obligation on Malta to legalize abortion." *United Nations Treaty Collection, Chapter IV Human Rights, Convention on the Elimination of All Forms of Discrimination against Women,* Declarations and Reservations, Malta, Reservations, D. http://treaties.un.org/Pages/ ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en (accessed Nov. 28, 2009).

[xlvii] *See United Kingdom CEDAW Committee Pre-Session Working Group 41st Session (June 30-July 18, 2008) CEDAW/C/UK/Q/6/Add.1.*

[xlviii] United Nations Division for the Advancement of Women, Department of Economic and Social Affairs, at: http://www.un.org/womenwatch/daw/cedaw/cedaw.htm

CENTER
FOR
REPRODUCTIVE
RIGHTS

Written Statement of the Center for Reproductive Rights
Submitted to the United States Senate Judiciary Committee
Subcommittee on Human Rights and the Law

For November 18, 2010 Hearing on:
"Women's Rights Are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)"

Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The Center for Reproductive Rights (the Center) is pleased to submit this statement in strong support of ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Founded in 1992, the Center is a global human rights organization that uses constitutional and international human rights law to promote women's equality by establishing and protecting their access to reproductive health care and their control over reproductive health decisions as fundamental rights that all governments around the world must respect, protect, and fulfill. We have partnered with local lawyers and advocates in more than 50 countries across Asia, Africa, Europe, Latin America, and the Caribbean. The Center has UN consultative status, and has been engaging with UN treaty bodies and other human rights mechanisms, including the Committee on the Elimination of Discrimination Against Women (CEDAW Committee), for the past 15 years. We publish a series of briefing papers that analyzes how the CEDAW Committee and other treaty monitoring bodies have addressed reproductive and sexual health,[1] and we have submitted numerous shadow letters (reports prepared by non-governmental organizations to provide additional information about a country's human rights violations) to the CEDAW Committee.

About CEDAW. CEDAW is the only comprehensive international treaty that provides a roadmap for the advancement of women's human rights and obligates states to eliminate discrimination against women and achieve gender equality across political, civil, cultural, economic, and social life. CEDAW pushes countries to do better by women by putting forward goals for women's progress and setting standards for nations to work toward.

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[1] Center for Reproductive Rights, *Bringing Rights to Bear: An Analysis of the Work of UN Treaty Monitoring Bodies on Reproductive and Sexual Rights* (2008).

120 Wall Street
New York, New York 10005
Tel. 917 637 3600 Fax. 917 637 3666
www.reproductiverights.org

In countries that have ratified the treaty, CEDAW has helped women raise awareness and advocate for important changes to improve their lives. The Center has worked with advocates around the globe – in Brazil, Chile, Colombia, Ecuador, Egypt, India, Jamaica, Kenya, Lithuania, Malaysia, Mexico, Nicaragua, Nigeria, Peru, Philippines, Poland, Romania, Slovakia, South Africa, Thailand, and Uganda – using CEDAW's process of constructive dialogue to call attention to violations of women's human rights and to recommend critical reforms.

Protecting Women's Health. In particular, CEDAW is an effective tool in working to ensure that women throughout the world have access to the health care they need. The CEDAW Committee has made clear that the failure to provide health services that only women need is discrimination,[2] and has consistently and forcefully addressed the major women's health issues of our time, including:

Ending preventable maternal mortality and morbidity

- Globally, maternal mortality is the second leading cause of death among women and girls of reproductive age, and millions more suffer annually from disabling complications related to pregnancy and childbirth.[3]
- CEDAW recognizes that preventable maternal death and disability is discrimination against women. The Committee has urged governments to ensure that births are attended by trained personnel, that women have access to health-care facilities and emergency obstetric care, and to increase the availability of pre and postnatal care.[4]
- The Committee also calls on countries to track data on maternal mortality and the effectiveness of measures designed to reduce it, which helps countries take concrete steps forward in achieving these goals.[5]

Ending unsafe abortion

- Complications from unsafe abortions are estimated to account for 13 percent of maternal deaths worldwide,[6] and "an estimated 220,000 children . . . lose their mothers every year from abortion-related deaths."[7]

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[2] Committee on the Elimination of All Forms of Discrimination Against Women, General Recommendation 24: Women and Health, U.N. Doc. A/54/38/Rev/1 (1999).

[3] World Health Organization, *Women and Health: Today's Evidence, Tomorrow's Agenda* (2009), *available at-* http://whqlibdoc.who.int/publications/2009/9789241563857_eng.pdf; UK All Party Parliamentary Group on Population, Development and Reproductive Health, *Better off Dead? A Report on Maternal Morbidity* (May 2009), *available at* http://www.appg-popdevrh.org.uk/Publications/Maternal%20Morbidity%20Hearings/Maternal%20Morbidity%20Report%20-%20FINAL%20single%20page.pdf.

[4] *See, e.g.*, Nicaragua, ¶ 301, U.N. Doc. A/56/38 (2001); Gambia, ¶ 204, U.N. Doc. A/60/38 (2005); Malawi, ¶ 32, U.N. Doc. CEDAW/C/MWI/CO (2006); Burundi, ¶ 36, U.N. Doc. CEDAW/C/BDI/CO/4 (2008).

[5] *See, e.g.*, CEDAW Gen. Recommendation 24, supra note 2 at ¶ 26; Nambia, ¶¶ 24-25, U.N. Doc. CEDAW/C/NAM/CO/3 (2007); Turkmenistan, ¶¶ 36-37, U.N. Doc. , CEDAW/C/TKM/CO/2 (2006).

[6] Guttmacher Institute, *Facts on Induced Abortion Worldwide* (October 2009).

- The CEDAW Committee has encouraged countries to reform laws that impose criminal penalties on women seeking abortion services, recognizing that women who cannot obtain safe abortion turn to unsafe abortion, often at the cost of their lives.
- Where abortion is illegal, women who undergo clandestine abortions are often afraid to seek medical help if something goes wrong, and can be mistreated or denied care. The CEDAW Committee has emphasized that women should have real access to quality post-abortion care even in countries where abortion is illegal.[8]

Decreasing the HIV/AIDS infection rate and improving the lives of women living with HIV

- Women make up 50% of the 33.4 million people living with HIV/AIDS worldwide. In sub-Saharan Africa, the majority of individuals with HIV/AIDS are women.[9] Around the world, laws and policies stigmatize and discriminate against people living with HIV/AIDS; HIV-positive women experience delays and denial of healthcare, and are pressured or forced to undergo surgical sterilization.[10]
- The CEDAW Committee urges countries to collect reliable data on HIV/AIDS prevalence as a step toward addressing and reducing it.
- CEDAW also calls attention to women's and children's particular vulnerability to HIV infection, including the link between gender-based violence and the high prevalence of HIV/AIDS and other sexually transmitted infections in women, and encourages countries to take measures to address the needs of HIV-positive women and to prevent discrimination.[11]

Ending female genital mutilation

- Female genital mutilation threatens the physical and mental health of women and girls. It can also contribute to maternal death and disability and increase the risk of contracting HIV/AIDS. The World Health Organization estimates that 100-140 million girls and women worldwide suffer from the harmful consequences of female genital mutilation; another three million are at risk of being mutilated every year.[12]

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[7] David A. Grimes, et al, *Unsafe Abortion: the Preventable Pandemic*, 368 The Lancet at 1914 (Nov. 2006).
[8] *See, e.g.*, CEDAW Gen. Recommendation 24, supra note 2; Honduras, ¶ 25, U.N. Doc. CEDAW/C/HON/CO/6 (2007); Nicaragua, ¶ 18, U.N. Doc. CEDAW/C/NIC/CO/6 (2007).
[9] Joint United Nations Programme on AIDS (UNAIDS), 2008 Report on the Global AIDS Epidemic (Aug. 2008), *available at*, http://www.unaids.org/en/KnowledgeCentre/HIVData/GlobalReport/2008/2008_Global_report.asp; UNAIDS, *AIDS Epidemic Update* (November 2009), *available at* http://data.unaids.org/pub/Report/2009/JC1700_Epi_Update_2009_en.pdf.
[10] *See, e.g.*, Center for Reproductive Rights, *Dignity Denied: Violations of the Rights of HIV-Positive Women in Chilean Health Facilities* (2010), *available at* http://reproductiverights.org/sites/crr.civicactions.net/files/documents/chilereport_FINAL_singlepages.pdf.
[11] Committee on the Elimination of Discrimination against Women, General Recommendation 15: Avoidance of Discrimination against Women in National Strategies for the Prevention and Control of Acquired Immunodeficiency Syndrome (AIDS), U.N. Doc. A/45/38 at 81 (1990); CEDAW Gen. Recommendation 24, supra note 2.
[12] World Health Organization, Female Genital Mutilation, Fact sheet No.241 (February 2010), *available at* http://www.who.int/mediacentre/factsheets/fs241/en/print.html.

- CEDAW condemns female genital mutilation and other harmful practices, articulates concrete steps countries can take to end them, and encourages them to do so.[13]

Expanding access to family planning services, sexuality education and information on sexual and reproductive health

- Access to sexual and reproductive health information and contraception increases the likelihood that girls will complete their education and that women will have healthier pregnancies. The ability to decide whether and when to have children based on one's own particular needs and circumstances benefits women and their families, and promotes women's equal participation in society.
- CEDAW recognizes the importance of access to sexual and reproductive health information and family planning services in empowering women and girls to make good choices and lead healthy lives. The CEDAW Committee has called particular attention to the need for real access to modern contraception, particularly in rural or resource-poor areas.

CEDAW's goals are shared by the U.S. government and its people. The U.S. is working around the world to reduce maternal mortality and increase access to family planning services, and is committed to "promoting the rights of people living with HIV/AIDs, fighting against stigma and discrimination, and supporting women's rights."[14] U.S. ratification of CEDAW would strengthen these efforts and make the U.S. an even more effective leader in global progress on women's health and equality.

Some have argued that the CEDAW Committee's efforts to protect women from the dangers of unsafe abortion are a reason to oppose ratification. As described above, the CEDAW Committee expresses concern where women face imprisonment for obtaining abortion services. The Committee encourages countries to consider removing criminal penalties on women who undergo abortion, to make legal abortion available where women's lives or health are threatened, or in cases of rape and incest, and to give women real access to treatment for complications from unsafe, clandestine abortion. The Committee's approach to this issue is consistent with U.S. law, which recognizes the constitutionally protected right to abortion.[15] The U.S. Supreme Court has repeatedly held that blanket restrictions that do not allow women access to abortion when their health or life is in danger are unconstitutional.

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[13] Committee on the Elimination of Discrimination against Women, General Recommendation 14: Female Circumcision (9th Sess., 1990), in Compilation of General Comments and General Recommendations by Human Rights Treaty Bodies, at 211, U.N. Doc. HRI/GEN/1/Rev.5 (2001).

[14] Bureau of International Organization Affairs, *U.S. Human Rights Commitments and Pledges: Produced in Support of the United States Candidacy for Membership in the UN Human Rights Council* (April 27, 2009), *available at* http://www.state.gov/documents/organization/122476.pdf.

[15] *Roe v. Wade*, 410 U.S. 113 (1973); *Planned Parenthood v. Casey*, 505 U.S. 833 (1992).

U.S. Leadership and the Benefits of Engagement. CEDAW is prompting a global conversation on women's human rights. The U.S. should be a key voice in this dialogue, but instead it is missing in action. Our silence on CEDAW stands in stark contrast to our engagement with other human rights initiatives. The U.S. played a significant role in founding the United Nations, is a member of the UN Human Rights Council, and has ratified a number of major international human rights treaties including: The Convention on the Prevention and Punishment of Genocide, the Convention Against Torture, the International Convention on Civil and Political Rights, and the Convention to Eliminate Racial Discrimination. Women's human rights deserve the same sustained, vocal, and collaborative commitment.

CEDAW has been ratified by 186 countries. The U.S. is one of only a handful that have failed to join, and the only industrialized nation not to do so. Ratifying the treaty would give the U.S. greater legitimacy in its efforts to combat violations of the human rights of women worldwide, which would in turn strengthen CEDAW's effectiveness. Through participating in CEDAW and nominating members of the CEDAW Committee, the U.S. would be able to encourage the international community to improve the human rights of women around the globe.

Ratification would also garner benefits at home. By engaging in CEDAW's periodic review process, the U.S. would have the opportunity to participate in a constructive dialogue on women's human rights, identifying areas for improvement and sharing best practices. Ratifying CEDAW would strengthen the existing U.S. commitment to women's rights, and would encourage efforts toward further progress.

Conclusion. In the 31 years since CEDAW was adopted by the General Assembly of the United Nations, it has made a difference in the lives of women, families, and communities around the world. But as the struggle for human rights continues, far too many women are still denied dignity, self-determination, and access to basic healthcare free from coercion or discrimination. By ratifying CEDAW, the United States would signal its commitment to these women both at home and abroad.

We urge the Senate to ratify CEDAW and stand up for women and girls in the U.S. and around the world.

Nancy Northup
President
Center for Reproductive Rights

Cynthia Soohoo
Director, U.S. Legal Program
Center for Reproductive Rights

SERIOUS ABOUT WOMEN'S RIGHTS? THEN THE U.S. GOVERNMENT MUST RATIFY CEDAW

November 2010

The Center for Women's Global Leadership, and the 100 organizations and individuals listed below, call on the U.S. Congress to ratify the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) without delay. CEDAW establishes an international legal framework for the achievement of gender equality, affirming that women and men enjoy all human rights on an equal basis. It provides a regular system for assessing progress in promoting, protecting and fulfilling women's human rights; and thus, it is an instrument to hold governments accountable. Ratification of CEDAW has led to positive changes for women around the world, combating diverse forms of violation of women's rights from violence against women, to labor market discrimination, to high rates of maternal mortality.

By not ratifying CEDAW, the U.S. places itself amongst the very few nation states, including Iran and Sudan, who have not yet ratified the Convention. The U.S. government has ratified the Convention on the Elimination of All Forms of Racial Discrimination (CERD), so why not CEDAW? In the United States, women and girls, especially women and girls of color still face discriminatory practices, and still have a long way to go to attain equality.

CEDAW covers civil and political rights including provision for affirmative action and the rights to education, health, employment and other areas of economic and social life. It calls for more than just laws that eliminate overt discrimination; it calls for measures that enable women to enjoy substantive equality. CEDAW, and its associated system of monitoring compliance, has the potential to foster national and international dialogue and cooperation around improving women's lives, and expanding understanding of how to end violations of women's rights.

The U.S. needs CEDAW because:

- Though the federal Violence Against Women Act ("VAWA") was passed in 1994, and has enhanced the investigation and prosecution of perpetrators of violence against women, domestic violence remains a serious problem in the U.S. On average four women per day are murdered and 5.5 million women per year physically assaulted or raped by intimate partners.
- Women working full-time today earn, on average, only 77 cents for every dollar paid to men. This is especially harmful given that women are the primary breadwinners in nearly 4 in 10 families.
- In 2008, 37 percent of single-mother households were food insecure at some point during the year. A 2007 USDA study found that about 85 percent of households with food insecure children had a working adult, including 70 percent with a full-time worker. The problem is not simply the unavailability of jobs, but also that the lack of decent work is a severe problem for racial and ethnic minorities and women.

Center for Women's Global Leadership, Rutgers, The State University of New Jersey
160 Ryders Lane, New Brunswick, New Jersey 08901, www.cwgl.rutgers.edu, cwgl@rci.rutgers.edu

- Between two and three women die every day during pregnancy and childbirth in the USA: women of color, those living in poverty, Native Americans and immigrant women and those who speak little or no English are particularly affected. One in four women do not receive adequate prenatal care, starting in the first trimester. The number rises to about one in three for African American and Native American women.

CEDAW would provide a stimulus for greater focus on these disparities; for more effective enforcement of antidiscrimination law; and for more equitable access to vital services. While ratification of CEDAW cannot achieve women's equal enjoyment of rights overnight, it opens up a new process of reporting and monitoring that will empower U.S. women to hold their government accountable.

ORGANIZATIONS (66)

Amnesty International Ithaca Chapter, Group 73, United States
Amnesty International USA, United States
Asia Pacific Forum for Women, Law and Development (APWLD), International
Association for Women's Rights in Development (AWID), International
BAOBAB for Women's Human Rights, Nigeria
Canadian Federation of University Women (CFUW), Canada
Center for Constitutional Rights (CCR), United States
Center for Justice & Accountability, United States
Center for the Human Rights of Users and Survivors of Psychiatry (CHRSUP), United States
Dab The AIDS Bear Project, United States
Deutscher Frauenring e.V. , Committee for International Work, Germany
Episcopal Church Women of St. Mary's Episcopal Church, United States
Equality Now, International
Feminist Majority Foundation, United States
Gender Center, Republic of Moldova
Global Action on Aging, United States
Gray Panthers, United States
INFORM, Sri Lanka
International Civil Society Action Network, International
International CURE (Citizens United for Rehabilitation of Errants), International
International Federation of Business and Professional Women (BPW-International), International
International Fellowship of Reconciliation (IFOR)'s Women Peacemakers Program, Netherlands
International Institute on Peace Education (IIPE), International
International Museum of Women, International
International Women's Human Rights Law Clinic at the City University of New York School of Law, United States

Isis-Women's International Cross Cultural Exchange (Isis-WICCE), International
Jacob Blaustein Institute for the Advancement of Human Rights, United States
Labour, Health and Human Rights Development Centre, Nigeria
L'ORAGE Productions, United States
Mothers for Active Non-Violence (MOFAN-V), Ghana
National Lawyers Guild, United States
National Organisation for Women - Sierra Leone, Sierra Leone
Nationale de Femmes Cote d'Ivoire Experience, France
Northeastern University School of Law's Human Rights Caucus, United States
Pacific Women's Watch Inc., New Zealand
Peace Brigades International-USA, United States
PeaceWomen Across the Globe, Switzerland
Phoenix Women Take Back the Night, United States
Population Action International, International
Raising Voices, International
Sargent Shriver National Center on Poverty Law, United States
SERVITAS Cameroon, Cameroon
Seventh Generation Fund for Indian Development, International
Society for Traumatic Stress Studies, International
Soroptimist International of the Americas, International
Swayam, India
Swedish Association of Women's Shelters and Young Women's Empowerment Centres, Sweden
The Advocates for Human Rights, International
The Episcopal Women's Caucus, International
The Women's Intercultural Network (WIN), International
The Woodhull Freedom Foundation, United States
Treaties Task Force, Social Justice Center of Marin, United States
U.S. Positive Women's Network, United States
United Methodist Women, United States
United States Federation for Middle East Peace, International
United States Human Rights Network, United States
Urban Justice Center, United States
Widows for Peace through Democracy, United Kingdom
Women Organizing for Change in Agriculture and Natural Resource Management (WOCAN), International
Women's Global Network for Reproductive Rights, International
Women's Partnership for Justice and Peace (WPJP), Sierra Leone
Women's Rights Without Frontiers, China
Women's Studies Program at University of Connecticut, United States
Women's United Nations Report Network (WUNRN), International
World Federation for Mental Health, International
World Organization for Human Rights USA, United States

INDIVIDUALS (34)

A.P. Gautam, Nepal
Alexandra C. Dane
Andre Ragnauth, Ph.D., United States (New York), The City College of New York
Ati Chr. Blom, Netherlands
Carol L. Green, United States, YWCA USA National Coordinating Board
Carol S. Coonrod, United States (New York), The Hunger Project
Carol Tavris, Ph.D.
Caroline Bettinger-López, United States (Florida), Human Rights Clinic University of Miami School of Law
Deborah M. Weissman, United States (North Carolina), University of North Carolina at Chapel Hill
Dr. Anne C. Bellows, Germany, Universität Hohenheim
Eitan Friedman, Ph.D., United States (New York), Sophie Davis School of Biomedical Education
Emily J. Martin, United States (Washington, DC), National Women's Law Center
Eva Quistorp, Germany, United Nations Development Fund for Women (UNIFEM)
George Kaler, United States (New York), The Sophie Davis School of Biomedical Education
Graciela C. Riquelme, Argentina, University of Buenos Aires
Julie Matthaei, United States (Massachusetts), Wellesley College
Kamla Nath
Kayo Denda, United States (New Jersey), Mabel Smith Douglass Library, Rutgers University
Khuku Chakraborty, Bangladesh, Nareer Jonno Foundation
Lisa Kanti Sangoi
Marion Boeker, Germany, Consultancy on Human Rights and Gender Issues
Maryellen Fullerton, United States (New York), Brooklyn Law School
Nnenna Eluwa, Nigeria
Patricia Willis, United States, Feminist Caucus of the American Humanist Association
Phoebe Schreiner, United States (New York)
Rev. Patricia Ackerman, United States (New York), Axial 20/20 Network
Risa E. Kaufman, United States (New York), Human Rights Institute
Rosaline Mcarthy
Sonja Lokar, Slovenia, CEE Network for Gender Issues
Stephanie Chaban
Susan Suntree
Susan B. Somers, United States (New York)
Valerie M. Hudson, Ph.D., United States (Utah), Brigham Young University
Zanaa Jurmed, Mongolia, Center for Citizens' Alliance

November 15, 2010

Senate Judiciary Committee
Subcommittee on Human Rights and the Law
Washington, DC

Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

On behalf of the Center for Health and Gender Equity (CHANGE), a U.S.-based advocacy organization whose mission is to ensure that U.S. foreign policies and assistance programs promote the sexual and reproductive health and rights of women and girls worldwide, I would like to express our strong support for the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW). We are grateful for the Subcommittee's leadership on this issue, and for convening a hearing to fully explore CEDAW ratification.

Through our close collaboration with women around the world who are working to advance human rights in their countries, we know that CEDAW is a critical tool, creating legal frameworks and public awareness to enable citizens to hold their governments accountable to internationally accepted human rights standards. But the force of this tool is blunted by the conspicuous absence of the United States as a ratifying country.

As you know, the global community looks to the United States to provide positive leadership on democracy and human rights. As U.S. leaders have frequently expressed, societies where women's rights are routinely violated and women are excluded from the benefits of education, employment, health care, and political participation are among the most unstable and poverty stricken in the world. Setting a high standard on women's rights is essential to advance key U.S. foreign policy goals: national security, democracy, and prosperity. Ratification of CEDAW will signal to the world that the United States embraces the main international instrument that protects and advances women's rights, and will clearly distance our position from that of the six other countries that haven't ratified, including Iran, Sudan, and Somalia.

The United States has also shown great leadership in the global fight against HIV and AIDS. As you know, the disease is fueled by gender inequality, as women are well over half of those living with the disease in sub-Saharan Africa. We cannot successfully win the battle against HIV and AIDS if we do not also combat the violations of women's rights that keep them from protecting themselves from transmission, and from seeking and obtaining treatment. U.S. expenditures on HIV and AIDS will be far more effective if we leverage

1317 F Street, NW ♦ Suite 400 ♦ Washington, D.C. 20004 ♦ USA ♦ Phone: 202.393.5930 ♦ Fax: 202.393.5937 ♦
www.genderhealth.org

tools like CEDAW to combat the violence, economic disenfranchisement, and social inequality that keeps women disproportionately at risk.

CEDAW is an expression of the basic values of fairness, equality, opportunity, and human rights that U.S. citizens strongly support. We sincerely hope that this fundamental instrument can achieve its rightful role among the U.S.-ratified human rights treaties that advance U.S. interests and universal ideals.

Sincerely,

Serra Sippel
President

1317 F Street, NW ♦ Suite 400 ♦ Washington, D.C. 20004 ♦ USA ♦ Phone: 202.393.5930 ♦ Fax: 202.393.5937 ♦
www.genderhealth.org

Church Women United

LEGISLATIVE OFFICE 110 Maryland Avenue, Suite 108, N.E. Washington D.C. 20002
phone 202-481 6933 ◆ fax:202 543 1297 ◆ email:cwu-dc@churchwomen.org ◆ website:www.churchwomen.org ◆ toll free:1-800-298-5551

Margurite Carter, *National President* | Claudia Ellquist, *Action/Global Concerns Chair* | Patricia Burkhardt, *Legislative Officer*

RESOLUTION: The Elimination of Discrimination Against Women
A Renewal of CWU Support for CEDAW: The UN Convention on the Elimination of All Forms of Discrimination Against Women

Approved by the National Board of Church Women United
April 8, 2010

Whereas, the 2008-2012 Quadrennial Priority for Church Women United is *Building a World Fit for All God's Children,* with four components – health, environmental care, peace, and economic justice – each directly affecting the well-being of women;

Whereas, in 1981 the Executive Council of Church Women United made an early declaration of support by adopting the following resolution:

> The Executive Council of CWU in the USA urges the President of the United States to transmit the *Convention on the Elimination of All Forms of Discrimination Against Women* to the US Senate for its advice and consent.
>
> The Convention, we believe, has both symbolic and substantive value. Symbolically, it elevates women's rights to the status of a global human rights issue and draws international attention to the issue of equal rights of women. Substantively, it sets up machinery for reviewing progress reports from governments. It provides the legal basis for promoting progress in one more area of human rights and thus complements the earlier conventions drafted at the United Nations;

Whereas, since 1979 when it was adopted by the General Assembly of the United Nations, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) has been described often as an international bill of rights for women and has been formally recognized by nearly every member nation in the United Nations, but not yet the United States;

Whereas, the six decades of social policies* of Church Women United are an eloquent argument for the elimination of all forms of discrimination against women; *now, therefore, be it*

Resolved, that Church Women United, an ecumenical movement that unites women of diverse races, cultures, and traditions in practices of fellowship, prayer, advocacy and actions for peace with justice, declares that thirty years is far too long for the United States to stand on the fringes of the global community with respect to CEDAW, and urges the Senate, in 2010, to undertake the process of CEDAW's ratification; *and*

Resolved, that Church Women United under take new efforts to educate and mobilize women to contact their Senators in support of CEDAW.

* Supportive CWU statements and resolutions: Political Rights of Women (1962), Equal Pay for Equal Work (1962), Equal Rights Amendment (1970, 1975, 1977, 1983), Sex Values and Education (1969), Criminal Justice: Women in Prison (1988), Against Trafficking in Women and Girls (1999), Sisterhood: Affirming Our Dignity and Worth (2004), fourteen statements on human rights in UN Declarations, and twenty-six statements on racial/ethnic discrimination and poverty among women and children.

Church Women United is a racially, culturally, and theologically inclusive ecumenical Christian women's movement celebrating unity in diversity and working for a world of peace and justice.

City and County of San Francisco
Department on the Status of Women
Mayor Gavin Newsom
Executive Director Emily M. Murase, PhD

November 16, 2010

Senator Dick Durbin
Chair, Senate Judiciary Subcommittee on Human Rights and the Law
309 Hart Senate Building
Washington, DC 20510

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The City and County of San Francisco Department on the Status of Women is pleased to submit this statement in strong support of ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

In April 1998, San Francisco became the first municipality in the world to adopt a local ordinance reflecting the principles of CEDAW (City and County of San Francisco Municipal Code Administrative Code §12K.1). Community-based organizations, City departments, and the County Board of Supervisors partnered together to voluntarily enact this Ordinance based on testimony from San Francisco women who felt that CEDAW would help address their struggles in the areas of violence against women, health, education, and employment.

For the past 12 years the Department on the Status of Women has developed groundbreaking tools and innovative programs to implement CEDAW locally. Given our positive experience, it is an honor for me to submit this statement to inform Subcommittee members of the great strides we have made for women using CEDAW, and to encourage U.S. ratification.

First and foremost, our local CEDAW Ordinance has led to greater transparency in City and County government. Just as U.N. CEDAW sets forth practical goals and steps for countries to increase progress for women and girls, locally we have developed a gender analysis tool to work with City departments to examine their programs, policies, employment, and budget. This comprehensive analysis has been invaluable to City departments. It has encouraged them to develop quantitative and qualitative reporting mechanisms demonstrating how they are serving not only women, but other underrepresented groups, highlight their best practices, and create action plans to address challenges. Such CEDAW reporting mirrors the federal government's move towards greater transparency and accountability. CEDAW implementation can be part of the transition to more open, participatory, and responsive systems of governance.

San Francisco's local CEDAW Ordinance has led to advancements in the private sector as well. Under the auspices of CEDAW, the Department partnered with Calvert Asset Management, one of the largest socially responsible investment firms in the world, as well as Verite, a human rights monitoring group, to create the Gender Equality Principles Initiative (GEP). Twenty of the Bay Area's most prominent companies volunteered to work with us to develop the GEP. set of tools and resources for improving gender equality in the workplace. These companies include Google,

25 Van Ness Avenue, Suite 130
San Francisco, CA 94102

(415) 252-2570
(415) 252-2575 fax

dosw@sfgov.org
www.sfgov.org/dosw

IBM, Schwab, Symantec, McKesson, and Deloitte. Not only does the GEP advance women's economic empowerment, it has a strong business case as well. The GEP helps companies prevent significant monetary losses due to difficulty in recruiting and retaining qualified female employees. Our globally recognized web-tool was recently launched and can be found at: www.genderprinciples.org.

Some other highlights of San Francisco's local CEDAW work include:

- Implementing victim-centered policy reforms in the City's response to domestic violence, ranging from access to multiple languages to new stalking protocols to capturing data on perpetrators (2002-present)
- Conducting successful gender analyses of 7 City Departments. For example, after conducting a gender analysis the Juvenile Probation Department identified the need for a girls' advocate on staff and instituted gender specific programs for young women in Juvenile Hall to reduce recidivism rates (1998-present)
- Launching the San Francisco Collaborative against Human Trafficking, a robust coalition of government agencies and community-based organizations, to eliminate trafficking in San Francisco (2010)
- Receiving numerous awards, including recognition from the National Association of Counties (2006) and the UN Institute for Training and Research/Organization of American States/The Carter Center (2010)

A detailed description of San Francisco's local CEDAW work can be found in the Department's latest report, *Human Rights in Action: San Francisco's Local Implementation of the United Nation's Women's Treaty (CEDAW)*. The report is available at: www.sfgov.org/dosw

CEDAW, unquestionably, embodies American values. As demonstrated by our work in San Francisco, CEDAW can be used to help end violence against women and trafficking, end discrimination in the workplace, and improve government accountability. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous, stable societies. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

Sincerely,

Emily M Murase

Emily M. Murase, PhD

Testimony for the Record
Citizens for Global Solutions
Before:
Senate Committee on the Judiciary,
Subcommittee on Human Right and the Law
"Women's Rights are Human Rights: U.S. Ratification of the Convention of the Elimination of Discrimination against Women (CEDAW)"

November 18, 2010

Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee,

Thank you for this opportunity to provide our statement for the record and for conducting this very important hearing on "Women's Rights are Human Rights: U.S. Ratification of the Convention of the Elimination of Discrimination against Women (CEDAW)."

Citizens for Global Solutions is proud to be a national member-driven movement that empowers and educates people to be engaged global citizens. We envision the United States actively pursuing a just and peaceful world through cooperative global decision making. The CEDAW Treaty is an important part of our vision as it strengthens the United States as a global leader working cooperatively to stand up for women and girls around the world.

Citizens for Global Solutions serves as the co-chair of the CEDAW Task Force, a broad-based, diverse coalition coordinated by the Leadership Conference for Civil and Human Rights and made up of over 170 organizations. As members of the Task Force, our organizations have come together to increase the visibility of CEDAW and to build a greater understanding among policymakers and the public about the need, importance and impact of the United States' ratification of CEDAW. We thank the Senate Judiciary Subcommittee on Human Rights and the Law for convening this hearing and turning its attention to CEDAW.

Citizens for Global Solutions' membership stretches across the country and cares very passionately about both CEDAW and the status of women and girls around the world. In the last year they have sent thousands of email messages, handwritten letters, phone calls and postcards to their Senators in support of CEDAW.

Many of our members remember when CEDAW was passed by the United Nations and are astounded that thirty years later the United States still has not ratified this important blueprint for progress for women and girls around the world. Eight years ago, when the last hearing on CEDAW was held, our members mobilized and activated to ensure their voices were heard. Now they are ready to do it again because they know that CEDAW is a critical human rights treaty that the United States must ratify.

CEDAW is a pragmatic international agreement addressing the rights of women and girls. The treaty was passed by the UN General Assembly on December 18, 1979, and was signed by President Carter on behalf of the United States in 1980. While 186 nations have ratified CEDAW, unfortunately, the U.S. has failed to do so and is keeping company with known human rights violators including Sudan, Somalia, and Iran.

CEDAW strengthens the United States as a global leader in standing up for women and girls. In countries that have ratified CEDAW, women have partnered with their governments to improve the status of women and girls, and as a result have changed laws and policies to create greater safety and opportunity for women and their families. CEDAW can make a difference for women and girls, specifically to reduce sex trafficking and domestic violence, provide access to education and vocational training, ensure the right to vote, end forced marriage and child marriage, help mothers and families by providing access to maternal health care and to ensure the right to work and own a business without discrimination.

The American public strongly supports the principles and values of equality, fairness, education, and basic human rights. In the United States, CEDAW has been voted on favorably twice on a bipartisan basis by the Senate Foreign Relations Committee, but still CEDAW has never been brought to the full Senate floor for a vote. Ratification of CEDAW now would continue America's proud bipartisan tradition of promoting and protecting human rights. Congress has the full support of the Obama Administration in making this a reality. According to Secretary of State Hilary Clinton, *"The CEDAW Treaty [is] the most authoritative UN negotiated treaty to protect women around the world from discrimination. The United States signed this agreement in 1980. It is past time that we became a party to this convention."*

The ratification of CEDAW will directly benefit the American people. For example, in 1998, San Francisco adopted a Municipal Ordinance based on CEDAW, which incorporated key human rights principles into law. Pursuant to that Ordinance, city and county government programs in San Francisco are required to take all necessary measures to prevent all forms of discrimination against women and girls. A gender analysis tool was created and program and policy reviews were undertaken by local agencies and departments. After its review, the Department of Public Works improved city lighting because it recognized that good streetlights were important to prevent violence against women, who are particularly vulnerable to sexual assault, and the lighting provided an important benefit for all.
As a state party to CEDAW, the U.S. will commit to preparing comprehensive reports on the status of women and girls in the county. (The U.S. already routinely develops these reports for other ratified treaties.) Undertaking this broad analysis is an important vehicle for identifying areas of improvement and increasing awareness of conditions that may have a unique impact on women.

The 2008 World Economic Forum Gender Gap Report placed the United States 27th in overall gender equity. The United States ranks low among industrialized countries on many comparative measures of women's well-being, such as maternal and infant mortality, health care, and women's political participation, among others. For example, based on the September 2010 Census, women who work full-time still earn only 77 cents to every dollar men earn. With ratification of CEDAW, the status of women could be improved in many ways.

CEDAW will provide an additional tool for addressing the problems that women and girls still face in the U.S. While women in the U.S. enjoy opportunities and status that are not available to many women in other parts of the world, few would dispute that more progress is warranted. For example:

Domestic violence: The federal Violence Against Women Act ("VAWA"), originally passed in 1994, has enhanced the investigation and prosecution of perpetrators of violence against women, and provided multi-faceted services for victims of family violence and sexual assaults. In addition, all of the fifty states and the District of Columbia have their own laws outlawing violence against women, including domestic abuse, and provide a range of protections and services to battered women. However, domestic violence remains a serious problem in the U.S., with an average of four women per day murdered and 5.5 million women per year physically assaulted or raped by intimate partners (Bureau of Justice Statistics 2009). CEDAW's commitment to ending violence against women would reinforce our efforts.

Trafficking: The U.S. has taken a strong stand against trafficking with the enactment of the Trafficking Victims Protection Act, which provides stiff penalties for traffickers, assists and protects victims, and commits funding to anti-trafficking efforts in the U.S. and abroad. Nevertheless, some estimates suggest that there may be 20,000 women, men, and children trafficked into the U.S. each year, which are forced to labor under slavery-like conditions. CEDAW ratification would serve to strengthen the existing U.S. commitment to preventing the trafficking of women and children, and providing services and access to justice to trafficking victims attempting to rebuild their lives.

Pay Discrimination: Women now constitute half of the workforce in the U.S., but women working full-time today earn, on average, only 77 cents for every dollar paid to men. This is especially harmful given that women are the primary breadwinners in nearly four in 10 families. CEDAW recognizes that ending discrimination against women in the workplace includes fair pay for their work. Ratification of CEDAW would encourage efforts to close this gap.

School dropouts: Girls are not denied access to education in the U.S. However, one in four high school girls in this country drops out before graduation, and those girls have an average annual income that is $9,100 below the low wages earned by boys who drop out. CEDAW specifically calls for reducing girls' dropout rates and for helping those who have left school, and its ratification would encourage the development of programs to address the dropout problem.

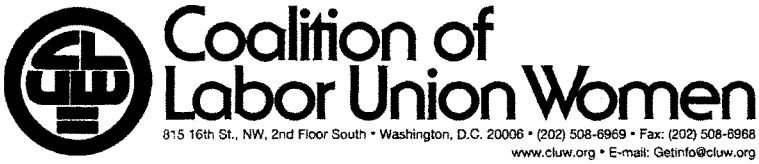
Discrimination in Education. CEDAW asks countries to provide equal rights for women in all aspects of education. In career and technical (previously known as vocational) education, girls in this country are still conspicuously absent from classes that prepare students for higher-paying, traditionally male occupations, such as electricians and automotive technicians. In higher education, women are only a small percentage of those studying and teaching physical and computer sciences and engineering. CEDAW would provide a stimulus for greater focus on these disparities and increased enforcement of antidiscrimination laws, and for efforts among educators and government officials to eliminate barriers and encourage girls and women to develop their interests in non-traditional areas.

Ratification would enhance U.S. credibility in the global community and its ability to speak out on behalf of women in nations that have ratified the convention but still limit a woman's right to education, to vote, to own property or to seek protection under the law from violent domestic abuse. Non-ratification has created a climate of diplomatic isolation and has stunted our foreign policy interests. The U.S. cannot play an effective role in promoting and protecting women's human rights until it ratifies this treaty.

Further, U.S. ratification of CEDAW would entitle the United States to nominate an expert to be a member of the CEDAW Committee, which monitors implementation and progress of the treaty. As a member of the committee, the U.S. expert would bring the benefit of the U.S. experience in combating discrimination against women to this international forum. CEDAW's near universal ratification demonstrates that human rights are a matter of international and not simply domestic concern.

The U.S. becoming a party to CEDAW is a critical and necessary step forward for promoting the rule of law and protecting human rights around the world. Everyday women in the world are denied equal access to the resources and rights to which they are entitled, and the implementation of the treaty seeks to eradicate such inequalities on a global level. CEDAW has broad support from over 170 leading advocacy organizations, including the AARP, American Association of University Women, and the American Bar Association. Now is the opportunity to capitalize on this far-reaching support and finally ratify CEDAW.

No international human rights treaty can by truly effective without strong support from the United States - and CEDAW is no exception. Through ratification of CEDAW, the U.S. will enhance its moral authority - in both words and actions - that the rights of women and girls are crucial. Ratification will make our nation an even stronger leader in standing up for women and girls. In conclusion, the U.S. Congress must act now to protect the rights of women and girls around the world by supporting the ratification of the CEDAW treaty.



815 16th St., NW, 2nd Floor South • Washington, D.C. 20006 • (202) 508-6969 • Fax: (202) 508-6968
www.cluw.org • E-mail: Getinfo@cluw.org

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Executive Director
Carol Rosenblatt

November 16, 2010

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The Coalition of Labor Union Women (CLUW) is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women (CEDAW).

CLUW is the only national organization of labor union women whose mission is to improve the lives of working women and their families. We continue to fight for the original goals we established in 1974 at our founding conference; promoting affirmative action in the workplace, strengthening the role of women in their unions, organizing women into unions thereby affording them a better life and increasing the involvement of women in the political and legislative process. We have a long history of working for the elimination of discrimination against women. The following is a short list of some of our efforts: fighting for equal pay, educating our members about sexual harassment and violence against women at the worksite and at home and addressing disparities in health care through our contraceptive equity program and lobbying for full coverage for the health needs of women through the various stages of their lives.

We have members from 59 international and national unions across 46 states, the District of Columbia, 3 Canadian provinces and the Philippines with chapters throughout the country.

First, we would like to express our dismay and disappointment that the United States has not ratified the Convention, given President Carter signed it in 1980, 30 years ago. How can we as a world leader advise and insist that other countries treat women fairly, when we ourselves have not passed CEDAW. Is it a case of 'do as we say, not as we do'?

The most profound and perhaps most affirmative aspect of CEDAW, is that it is a stand for the elimination of all forms of discrimination against women. From this as a starting point, we can go forward and plan how we attain this goal.

The passage and ratification of CEDAW will create a forum for a dialogue on the status of women and girls in the United States. When a country ratifies a convention, they are required to prepare comprehensive reports on the status of women and girls. This analysis will aide in identifying areas of

improvement. It will provide a blueprint, for creating true equality, justice, fairness for women and girls in the fields of education, employment, and health care. It will also provide an opportunity to create measures that will protect women and children, thereby eliminating violence against women and children.

As an organization that advances the needs of working women we are greatly concerned that women in the United States currently earn only 77 cents on the dollar to their male counterparts. Women of color earn even less. The ratification of CEDAW should and must address the issues currently incorporated in the Paycheck Fairness Act which is being considered for vote by the Senate this week.

In addition to repairing the gap in wages between men and women, CEDAW will enhance economic opportunity, by reducing discrimination in the workplace. CEDAW will disappear restrictions that hold women back, thereby allowing women to be promoted in the workplace.

In the area of health care, women in the United States are not provided paid maternity leave. Women are offered leave under the Family and Medical Leave Act, however, this is only available to women who work for larger employers and is unpaid, and often times women cannot afford to stay home to care for their newborn child.

Everyone has a mother, some have a wife, sister, daughter, girlfriend. When the conditions for women in the United States, comprising over 50% of the population, improve, we all benefit.

We, strongly urge an immediate vote on the Senate Floor for Ratification.

Sincerely,

Karen J. See
President
Coalition of Labor Union Women

Opening Statement of Senator Tom Coburn, M.D.
Women's Rights Are Human Rights: Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
United States Senate Committee on the Judiciary
Subcommittee on Human Rights & the Law
November 18, 2010

Mr. Chairman, thank you for holding today's important hearing. Thank you to our witnesses as well for your input on this subject. I know some of you travelled great distances to be here today.

Women have had a special plight in our society. They have not always been treated as equals, and in some nations around the world they still do not share a status equal to their male counterparts. There is no question that is wrong, and women should be treated as equals.

The United States Constitution and many laws passed by Congress have ensured women are guaranteed a status equal to male citizens in America. In fact, our laws are so comprehensive in this area that Senator Biden and Senator Boxer, in a 2002 co-authored op-ed, said ratification of the Convention on the Elimination of All forms of Discrimination Against Women—known as CEDAW—would not impose a single new requirement in U.S. law.

Yet, since CEDAW was first introduced in 1979, we have seen it, in fact, goes much further than our laws. The convention attempts to regulate in areas such as healthcare and education, which traditionally fall under the authority of the states in our federal system. It also attempts to regulate private actions in the home, where the government has no business interfering.

Ratifying CEDAW would subject the United States to the CEDAW committee, a group of 23 so-called experts who serve in their personal capacity, not as representatives of a nation that has ratified the convention. Although this committee was not intended to be judicial, its decisions have been cited in courts around the world, even referenced by the United States Supreme Court, and the committee urges member nations to train their judiciary to cite CEDAW decisions.

This is particularly alarming because of the radical actions the committee has taken. For example, the committee has made a general recommendation that countries liberalize their abortion laws and has tried to limit conscientious objection by health professionals. It has advised countries to force their citizens into sharing household chores. The committee also instructed China to legalize *prostitution* and told Belarus and Liechtenstein to no longer celebrate Mother's Day and Father's Day.

A treaty such as this would generally require numerous changes through serious reservations, understandings, and declarations to protect U.S. law. However, CEDAW contains a provision that does not permit reservations that are incompatible with the object and purpose of the

convention. Whether a reservation is incompatible would be decided by the CEDAW committee after the treaty has been ratified.

The United States Constitution and laws enacted by Congress and State Legislatures do a far better job than CEDAW of protecting women in the United States. Our founders established a unique system of government which has allowed us to continually examine and find solutions for many issues, including the rights of women. I believe CEDAW, and particularly its enforcement by the CEDAW committee, will require abandonment of many of the principles grounded in our Constitution. Rather than subject the United States to harmful international law, I believe, under our Constitution, the United States has and will continue to be an example to other countries of the important role of women in all aspects of society.

Testimony of Geena Davis

Subcommittee on Human Rights and the Law

Senate Judiciary Committee

November 18, 2010

Chairman Durbin, Senator Coburn and Members of the Subcommittee, I am honored to be invited to testify at this hearing on CEDAW – the Convention on the Elimination of all Forms of Discrimination Against Women. This treaty has already done a great deal to help improve the lives of girls and women around the world, and it can do much more.

I was amazed to learn that the United States is one of only seven countries that have not ratified CEDAW, putting us in the company of Iran, Somalia, Sudan, and three small Pacific Island nations. As a long-standing global leader and supporter of women's rights and human rights, it is critical at this time for the United States to join the community of 186 countries that have ratified the treaty.

I have spent most of my adult life advocating for women and girls. For ten years I served as a trustee with the Women's Sports Foundation, advocating for girls' rights and equal participation in sports. As a Commissioner for the California Commission on the Status of Women, I work with the Governor, the legislature and other policymakers to promote equality and justice for all women and girls. And as a board member of the White House Project, I strive to advance women's leadership in business, politics, and media.

Five years ago, while watching children's entertainment with my then two-year-old daughter, I discovered a stark gender inequality in media aimed at children. That led me to launch a research institute to help rectify these issues. Media images are a powerful force in influencing how women and girls are perceived and valued around the world, and for shaping cultural beliefs and behaviors.

This is why my partnership with UNIFEM, now UN Women, is very important to me. UN Women is helping to make the voices of women heard and to encourage more coverage of women's issues around the world.

As an active member of the media, I have had many opportunities to portray diverse and strong female characters. And as an American, I have enjoyed the freedom to participate in sports – at the young age of 41 – and encourage my three children to engage in sports and any type of interest or activities they may want to pursue.

I envision a world where all women and girls are valued and have the freedom to pursue and achieve their dreams with the same possibilities and opportunities as our children in the United States.

The United States has provided opportunities for women and girls to progress because of its longstanding commitment and effort with respect to human rights. This is why it is so important that the United States continues its global position as a leader on women's rights and acts now to end discrimination against women and girls so they can pursue education and employment; acts now to empower women with the right to vote; acts now to prevent more women being victimized by violence; and acts now to support the health of women and girls.

CEDAW has forwarded this vision in many countries throughout the world. For example, women in Kuwait recently obtained the right to vote for the first time, a long overdue and major victory. As a result, in 2009, four women were elected to the Kuwaiti parliament, just four years after women were extended voting rights. In Bangladesh, CEDAW has been instrumental in increasing girls' primary school attendance to reach gender parity. And in 2007, Nepal enacted a new law on human trafficking that contained improved measures for prosecuting traffickers, provides justice and appropriate services to survivors of trafficking and raises awareness of the consequences of human trafficking. All of this was a result of CEDAW recommendations.

However, so much work still has to be done. For example, at least two million girls "disappear" every year because of violence, neglect and inequality. Ratification of CEDAW would demonstrate the United States' continuing efforts to ensure that our daughters, and women and girls worldwide, need never settle for second best.

The time for change is now. We cannot wait to see if real gender equality happens in the natural course of time, when all evidence tells us it doesn't. The lives of too many women and girls are at stake. We must act, and one important action we can take is to ratify CEDAW now. I ask you for your support to help us achieve that goal.

Dēmos

New York
220 Fifth Ave., 5th Floor
New York, NY 10001
T 212.633.1405

Boston
358 Chestnut Hill Ave, Suite 303
Brighton, MA 02135
T 617.232.5885

Washington, D.C.
1710 Rhode Island Ave., NW
12th Floor
Washington, DC 20036
T 202.559.1543

demos.org

info@demos.org

Statement of Support for CEDAW

Senate Judiciary Subcommittee on Human Rights and the Law

by

Honorable Linda Tarr-Whelan, Distinguished Senior Fellow

Former Ambassador to the UN Commission on the Status of Women

November 12, 2010

Demos strongly supports the immediate ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to strengthen the United States as a global leader in standing up for women and girls. We thank Chairman Richard Durbin and Senator Tom Coburn for convening the first-ever hearing on CEDAW in the Senate Judiciary Committee. This landmark international agreement affirms the principles of fundamental human rights and equality for half the world's population in keeping with our own national values of education, equality, fairness and basic human rights.

A multi-issue national organization, Demos combines research, policy development, and advocacy to influence public debates and catalyze change. We publish books, reports, and briefing papers that illuminate critical problems and advance innovative solutions; work at the international, national and state level with advocates and policymakers to promote reforms; help to build the capacity and skills of key progressive constituencies; project our values into the media by promoting Demos Fellows and staff in print, broadcast, and Internet venues; and host public events that showcase new ideas and voices.

As the director of the Demos Women's Leadership Initiative and former ambassador, I have been directly involved with CEDAW from the time it was signed by President Carter more than thirty years ago. While every country has a different starting point on women's equality, I have seen firsthand how advocates and governments utilized this practical blueprint to make progress across the globe. Some quick examples include successful efforts to reduce sex trafficking and domestic violence in Mexico and Nepal; assure the right to vote in Kuwait, provide access to education and vocational training in Bangladesh; end forced marriage and secure inheritance rights in Morocco and Kenya. The International

Dēmos

New York
220 Fifth Ave., 5th Floor
New York, NY 10001
1.212.633.1405

Boston
358 Chestnut Hill Ave, Suite 303
Brighton, MA 02135
1.617.232.5885

Washington, D.C.
1710 Rhode Island Ave., NW
12th Floor
Washington, DC 20036
1.202.559.1543

demos.org

info@demos.org

Center for Research on Women report submitted to this Committee, "Recognizing Rights, Promoting Progress:

The Global Impact of the Convention on the Elimination of All Forms of Discrimination against Women," presents numerous examples of the real life usefulness of this treaty.

Ratifying CEDAW is in the security, and economic, interest of the United States. We need to stand up for the idea that "women's rights are human rights" and be a full partner in ending violence against women, which is now at epidemic proportions, especially in conflict situations. There is no longer any doubt about the economic importance of empowering and advancing women and educating girls for better societal outcomes. Based on extensive research, the World Bank program to promote a four-year action plan has it right: "gender equality is smart economics." Research by McKinsey and Goldman Sachs identify women's empowerment as the key to more rapid growth in gross domestic product and essential to eliminating poverty.

With similar agreements on torture, race and genocide ratified under Presidents Reagan, Bush and Clinton, ratification of human rights treaties such as CEDAW is in the best bipartisan tradition of United States foreign policy. While the American public strongly supports human rights around the world, there is a blemish on our record as human rights defenders by failing to ratify this treaty. CEDAW is now supported by 186 of 193 countries, putting America in the company of Sudan, Somalia and Iran (and three small Pacific island nations) who have not pledged support. Our impact in calling for protections for the human rights of women is significantly weakened when we are in such company.

The strong voice of the United States is needed in defense of women and girls at a time when in many countries, their rights -- even their clothing -- are a battleground. There is much to be done as girls and women in numerous countries are still denied basic health care, education, and the right to work or own land or a business or inherit from their spouses. Regardless of a country's starting point, CEDAW is an effective tool to make more transparent the progress (or the lack of progress) toward ending discrimination so that governments and activists can work together to take steps forward.

Instead of a mandate, CEDAW provides a yardstick to look at women's human rights in every country –even ours. American women enjoy opportunities and status not available to most of the world's women, but few would dispute that

more progress is needed here, such as ending domestic violence, stopping trafficking and closing the pay gap between women and men.

Americans believe in defending and protecting the human rights of women and girls. Ratification of CEDAW would strengthen our country as a global leader in standing up for these rights and advance our national security and economic interests without additional cost.

Demos urges immediate ratification of this important human rights treaty.

The Honorable Dick Durbin
Senate Judiciary Sub-Committee on Human Rights and the Law
United States Senate
Washington. D.C.

November 18, 2010

Re: United States Immediate Ratification of CEDAW

Dear Senator Durbin and Honorable Members of the Committee:

I write today to urge your support for the immediate ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) without reservation.

I write to you from a special perspective. I have just returned from serving in Afghanistan for two-plus years with the United Nations Development Fund for Women (UNIFEM). With the full support of the United States, the transitional Government of Afghanistan acceded to CEDAW without reservation in 2003. A central part of my job in Afghanistan was to support women political actors in overseeing the implementation of CEDAW in policy and legislative reform. I also provided technical assistance to the Government of Afghanistan as it prepared its initial report to the CEDAW Committee as a baseline for progress and gaps *de jure* and *de facto* of Afghan women's rights.

CEDAW is an indispensible tool for advocating for the advancement of Afghan women's rights. It served as a framework for action by Afghan women to abolish discriminatory practices against women, and as a standard for ensuring women's full participation in peace and democratization processes. Indeed, it was against the provisions of CEDAW that the international community became first aware of the harmful ramifications of the controversial Shi'a Personal Status Law, which codified customary practices in line with Taliban edicts. The policy analysis comparing the Shi'a Personal Status Law with the international standards of CEDAW contributed to galvanizing support to pressure President Karzia to review and reform the law. To have done otherwise would have been a crushing blow to the efforts of the international community, lead by the U.S., to ensure sustainable security via inclusive democracy in Afghanistan. And it would have had devastating impact on the women of Afghanistan, who have suffered the most and reaped the least from the 30-plus years of conflict in that country.

My efforts in Afghanistan were always in tandem with Afghan women advocates, who courageously struggled for the implementation of CEDAW, often at risk to their own lives. Although I was a staff member of the United Nations, the women looked to me as a U.S. citizen and often challenged why the U.S. had not ratified CEDAW. And indeed, the non-ratification of CEDAW by the U.S. had singular impact on the credibility of our country to hold itself forth as a leader in human rights globally. While many of the provisions of CEDAW have been domesticated in the U.S., ratification sends an unqualified endorsement of the treaty's international standards of women's human rights. U.S. CEDAW ratification will strengthen U.S. democratization efforts around the world, especially in conflict settings such as Afghanistan where women hold such high stakes in the struggle.

I urge you to support the full ratification of CEDAW, so that the U.S. can exert its full leadership globally on women's human rights as it continues to domesticate it important standards for U.S. women.

Sincerely,

Theresa de Langis

Theresa de Langis, Ph.D.
1465 Hooksett Road, #396
Hooksett, New Hampshire 03106 USA

cc: Senator Jeanne Shaheen
Senator Judd Gregg

The Senate Judiciary Subcommittee on Human Rights and the Law Hearing on Women's Rights are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
November 18, 2010

Statement for the Record
By Malena de Montis,
Founder and Board Member, FODEM-CENZONTLE
Managua, Nicaragua

Thank you for the opportunity to provide a statement expressing my opinion on the U.S ratification of the Convention on the Elimination of All Forms of Discrimination Against Women CEDAW. I am writing this statement because I believe the U.S. should ratify CEDAW and establish a political commitment to the recognition of Women as a human being, entitled to enjoy all economic, social, cultural, civil and political Rights. The ratification of CEDAW will not only validate the historical contribution of the U.S to democracy, but will also represent the country's acknowledgment of the State's obligation to promote and ensure equal rights for all human beings.

The United States has been for years a symbol of democracy and freedom; therefore the non-ratification of CEDAW is absurd, especially when 186 Countries recognize it. The significance of CEDAW in the fight for gender equality around the world is immeasurable. CEDAW is the only Convention that focuses on women's rights and has been instrumental for women's movements around the world in advocating for our rights and recognition. It has given us power, drive, ammunition and international legitimacy.

I invite the Committee and the full Senate to recall that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity.

The non-recognition of CEDAW has taken away some of the legitimacy of the Convention. As a consequence it can be interpreted as a meaningless and empty effort to achieve gender equality. I urge the Committee and the full Senate to act as soon as possible to ratify CEDAW. This action will validate the change in the traditional role of men as well as the role of women in the United States, but will also encourage the achievement of full equality between men and women worldwide.

The United States could be an historical leader in defending human rights around the world. Now, after 31 years of CEDAW's existence, the U.S has an opportunity to lead the way to equality, accompanied by numerous international activists, who have fought endlessly to create a world, equal for everyone. The advances we have seen in the matter of human rights for Woman are impressive, but they are not fast enough. The U.S ratification of CEDAW will represent a milestone and will encourage the promotion and protection of human rights for all.

The ratification of CEDAW will benefit Women in the U.S, but the impact will be superior among Women living in extreme poverty. We need a strong backup to continue in the search of equality and to achieve the respect towards Women of all nationalities.

Thank you.

Dear Senator Durbin:

The Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) is the most comprehensive international treaty promoting the advancement of women worldwide. It establishes a legal framework to which all governments must adhere, to ensure the equality of women in various areas of life including politics, law, employment, education, health care, commerce and domestic relations. **The United States remains the only democracy in the world that has not ratified the CEDAW Treaty**, putting our country in the dishonorable company of states such as Somalia and Sudan.

And yet, it is **astounding** that CEDAW has been in existence for *nearly 30 years*, with support from so many US Presidential Administrations and with demonstrated progress in over 185 nations, and our U.S. Senate has never ratified it! Numerous State Legislatures have passed this type of supportive resolution, and yet Illinois has not. Given the current make-up of the Senate, it would appear that for the first time, there is a real chance of finally ratifying this Convention that has been in existence for 30 years! The time to take action is now!

Zonta International is a global organization of executives and professionals working together to advance the status of women worldwide through service and advocacy. As a member, I support your efforts to bring this treaty for a vote. Thank you Senator Durbin, and please let us know if the members of Zonta in the state of Illinois can help you in any way to get this treaty ratified.

Sincerely,
Karen Herman DeMuro
President, Zonta Club of Oak Park
1106 N. Oak Park Avenue
Oak Park IL 60302
708-848-2710

Statement of

The Honorable Richard J. Durbin

United States Senator
Illinois
November 18, 2010

Statement of Senator Dick Durbin
"Women's Rights Are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)"
Hearing of the Human Rights and the Law Subcommittee
November 18, 2010

Last December, this Subcommittee held the first-ever Congressional hearing on U.S. compliance with our human rights treaty obligations. Today, we focus on a treaty that the United States has not yet ratified: the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

This is the first Senate hearing on CEDAW since 2002. And this is the first time the Judiciary Committee has ever held a hearing on whether to ratify a human rights treaty. CEDAW is the only treaty to focus on the human rights of women. It addresses issues like violence against women, sex trafficking, the right to vote, and access to education.

Why is CEDAW needed? Because the human rights of women and girls are violated at an alarming rate all over the world. To take just one example, violence against women is at epidemic levels. In South Asia, countless women and girls have been burned with acid, including Afghan girls attacked by the Taliban for the simple act of attending elementary school. And literally hundreds of thousands of women have been raped in the Democratic Republic of Congo and other conflict situations. This Subcommittee explored this horrible phenomenon in a 2008 hearing on rape as a weapon of war.

CEDAW is not a cure-all for these atrocities, but it has had a real impact in improving the lives of women and girls around the world. For example:

• CEDAW has led to the passage of laws prohibiting violence against women in countries like Afghanistan, Ghana, Mexico, and Sierra Leone.
• It led to women being granted the right to vote in Kuwait.
• It helped give women the right to inherit property in Kenya, Kyrgyzstan, and Tajikistan.

CEDAW has been ratified by 186 of 193 countries. Sadly, the United States is one of only seven countries in the world that has failed to ratify CEDAW, along with Iran, Somalia, and Sudan. CEDAW was transmitted to the Senate 30 years ago. Twice, in 1994 and 2002, a bipartisan majority in the Senate Foreign Relations Committee reported the treaty to the Senate floor, but the Senate has never voted on CEDAW.

Under Presidents Reagan, George H.W. Bush, and Clinton, the United States ratified similar agreements on genocide, torture, and race. It is time to renew this proud bipartisan tradition and join the rest of the world in demonstrating our commitment to women's rights.

Let's be clear. The United States does not need to ratify CEDAW to protect the rights of American women and girls. Women have fought a long and difficult struggle for equal rights in the United States, with many victories along the way. To name just a few:

- The 19th Amendment, giving women the right to vote, in 1920.
- Title IX, prohibiting discrimination in education, in 1972.
- The Pregnancy Discrimination Act, in 1978.
- The Violence Against Women Act, in 1994.
- The election of the first woman Speaker of the U.S. House of Representatives in 2007.
- Passage of the Lilly Ledbetter Fair Pay Act just last year.

Of course, the struggle for women's rights continues. Every year, millions of American women and girls are subjected to domestic violence, rape, and human trafficking. And women who work full-time still earn only 77 cents for every dollar that a man makes. That is why it is so unfortunate that the Paycheck Fairness Act failed to pass yesterday.

However, the robust women's rights protections in U.S. law in many ways exceed the requirements of CEDAW. Even opponents of CEDAW acknowledge that ratifying CEDAW wouldn't change U.S. law in any way.

So why should the United States ratify CEDAW? Because CEDAW will enhance our ability to advocate for women and girls around the world. Throughout our history, the United States has done more to advance human rights than any other country in the world. But now some are questioning our commitment to women's rights because we have failed to ratify CEDAW.

Yesterday I received a letter from retired Justice Sandra Day O'Connor, the first woman ever to serve on the Supreme Court. Justice O'Connor supports ratifying CEDAW and here is what she says:

"The Senate's failure to ratify CEDAW gives other countries a retort when U.S. officials raise issues about the treatment of women, and thus our non-ratification may hamper the effectiveness of the United States in achieving increased protection for women worldwide."

Justice O'Connor is right. We need to ratify CEDAW so that we can more effectively lead the fight for women's rights in corners of the globe where women and girls are subjected to the most extreme forms of violence and degradation simply for exercising their fundamental human rights.

CEDAW is about giving women all over the world the chance to enjoy the same freedoms and opportunities that American women have struggled long and hard to achieve. Women have been waiting for 30 years. The United States Senate should ratify this treaty without further delay.

Sue Else, President
National Network to End Domestic Violence (NNEDV)
Testimony before the Committee on the Judiciary
United States Senate

Testifying on the importance of VAWA Transitional Housing

Wednesday, November 17, 2010

Introduction

Chairman Leahy, Ranking Member Sessions, and distinguished members of the Committee, thank you for giving me the opportunity to testify today about the tremendous impact of the Violence Against Women Act (VAWA) Transitional Housing Programs and housing protections on the lives of domestic violence victims and their children. Safe and affordable housing is a critical component in helping domestic violence victims and their children safely escape abuse. Transitional housing acts as a stepping stone between emergency shelter and permanent housing and ensures that victims are able to continue on a path to safety and stability. Without safe and affordable housing options, including transitional housing, victims leaving emergency shelter may be faced with making an impossible choice between becoming homeless and returning to an abusive relationship. Changes to the upcoming reauthorization of VAWA should build upon the vital and successful housing components in current law and expand them to ensure that no victim has to face this "choice."

I am President of the National Network to End Domestic Violence (NNEDV), a membership organization representing all 56 state and territorial domestic violence coalitions. I began my career working at a domestic violence shelter in Ames, Iowa, and served for 18 years as President and CEO of Hope House, an innovative domestic violence direct service program in Kansas City, Missouri.

NNEDV addresses the needs of domestic violence victims and their children by building the capacity of the state and territorial domestic violence coalitions who serve them, advocating for federal policy and resources to meet victims' needs and by creating innovative projects. Based on the stated needs of domestic violence victims, NNEDV has prioritized increasing safe and affordable housing options for survivors and is now the nation's foremost expert on the intersection between domestic violence and housing issues. Our Housing Program provides technical assistance and training to the more than 230 VAWA Transitional Housing grantees across the country. NNEDV played a key role in developing the recommendations for housing protections in VAWA 2005 and in shaping the subsequent guidance provided to the U.S. Department of Housing and Urban Development. In partnership with two of our members, NNEDV submitted testimony in support of the changes in the McKinney-Vento reauthorization that addressed the needs of victims of domestic violence. These endeavors and NNEDV's connection to a network of service providers and victims informs our testimony on this important topic.

Under the leadership of the Senate Judiciary Committee, the landmark Violence Against Women Act (VAWA) was first signed into law in 1994. VAWA works to hold perpetrators accountable and helps victims find safety and stability by strengthening the criminal justice response and providing grants to support innovative programs to eradicate domestic violence, dating violence, sexual assault, and stalking.

The original VAWA focused on the immediate needs of victims, as well as the criminal justice response to domestic violence and sexual assault, by providing federal resources to encourage community-coordinated responses to combating violence. The reauthorizations of VAWA have built upon that foundation to address violence more holistically. VAWA 2000 improved the foundation established by VAWA 1994 by creating a much-needed legal assistance program for victims and by including the crimes of dating violence and stalking. The law also authorized a new Transitional Housing Assistance Grant Program, which began to fill a serious gap in services for victims and their dependents. VAWA 2005 created landmark housing protections for victims receiving housing or rental assistance in federal public and assisted housing. These protections were created to ensure that victims can access the criminal justice system without jeopardizing their current or future housing.

Many VAWA programs contribute to the overall economic stability of victims and play a crucial part in victims' long-term safety and self-sufficiency. These programs, including Transitional Housing Assistance Program, must be maintained, improved, and given adequate resources to fully respond to victims' needs. The VAWA reauthorization process also presents an opportunity to build upon the best practices in the field and provide support and protections for victims to address their complex housing needs. Reducing the barriers to transitional and permanent housing provides victims and their children with real opportunities to escape the violence and become stable and independent. Without stable housing many victims are unable to maintain employment or establish strong rental and credit histories. They remain living hand to mouth, without the option to save or plan for the future. It is essential that victims of violence have the support they need to remain economically independent, to benefit not just themselves and their children, but ultimately their community's economy and the nation as a whole.

Housing Challenges faced by Victims of Domestic Violence

One in four women becomes a victim of domestic violence in her lifetime.[1] Approximately 2.3 million individuals are raped and/or physically assaulted by a current or former spouse, boyfriend or girlfriend each year in the U.S.[2] Every day in the U.S., three women are killed by current or former intimate partners. Victims of domestic violence and their children are at the greatest risk of violence immediately after leaving an abusive partner.

Yet, fleeing abusive homes leaves many victims vulnerable to severe housing insecurity, homelessness and further danger. According to a recent study, domestic violence is strongly related to family homelessness.[3] Thirty-eight percent of domestic violence victims will become homeless at some point in their lives,[4] and ninety-two percent of homeless women have experienced severe physical or sexual abuse.[5] Many of the over 1.5 million women who are raped and/or physically assaulted by an intimate partner each year in the U.S.[6] experience the "double burden" of being victims of domestic violence and homeless, low-income single mothers.[7] Studies have shown that women with histories of domestic violence are vulnerable to multiple episodes of homelessness.[8]

Domestic violence victims may only have a small window of opportunity to escape an abuser. They often must flee with only the clothing on their backs and perhaps a toy or blanket to soothe their frightened children. Many victims in crisis first turn to emergency domestic violence shelters to escape further violence as they plan their next steps. This is an essential, lifesaving service that allows a victim to escape immediate danger while providing a roof over her head. A majority of participants in a 2008 study of victims living in domestic violence shelters stated that without access to a domestic violence shelter they would be homeless – either living in their car, with family or friends, or in a homeless shelter. Many of the same

victims responded that without shelter they would have had to remain in the home and faced further abuse or even death.[9]

Though escaping an abusive relationship is an important first step, and one that requires both courage and resilience, victims still face many barriers in rebuilding their lives. While emergency shelters can fulfill the urgent, short-term needs of victims, there are a number of long-term needs that must be addressed in order for victims to gain stability and independence. "There is evidence to suggest that women may be more likely to experience post-separation violence from their partners if systems fail to help women to become economically independent of their partners, to live separately from their partners, and to hold their partners accountable for the violence."[10] A safe, affordable home provides one of the safest and strongest alternatives to living with an abusive partner.

A significant barrier for many victims is simply a lack of personal resources. Victims of domestic violence are often controlled by abusers through economic abuse which can have severe financial consequences. Victims of domestic violence are often controlled by abusers through economic abuse which can have severe financial consequences. For instance, many abusers isolate victims from family and friends to minimize available financial or emotional support; prevent victims from obtaining employment, attending school, or engaging in any activity that may allow them to increase their independence; control the access to money and do not allow a victim to own a bank account or establish credit; force a victim to put the lease and utilities in her name and then refuse to either pay the bills or allow the victim to pay the bills; steal a victim's paycheck or other benefits; and harass a victim while at their place of employment. Abusive tactics can leave the victim with no credit or bad credit and bad rental histories. When all of the credit and debit accounts are all in the abuser's name this also means the victim cannot charge anything or withdraw money without the abuser being able to track the victims' whereabouts. A recent poll indicates that *two-thirds* of people know someone who is or has been a victim of economic abuse.[11] The consequences of economic abuse severely limit the ability of battered women to find and maintain permanent, affordable housing independent of their abusers.[12]

Additionally victims of domestic violence face community-level economic barriers to safe affordable housing. The current economic downturn has exacerbated the already existing challenges faced by victims, especially in terms of securing housing. Domestic violence programs have experienced a significant drop in donations, grant money, and other sources of funding. On September 15, 2009, NNEDV conducted the National Census of Domestic Violence Services, which surveyed 1,648 domestic violence programs, representing 83% of identified domestic violence programs in the United States and Territories. This survey provided a snapshot of the number of adults and children seeking domestic violence services in a 24-hour period. On September 15th, domestic violence programs served 65,321 adults and children victims of domestic violence. An additional 9,280 requests for services went *unmet* due to a critical shortage of funds and staff. Of course, there is a well-documented affordable housing crisis gripping this nation. For every 100 households with extremely low incomes, there were only 37 rental units available and affordable to them in 2008.[13] Waiting lists for Section 8 housing have become so long that many qualifying potential tenants are asked to wait 5-8 years and many communities have closed their waiting lists altogether. The average stay at an emergency homeless shelter is 60 days and, in order to accommodate the continued demand for shelter, many domestic violence emergency shelter programs must limit the length of time that victims can stay to 30 to 60 days. The average length of time it takes a homeless family to secure housing, however, is 6 to 10 months.[14]

In addition to the economic issues, victims of domestic violence also often face discrimination when attempting to secure housing. A February 2010 United Nations report on the state of adequate housing in the United States found that landlords are still discriminating against victims of domestic violence by evicting victims from their homes because they report abuse to police.[15] A study in Washington D.C. found that 65 percent of test applicants seeking housing on behalf of a domestic violence survivor were either denied housing or offered less advantageous terms and conditions than an applicant not associated with domestic violence.[16] The findings of this study mirror the national findings on discrimination that found that landlords often turn away victims who have orders of protections or are otherwise identifiable as victims of domestic violence.[17] Discrimination that may result in eviction or denial of housing benefits is a disincentive for victims to report abuse and blocks their access to the criminal justice system.[18] Responding to the evidence of discrimination that punished victims for the unlawful and abusive actions of their perpetrators, VAWA 2005 created protections against discrimination for victims of domestic violence. However, the scope of VAWA 2005 is limited to public and assisted housing and discrimination is still a very real factor for victims attempting to access housing.

Even when a victim is able to secure permanent housing, significant challenges remain. With limited incomes, victims paying high rent costs are unable to pay other bills which leads to credit problems. The high cost of rent forces many victims to eat less or skip meals altogether. Many victims must sell valued personal belongings in order to pay rent. Often, victims who struggle to keep up with their rent are threatened with eviction or legal action.[19] As many of these challenges are economic in nature, it is essential that services respond to both the economic and housing needs of victims.

The lack of permanent, safe and affordable housing compounds the devastating impact of domestic violence. In a twisted irony, victims who flee violent homes often lose temporary custody of their children because they do not have stable housing. The ability to secure and maintain employment is also jeopardized by housing instability. Several studies of emergency domestic violence shelter residents found that half of the victims moving into an emergency shelter had to quit their jobs in order to do so,[20] either due to safety concerns, the shelter's distance from their workplace, or lack of transportation.[21] Children are exposed to the trauma of multiple moves and their school work can suffer. Finally, without a secure home, a victim is more vulnerable to continued physical attacks, stalking and harassment. Essentially, without safe and permanent housing, victims continue to scramble and survive but find it impossible to thrive and become self-sufficient.

VAWA Transitional Housing Assistance Grants

Safe, affordable housing gives victims the stability and security they need to address all aspects of their lives that have been impacted by domestic violence. VAWA Transitional Housing grants are an essential part of the continuum of services and responses that help victims secure safe and affordable housing and rebuild their lives. Transitional housing works in conjunction with other remedies and services to provide one of the strongest alternatives to an abusive household and relationship.

VAWA Transitional Housing grants provide an essential bridge between emergency shelter and independent living, helping victims and their children rebuild their lives. Transitional housing is critical to both the safety and stability of victims and their children. In a 2008 study of domestic violence shelters across the country, 83% of victims chose housing as one of their needs when they came to the shelter, which was the second highest need only slightly below the most requested need –"safety for myself" at 85%.[22] An employee at the Asian Women's Shelter in San Francisco, California, concluded, "Transitional housing is critical to ensuring that survivors have a stable, safe, and long-term home from which to rebuild

their lives. Without the worry of housing, survivors have the time to focus on school, employment, and working towards long-term financial stability and economic empowerment."

The VAWA Transitional Housing Program employs a holistic, victim-centered approach to provide transitional housing services that move individuals into permanent housing. The grants are awarded to States, units of government, Indian Tribes, Public Housing Authorities, and other organizations including domestic violence and sexual assault victim service providers, domestic violence and sexual assault coalitions, other nonprofit, nongovernmental organizations, or community-based and culturally specific organizations, which have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

The grants are awarded, through a peer review process to projects in urban, rural, and suburban areas. Grantees provide a wide range of flexible and optional services that reflect the different and individual needs of victims and that allows victims to choose the course of action that is best for them. The grant funding allows individual organizations a choice in how they may best deliver transitional housing services to domestic violence victims. Rent assistance, co-location with domestic violence emergency shelters, and clustered housing are just three examples. Transitional housing grants provide direct assistance for housing-related costs, including rent, security deposits, and utilities. This direct assistance is flexible and can take many forms, including on-site program-owned housing units, rent assistance for individuals, scattered site units, or victims sharing a house with both their own private and shared spaces.

Grants also fund support services designed to enable individuals to locate and secure permanent housing and integrate into a community. Transitional housing programs can offer individualized services such as case management, crisis intervention, counseling, support groups, safety planning, housing advocacy services, and economic empowerment services (employment support, job training, savings programs), as well as practical services such as licensed child care, employment services, transportation vouchers, and referrals to other agencies. Supportive services, such as these, allow victims to continue to heal their physical and emotional wounds, maintain self-sufficiency, and pursue education and employment opportunities, all of which are integral to life independent from their abuser. Grantees are required to collaborate with other community members to address the holistic needs of victims and their children which ensures that victims have access to a broad range of supports.

One of the strengths of the VAWA Transitional Housing Program is the requirement that services are offered on a voluntary basis. Programs allow participants to regain a sense of self-determination by choosing which services are the most helpful for their individual situation. Victims report that they are able to use the program services to their full advantage, with the most positive impact on their lives, because the services they choose are individualized and relevant.

As a federal program, the VAWA Transitional Housing Programs produces and promotes best practices across the nation. Grantees have access to specialized trainings, technical assistance and to their peers around the country. This helps grantees learn from one another and encourages the use of innovative models to most effectively meet victims' needs. Transitional housing programs are monitored through site visits and are required to report their activities and outcomes every six months. Such practices ensure that grantees are fully compliant with the conditions of the grant and are reaching their full potential to provide lifesaving services to fleeing victims of domestic violence.

In addition to the impact on individuals and their families, the transitional housing program also strengthens communities and creates jobs, through the employment of property managers and landscapers, through purchasing local goods in bulk such as cleaning and cooking supplies, and by increasing awareness of the housing needs of victims. Ultimately, even private landlords report their properties are safer because of their increased knowledge about the issues and the reduction in uninhabited units.

Since it was first authorized, the Transitional Housing Program has helped thousands of victims move from crisis to stability. In the first half of 2008 alone, 126 VAWA Transitional Housing Program grantees, representing 65% of all grantees, supported over 1,200 housing units, the majority of which took the form of vouchers or rent subsidies. Reporting Transitional Housing Program grantees provided services to more than 5,000 adults and 8,000 children who were victims of domestic violence, dating violence, sexual assault, and stalking. Even more impressive is that 80% of the victims served by the Transitional Housing grantees moved into permanent housing when they left.[23]

The numbers alone, however, do not express the impact of this program. The successes of transitional housing are exemplified through the stories of courage and transformation of victims and their children who benefit from this lifesaving program across the country. These victims have to start their lives from scratch and rebuild them with the tools and help of the transitional housing programs they accessed. They continue their education, improve their job skills, find employment, build their credit, save money, and eventually find safe, affordable housing. They provide a safe home for themselves and their children. They reintegrate into the community and have a real alternative to living in fear.

> In Vermont, "Helen" entered an emergency domestic violence shelter with her children after fleeing an abusive partner who had isolated and terrorized her for over 20 years with sexual violence. They stayed at the shelter for a month and then moved into a transitional housing apartment. Thanks to the wrap-around services provided by this program, Helen and her children were able to address the extreme trauma that they had experienced. Helen is now developing her social skills and knowledge of budgeting and plans to soon take the General Educational Development (GED) test.
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> In Pennsylvania, "Sarah" became homeless after years of living in an abusive relationship. Due to the lack of stability in her life, Sarah lost custody of her four children. After entering a domestic violence shelter program, she was able to further her education, complete a therapeutic program, and regain custody of her children. VAWA-supported transitional housing has given her a safe and stable environment, enabling her to work on a plan to become self-sufficient. With the assistance of case management, Sarah attained permanent housing. She now supports her family with a full time job and continues to pursue her education.
>
> In Utah, "Jennifer" and her five children escaped from her abusive husband, thanks to the availability of both emergency and transitional housing. While living in transitional housing, she completed a job training program in office systems and has been able to find work—her first job. Jennifer confided in staff members that, without the existence of emergency and transitional housing, she never would have left the abusive relationship, nor would she have begun to achieve economic independence.
>
> In Iowa, "Mayumi" learned about the local domestic violence transitional housing program while staying at a homeless shelter. Mayumi left the Philippines when she married her husband, a US

citizen, and had only been living in the U.S. for two years. She disclosed that her husband had controlled almost every aspect of her life, never allowing her to learn to drive or to work outside of the home. After entering the transitional housing program, Mayumi made quick progress on her goals. She learned to drive and obtained her driver's license, which has increased her sense of independence. Mayumi has also enrolled in school and is working to become certified as a daycare provider. The transitional housing program gave Mayumi ongoing support services while she pursued her goals and she continues to work towards self-sufficiency.

In a Minnesota transitional housing program, "Loretta" is fighting for custody of her six children. Though her legal battle is far from over, she was able to gain temporary joint custody while receiving assistance through a local transitional housing program. According to an advocate at the shelter, without the assistance of transitional housing, the chances of Loretta being able to gain custody of her children would be very slim. She is now employed, going to school, and stays connected to her support systems.

Transitional housing programs across the country have created innovative approaches to more holistically address the needs of domestic violence victims and their children. A number of transitional housing programs have forged community partnerships, both to address gaps in in-house services and to utilize the specialized nature of many services provided by existing community organizations. An added benefit of these innovative partnerships is the community awareness of domestic violence that is fostered through collaboration. A transitional housing program in Utah partnered with a community organization to provide parenting classes that focus on working with children who have experienced trauma. Another program in Minnesota partnered with a community services provider to address the mental health needs of transitional housing residents. A transitional housing program in Hawaii partnered with the local school system to ensure that the children of domestic violence victims feel safe and accepted at their new school.

A number of programs understand the connection between long-term stability and economic empowerment. They are incorporating trainings and classes that assist clients in developing financial literacy, personal financial management skills, record keeping, and other skills. One such program in California has partnered with another local organization to foster women's economic independence by developing financial and employment skills. Another program in Alabama increased accessibility to employment and housing opportunities by regularly circulating updated lists of job openings and rental housing options. As a direct result, an increased number of residents have obtained employment and housing.

Though transitional housing programs have creatively addressed the needs of domestic violence victims with limited resources, such innovations and wrap-around services would expand with additional resources. For instance, most programs recognize the importance of economic empowerment, and a few have been able to offer services such as job training, financial literacy, budgeting, and basic computer skills, many more would do so if funding were available. Citing the shortage of affordable housing stock and lengthy wait times for Section 8 housing, many programs would also purchase their own housing units if they had more funding. Other programs would offer longer term support to better ensure stability beyond residents' tenure in transitional housing. Childcare is another important service that programs are not always able to offer. Overwhelming caseloads are often at the heart of high staff turnover rates in social services. Increased funding would help ensure that transitional housing programs are able to maintain adequate staffing levels so that they may continue to provide quality services to clients while avoiding costs associated with high staff turnover.

The positive impact that transitional housing programs have had is undeniable, both for the victims and children who are striving to rebuild their lives and for the communities in which they live. The program has been designed and implemented successfully. The reauthorization of VAWA has tremendous potential to continue improving the lives of domestic violence victims and their children through sustaining and improving the Transitional Housing Grant Program.

VAWA Housing protections

The VAWA Transitional Housing grants are a significant element of the housing services and remedies that are necessary to secure stable and safe housing for victims. The grants complement the housing protections authorized under VAWA 2005 that protect individuals from unfair eviction due to their status as victims of domestic violence, dating violence or stalking.

Amendments made to the Section 8 or Housing Choice Voucher program and the Public Housing Program ensure that victims of domestic violence, dating violence, and stalking have access to the criminal justice system without jeopardizing their housing and are not discriminated against because of their status as victims. The amendments state that an individual's status as a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of tenancy or of program assistance by a Public Housing Authority (PHA) or landlord, so long as that individual would otherwise qualify for assistance. The language gives landlords and PHAs the ability to bifurcate a lease to maintain the victim's tenancy while evicting the perpetrator and to use certification documents in eviction cases.

The VAWA housing protections have been absolutely lifesaving – allowing victims to access and maintain public and assisted housing without facing discrimination based on the criminal actions of their perpetrators. Together the Transitional Housing Grant Program and the VAWA housing protects address many of the pressing housing needs of victims.

VAWA 2011 Reauthorization Recommendations and Appropriations Requests

VAWA Transitional Housing is a strong, successful program making a remarkable difference in the lives of victims and their children. Changes in VAWA 2005 improved the program by increasing the authorization to $40 million and extending the length of time victims could access the benefits up to 24 months. VAWA 2005 clarified that the Transitional Housing supportive services were voluntary and not a condition on the victim's ability to access housing. VAWA 2005 allowed grantees to use funds for operational costs as well as for assistance to victims. These modifications improved VAWA to better meet the needs of victims and their service providers.

To build on the foundation of VAWA 2005, advocates propose key recommendations for the Transitional Housing Grant Program. VAWA 2005 created "Combating Violence in Public and Assisted Housing" an innovative grant program to encourage housing agencies to address the housing needs of victims. Unfortunately, this exciting program with great potential has never received appropriations. A number of the goals of this program, however, can be addressed through the Transitional Housing Grant Program. Therefore, the advocates recommend that elements of this program be incorporated in the VAWA Transitional Housing Grant Program. Specific recommendations include: allowing training for housing providers and victim advocates on federal and state housing protections available to survivors; allowing grantees to use funding to increase the availability of long-term housing options for victims by building partnerships with housing agencies; and requiring certifications from public housing authority applicants to

verify that they are proactively implementing and enforcing the protections afforded to victims under VAWA 2005. Additional VAWA Transitional Housing grant recommendations include codifying the practice of requiring grantees to partner with primary purpose victim services providers. In order to achieve these critical goals, the funding authorization level for VAWA Transitional Housing must be increased.

The authorization recommendations are relatively modest because the program is meeting the needs of those victims who *can access* the lifesaving services it provides. The true element that impacts the success and reach of the VAWA Transitional Housing program is the allocation of sufficient resources through the annual Appropriations process. The program is currently authorized at $40 million. The Transitional Housing program received $43 million from the American Recovery and Reinvestment Act of 2009 (ARRA) which provided much needed funding for this program at a time when affordable housing was scarce. VAWA Transitional Housing was included in ARRA because it helps to sustain and create jobs for victim advocates and also helps victims find and secure employment.

In FY '10 VAWA Transitional Housing was funded at $18 million and the President's FY '11 budget requested $25 million. To the delight of advocates across the nation, the Senate Commerce, Justice, Science Appropriations Committee requested the full authorized amount of $40 million in their FY '11 Appropriations bill.

This Senate's increase is desperately needed. NNEDV's report, *Domestic Violence Counts: 2009. A 24-hour census of domestic violence shelters,* found that in just one day there were over 9,000 unmet requests for domestic violence services. Of these unmet requests, 5,537 (60%) were from victims seeking emergency shelter or transitional housing. Only 35% of programs surveyed provided transitional housing services. In this economic downturn, programs across the country report that lack of employment and affordable housing are major barriers for the victims they serve. Deciding to leave an abusive relationship is much more difficult when victims fear that they will not be able to find a job or housing for themselves and their children. Because affordable housing is scarce and victims have no safe place to go, some programs are responding by extending emergency shelter stays, putting cots on the floor, and turning offices into bedrooms. Extending emergency shelter stays for survivors, however, means that fewer beds are available for other victims in danger. "It used to be that nearly everyone who came to shelter was able to leave after 30 days," said an advocate in Wisconsin. "Now they are almost always going beyond 60 days. Survivors can't find affordable housing or jobs."

The investment in VAWA Transitional Housing is fiscally sound and lifesaving. By helping victims get back on their feet and become financially stable, VAWA Transitional Housing helps to reduce victims' needs to access charitable and public assistance in the future. With the stability they find while in transitional housing, victims are able to secure employment, rent or buy housing, and increase their contributions to society. Without access to transitional housing, victims are bound to battle homelessness, instability, and many related and costly social ills. Without transitional housing they are vulnerable to further life-threatening violence and abuse. In order to fully realize the potential of the VAWA Transitional Housing grant, advocates urge the Senate Judiciary Committee to increase the funding authorization of this program and to support increases in the annual Appropriations process.

In addition to the improvements to Transitional Housing and increased appropriations for the program, advocates have recommendations to strengthen the VAWA 2005 housing protections. As noted above, these protections allow victims to access the criminal justice system without jeopardizing their housing and

ensure that victims are not discriminated against, denied tenancy, nor evicted by a public housing agency or landlord because of their status as a victim.

The U.S. Department of Housing and Urban Development (HUD) recently issued a final rule on the VAWA housing protections to help clarify the implementation and enforcement of this important law. The rule will help to ensure consistent implementation and application of the protections. To fully realize the potential of housing protections for victims, however, advocates recommend that VAWA 2011 create a Victim Rights Director at HUD to allow for improved implementation and enforceability of VAWA housing protections. The Victims Rights Director would be authorized to address the issues faced by victims proactively across all of HUD's programs and initiatives.

In addition to improving implementation and application of the VAWA housing protections, advocates recommend that VAWA housing protections be expanded and improved. For instance, in VAWA 2005, protections did not cover victims of sexual assault. VAWA 2011 should also expand portability and transfer options for victims of domestic violence, sexual assault, dating violence, and stalking in the previously and newly covered federal housing programs. Victims should be able to request transfers and housing providers should be required to provide, based upon local housing needs and availability, emergency temporary or permanent safe housing options.

By improving the VAWA housing protections, making small but significant improvements to the Transitional Housing Grant Program, and increasing available resources, VAWA 2011 can build upon its current strengths in meeting the diverse and complex housing needs of victims.

Conclusion

Beginning with the original passage of VAWA in 1994, the United States has taken tremendous strides in addressing the needs of victims of domestic violence, dating violence, sexual assault, and stalking. NNEDV applauds Congress's efforts to ensure the long-term safety and self-sufficiency of domestic violence victims and their children through authorizing and funding VAWA programs. The pending VAWA reauthorization presents an opportunity to further build upon the many successes of the VAWA programs, and in particular provides Congress with the changes to fully fund the highly effective VAWA Transitional Housing Program. By implementing the above recommendations, Congress will ensure that transitional housing remains an effective component in a continuum of services and responses. Protections against housing discrimination will help victims escape the cycle of violence and allow them to access the criminal justice system.

VAWA Transitional Housing is a critical investment, not only in the lives of the millions of victims of domestic violence and their children, but for the nation as a whole. Access to safe, affordable housing is paramount to the long-term safety and stability of victims of domestic violence, and transitional housing is an essential haven to victims fleeing abuse. Despite limited resources, VAWA Transitional Housing has served as a model of a successful federal program. However, there remains an urgent need for additional resources. Congress has the opportunity to close the gap between the demand for critical services and the provision of those services by building on its successes in previous versions of VAWA and fully funding VAWA Transitional Housing.

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NNEDV

Statement by Sue Else
President of the National Network to End Domestic Violence

Senate Judiciary Subcommittee on Human Rights and the Law Hearing on the Convention for the Elimination of all Forms of Discrimination Against Women treaty (CEDAW)

November 18th, 2010

Chairman Durbin, Ranking Member Coburn and all members of the Senate Judiciary Subcommittee on Human Rights and the Law, thank you for convening a hearing on the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW).

The National Network to End Domestic Violence (NNEDV) submits this written testimony in support of CEDAW. NNEDV, a social change organization, is dedicated to creating a social, political and economic environment in which violence against women no longer exists. We represent the 56 State and Territorial coalitions against domestic violence, their 2,000 member domestic violence service programs and the millions of victims they serve.

In addition to our national work, NNEDV is an active participant in global efforts to end violence against women. Specifically, we are a founding member of the Global Network of Women Shelter (GNWS), we train professionals across the globe on violence against women issues, and we support federal policies that promote practices to end violence against women worldwide, including the International Violence Against Women Act (IVAWA). Our international efforts have deepened our understanding of the universal struggle to end violence against women and the need for the U.S. to ratify CEDAW.

The United States is a recognized world leader in efforts to end violence against women. In 1994, Congress passed the landmark Violence Against Women Act (VAWA) and each subsequent reauthorization has received overwhelming bipartisan support. VAWA has transformed our nation's response to domestic and sexual violence – helping millions of victims find safety and holding perpetrators accountable for their crimes. Despite the progress, there are still significant challenges to ending violence against women. In fact, one in four women face violence in their lifetimes and three women (on average) are killed a week by a current or former intimate partner in the United States.

Our nation should take the essential next step and ratify CEDAW, an international treaty that affirms principles of fundamental human rights and equality for women. CEDAW recognizes women's rights are human rights, and it seeks to end violence against women, prohibit forced marriage and child marriage, trafficking and exploitation. It aims to expand girls' access to education and fight poverty among women and girls. CEDAW sets a universal standard which will play a critical role in improving the lives of women and girls, not only internationally, but also in the United States.

Let us join the 186 countries that have ratified CEDAW and affirm our national commitment to end violence against women. Let us demonstrate our leadership role in the global fight to end violence against women. Let us make the statement – women have the right to live free from the threat of violence.

On behalf of our 56 member state and territorial domestic violence coalitions and the millions of victims they represent, we thank you for your continued commitment and work to improve the lives of women and girls.

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Swati Prakash
Law Clerk

Equal Justice Society
260 California Street, Suite 700
San Francisco, CA 94111

415-288-8700 phone
415-288-8787 fax
info@equaljusticesociety.org
http://equaljusticesociety.org/ten

November 17, 2010

U.S. Senate Committee on the Judiciary
Subcommittee on Human Rights and the Law
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Ratification of the Convention for Elimination of All Forms of Discrimination Against Women (CEDAW)

Dear Chairman Durbin and Ranking Member Coburn:

The Equal Justice Society (EJS) fully supports the ratification of the Convention for Elimination of All Forms of Discrimination Against Women (CEDAW). EJS is a national legal organization that promotes a vision of a society where race is no longer a barrier to opportunity. Our focus is on strengthening the robust antidiscrimination protections set forth in the Fourteenth Amendment of the United States Constitution and transforming civil right law to address contemporary forms of discrimination. Unfortunately, embedded structural biases persist and continue to result in discrimination and exclusion of people of color and women. It behooves our nation to prohibit discrimination and expand opportunities for women and girls as it promotes equal access to learning resources at all levels, enhances economic and employment opportunities, reaffirms our commitment to preventing gender-based violence, and strengthens civic participation in our nation. For these reasons, the United States should ratify CEDAW.

The United States is one of only seven countries in the world that has failed to ratify this landmark international human rights covenant. In fact, even though the United States played a crucial role in developing the draft CEDAW *and* signed the treaty in 1980, it has not joined the 186 countries that have ratified the agreement since its creation. The United States' absence from this global consensus undermines the ideals of opportunity and equality set forth in CEDAW.

Moreover, the United States should ratify CEDAW in its entirety. It should not impose restrictions, as previously done when adopting the Convention on the Elimination of All Forms of Racial Discrimination (CERD). Both CEDAW and CERD address pernicious and ongoing contemporary forms of gender and race discrimination. Just as U.S. antidiscrimination statutes require remedies for victims of discrimination, these two treaties further our ability to

intervene in and remedy potential discriminatory conduct while focusing on the *effects* of discrimination. The objectives set forth in CEDAW are not foreign to our local governments: In fact, CEDAW principles were previously adopted through local legislation in the cities of San Francisco (1998) and Los Angeles (2003), among other municipalities. Imposing restrictions will result in a failure to prioritize the human rights objectives inherent to eliminating all forms of discrimination. By ratifying CEDAW in its entirety, the U.S. would lend its voice to the struggle to demand equality for women and girls around the world.

CEDAW furthers our country's commitment to equal educational opportunity, educational and economic success, and the value of women's health. It also bolsters our efforts to keep women safe from violence and trafficking. We request that the Senate vote to ratify CEDAW without haste.

Sincerely,

Eva Paterson

Cc: Honorable Benjamin L. Cardin
Honorable John Cornyn
Honorable Russ Feingold
Honorable Al Franken
Honorable Lindsey O. Graham
Honorable Ted Kaufman
Honorable Arlen Specter

Family Care International

Statement to the Subcommittee on Human Rights and the Law of the Senate Judiciary Committee
in support of U.S. ratification of the
Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW)

November 12, 2010

Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

Family Care International (FCI) is a U.S.-based international NGO dedicated to making pregnancy and childbirth safer around the world. We have been working for more than two decades, with partners in the U.S. and around the world, in pursuit of our vision: a world where no woman suffers preventable injury or death from pregnancy or childbirth-related causes, and in which all people are able to enjoy their sexual and reproductive health and rights.

We submit this statement to express FCI's strong support for U.S. ratification of the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW).

FCI is a signatory to the submission by the CEDAW Task Force, which argues for the powerfully positive effect of CEDAW in the 186 countries that have already ratified it, and the pressing need for the U.S. to reaffirm its leadership on human rights. We submit this separate statement because FCI is uniquely positioned, as one of the world's leading voices for maternal health, to bring one additional point to the Subcommittee's attention: By placing the force of world opinion squarely behind women's fundamental rights, CEDAW is an essential tool for reducing deaths and injuries in pregnancy and childbirth. U.S. ratification will immensely strengthen CEDAW's power to save lives.

Every day, a thousand women die from complications of pregnancy and childbirth — one every ninety seconds. This unconscionable daily toll of loss devastates families, depletes communities, and saps the economic vitality and productivity of developing countries. Almost all these deaths are preventable, caused by illness or injury that is prevented or treated in the U.S. as a matter of course. Women are dying because they are deprived of access to family planning, pre-natal care, skilled childbirth care, and emergency treatment for pregnancy and childbirth complications. This lack of access to essential care reflects glaring inequalities in health care and education, gender discrimination, and violence – factors that too often prevent women from making their own decisions about their health care and about whether and when to have children. CEDAW affirms that women's rights are human rights, the fundamental principles of equality for women and girls, and the responsibility of nations and governments to ensure equality and human rights. When women's rights are respected, maternal deaths are extremely rare, as they should and must be everywhere.

Recently, FCI joined in UN Secretary General Ban Ki-moon's call for accelerated progress in reducing maternal and child mortality through the Global Strategy for Women's and Children's Health, which is firmly rooted in a human rights framework. Many governments made strong commitments to this historic initiative; all of them, with the exception of the United States, have ratified CEDAW. Those countries recognize that, by providing a practical blueprint for women's progress, CEDAW has led to real gains for women in many countries around the world.

We believe that ratifying CEDAW will make the U.S. a stronger advocate for women around the world, a more powerful voice for human rights, and a more effective leader in the essential work of improving women's and children's health and achieving the Millennium Development Goals. We urge the Subcommittee, the Judiciary Committee, and the full Senate to move forward now with ratification of CEDAW.

Statement of Family Watch International to the Senate Judiciary Subcommittee on Human Rights and the Law on the hearing:

Women's Rights Are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

November 18, 2010

Family Watch International is a U.S.-based, pro-family advocacy group that works at the international, national and local level to preserve and promote the natural family based on marriage between a man and a woman as the societal unit that provides the best outcome for men, women and children and to defend the natural family and family values. Family Watch is in consultative status with the Economic and Social Council of the United Nations and therefore is recognized by the UN as a nongovernmental organization.

Family Watch differs from most other pro-family organizations in that we take policy positions on these issues based entirely on social science research, legal scholarship, the lessons of history and plain common sense. We do not base our positions on any religious doctrines or moral proscriptions.

We strongly oppose ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by the United States. We take this position based on our extensive experience working on family issues, including those that affect women broadly, at the international and national level. It is clear even to most proponents of CEDAW that ratification of this treaty would not add to the actual protection of women in the U.S. in any practical or useful sense. The United States' existing framework of civil rights, non-discrimination laws and other regulations have proven adequate to deal with discrimination problems since President Jimmy Carter signed the CEDAW treaty thirty years ago. Our current framework of laws provides adequate mechanisms to deal with discrimination problems that may exist at the margin.

As will be noted below, however, ratification of CEDAW could actually weaken existing protections for women generally by seeking to redefine with the force of law the indispensable roles women play in our society such as the roles of mothers and wives. The vast majority of Americans support protecting these critical roles.

Since there is no real practical value domestically for adopting CEDAW, proponents have focused their arguments primarily on how ratification would supposedly give the U.S. greater

credibility in dealing with other countries where problems of discrimination still exist. In our opinion and experience, those making these arguments, who are seeking to advance an agenda internationally that many Americans would oppose, either have no experience dealing with women's issues at the international level or are making this argument to advance an ulterior agenda.

No country in the world seriously doubts the commitment of the U.S. on legitimate women's issues such as maternal health or stopping human trafficking on the basis that the U.S. has not ratified CEDAW. Indeed, especially under the Obama Administration, the U.S. is most often criticized by many developing nations for being too aggressive in trying to impose very liberal, anti-family policies on them that are directly contrary to their traditions and cultures. It is this lack of respect for national sovereignty and this form of cultural imperialism that is causing resentment toward the U.S. with important voting blocs made up of the Islamic and African nations. Respect for the family and family values is fundamental to many of these countries, and much of Family Watch's work at the United Nations is to support coalitions composed of countries in these blocs to oppose efforts by the U.S. and other western nations to undermine the family and family values in their respective countries.

CEDAW was intended to be a primary engine to impose liberal western views and values on other nations and provide a mechanism for social engineering by developed nations and UN bureaucracies. This is evident in some of the wording of the convention itself and is also clearly reflected in the recommendations and comments issued by the CEDAW Committee, which was established to oversee Member State compliance with the treaty.

For example, the CEDAW preamble calls for "a change in the traditional role of men as well as the role of women in society and in the family." Article V expands this by requiring ratifying countries "to modify the social and cultural patterns of conduct of men and women...with a view to achieving the elimination...of all other practices which are based on...stereotyped roles for men and women." It is obvious from the language in the treaty that the objective of CEDAW is to create gender-neutral societies around the world.

"Motherhood" is clearly one of the "stereotyped roles for women" that CEDAW seeks to eliminate. For example, the CEDAW implementation committee told Belarus during its compliance review that it was "concerned by the continuing prevalence of sex-role stereotypes and by the reintroduction of such symbols as a Mothers' Day and a Mothers' Award, which it sees as encouraging women's traditional roles." The Czech Republic was told by the oversight committee during its review that the committee was concerned about their "over-protective measures for pregnancy and motherhood."

A number of countries have been told by the CEDAW Committee that to be in compliance with CEDAW they should legalize prostitution and permit abortion on demand.

Clearly, the vast majority of the American people will not support any effort to eliminate Mother's Day or to pass legislation to legalize prostitution nationwide. This means that if the U.S. were to ratify CEDAW it could expect similar reprimands from the implementation oversight committee during its reviews. Such criticism of the U.S. for noncompliance with

provisions of a treaty it ratifies (even with reservations) would more than outweigh any supposed imagined benefits of achieving greater credibility in encouraging other nations to eliminate true discrimination against women.

On the question of reservations, we are not persuaded that they would protect the legitimate interests of the majority of Americans in retaining laws that provide essential real protections for women in their roles as wives and mothers. Such reservations are easily removed, as the treaty compliance committees and those pushing a radical social engineering agenda understand all too well. There has been a growing effort by these groups to get such reservations removed in countries around the world or to prohibit them from being issued in the first place. In fact the CEDAW treaty itself in Article 28 states that "a reservation incompatible with the object and purpose of the present Convention shall not be permitted." It is quite possible that the CEDAW Committee could arbitrarily decide that proposed U.S. reservations currently under consideration would be invalid. In addition, upon ratifying CEDAW, the U.S. would come under intense international pressure to withdraw any reservations. In fact several UN documents call upon UN Member States that are already parties to CEDAW to withdraw their reservations.

More significant is the difficulty in drafting reservations that would limit activist judges who are increasingly legislating from the bench. These activist judges too often simply make up constitutional "rights" or otherwise find such "rights" where none had been discernable before. This is a different issue than whether the treaty would be construed as affecting existing law, and we do not believe it is possible to draft a reservation that could completely prevent activist judges from using CEDAW as a tool to advance their own social agendas.

In conclusion, the U.S. should not ratify the UN CEDAW treaty thereby submitting itself to the scrutiny of an unaccountable UN Committee that has already grossly misinterpreted CEDAW in ways that undermine the institutions of marriage, motherhood and the family. In reality, many of the groups pressuring the U.S. to ratify CEDAW are doing so in an effort to advance radical women's rights with which most Americans disagree because they actually denigrate women rather than empower them.

There are no good reasons for the U.S. to ratify CEDAW, since the U.S. is already at the forefront of the movement to improve conditions of women and to prevent unjust discrimination based on gender worldwide. Indeed, American women enjoy greater equality, freedom and protections than the majority of women in the world.

We appreciate the opportunity to provide our input to the subcommittee.

serving overseas Americans and the international community since 1931

Chairman Durbin, Ranking Member Coburn and Members of the Subcommittee:

With over 15,000 members, our organization represents the largest group of Americans living overseas. With 75 clubs in 39 countries, our members are well aware of how important CEDAW is to the women of the world.

ALL of our members--whether they live in Europe, Asia, the Middle East or South America--- live in countries which have ratified the CEDAW treaty; however, as American women we are embarrassed to say that our own American government, along with Iran, Somalia and the Sudan, has not yet ratified the treaty.

In 2010, how is this possible for the country that claims to be a defender of human rights?

If the United States wishes to have any credibility as a world leader, the Senate must ratify the CEDAW and reaffirm its commitment to the fundamental principle of human right of equality for women and girls.

In many countries, CEDAW has provided the framework needed to reduce violence against women, improve economic opportunities and enhance women's political participation. Passage in the United States would help reduce pay discrimination, reduce high school drop out rates as well as providing a way to fight domestic violence and trafficking of women and girls. There is still much to be done in those areas.

Surely the United States Senate cannot ignore the words of great American Eleanor Roosevelt, who helped craft the UN Universal Declaration of Human Rights saying,

"Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world."

Please vote to honor those famous words and ratify the CEDAW treaty now.

Yours very respectfully,

Kathleen Simon, President

FAWCO Federation of American Women's Clubs Overseas

U.S. Senator Dianne Feinstein Statement for the Record: "Women's Rights Are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)"

November 18, 2010

I would like to thank Senator Durbin for holding this hearing on the Convention on the Elimination of All Forms of Discrimination Against Women. This important treaty was drafted in 1979 and President Carter submitted it to the Senate in 1980. Although the Senate Committee on Foreign Relations reported it out of committee twice, both in 1994 and 2002, is was not ratified. Unfortunately, since 2002, the Senate has not taken any action to ratify the Convention.

Most of us take for granted the rights most other women yearn for, and the Convention may just be another abstract bill. But as the Senate considers whether to ratify the Convention, it's important we keep those women in mind.

The U.N. Convention on the Elimination of All Forms of Discrimination Against Women is the only international human rights treaty that specifically focuses on the rights of women. Our democratic values lie at the heart of this treaty – that all women, no matter their country, should not be discriminated against. The treaty calls upon nations to end gender discrimination in education, the legal system, employment, and health care.

186 countries have already ratified the treaty. The United States stands alone as the only nation that signed the treaty but did not ratify it. Other countries that are not part of the Convention include Iran, Somalia, and Sudan. Without ratification of this treaty, the United States risks losing its standing as a leader in human rights and gender equality.

The Convention contains basic rights that all women should be afforded. Countries around the world look to the Convention and the recommendations of the Committee on the Elimination of Discrimination Against Women to make gender equality a reality.

According to the United Nations, one in three women around the world will be beaten, raped, or otherwise abused throughout her lifetime. With this Convention, we establish an important framework for countries to fight violence against women and for women's groups to advocate for national policies to create greater protections against violence.

For example, in 2007, the Committee on the Elimination of Discrimination Against Women called on nations to pass laws to protect women against violence, regardless of whether their abusers were their spouse.

That same year, Sierra Leone passed a law following the recommendations, and the country is working with women's organizations to raise awareness of spousal abuse.

The Convention also provides an important tool for the monitoring of trafficking in women and girls across the world. According to the State Department, approximately 12.3 million adults and children are subject to forced labor, bonded labor, or forced prostitution. The Committee's work identifying where the victims of forced labor come from, how they are trafficked, and where they are living, is a powerful tool to end trafficking.

As a result of its research, the Committee makes specific recommendations to encourage countries to pass laws to fight these egregious crimes. Eliminating human trafficking, developing research, and making recommendations to establish a worldwide framework to stop trafficking, is an American interest.

Ratification of the Convention would reaffirm this commitment and allow the United States to work even more closely with its allies to make sure that each country takes the steps necessary to end trafficking.

The United States has consistently recognized the importance of gender equality in education, which is another goal of the Convention. The treaty promotes equal educational opportunities for women and girls at all levels. The Committee reports find that families headed by women who have limited educational opportunities are more likely to live in poverty. As a result, the Committee encouraged member nations such as Bolivia and Saudi Arabia to take steps to improve education and illiteracy rates among women and girls.

The Convention also encourages countries to end discrimination against women in health care, making sure that the particular health needs of women are met. The Committee has offered recommendations focusing on access to health care for women, the increasing rates of HIV and AIDS among women, and decreasing high maternal mortality rates.

Since the Convention's adoption by the United Nations, the status of women around the world is improving. The Convention's shared commitment to meeting the goal of ending gender discrimination provides an important tool for women around the world to assert their rights.

Women can use this treaty to work with their national governments to make sure that their countries have laws to protect their rights, provide equal education and health care, and stop women from being sexually exploited.

The United States already complies with the treaty's gender equality goals in its federal and state laws. At the same time, we have not signed the only human rights treaty dedicated to promoting gender equality around the world.

As the United States works around the world to promote democracy, it is important that we ratify the Convention to demonstrate our support for gender equality. We must continue to lead by example and ratifying the Convention on the Elimination of All Forms of Discrimination Against Women is part of that leadership.

To fail to ratify this Convention would be of huge international significance and threaten our democratic morals. If we believe women's rights are universal, it is time to ratify.

Testimony for the United States Senate, Committee on the Judiciary, Subcommittee on Human Rights and Law on "Women's Rights Are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) November 18, 2010.

Statement by John Fonte, Ph.D.
Senior Fellow
Hudson Institute
Washington, DC

"CEDAW COMPLIANCE WOULD LIMIT THE SCOPE OF DEMOCRATIC DECISION-MAKING, AND THE ROLE OF THE PRIVATE SECTOR, VOLUNTARY ASSOCIATIONS, FAMILIES, AND INDIVIDUALS THROUGHOUT AMERICAN LIFE"

I thank the Chairman and Senator Coburn for the opportunity to submit written testimony for the hearing on the ratification of CEDAW.

Discussion with CEDAW Committee Member about Democracy, Slovenia and Day Care and "Comparable Worth" in American Politics

I would like to begin my testimony with a vignette, a discussion that I had with a member of the U.N. CEDAW Committee that monitors the compliance of State Parties to the Women's Convention. I spoke to the CEDAW Committee representative (a woman from Mauritius) last year after a panel discussion on CEDAW in Washington at the American Society for International Law, of which I am a member.

We discussed compliance with the treaty in the context of tensions with representative democracy. I specifically brought up the case of the newly democratic nation of Slovenia which was chastised by the CEDAW Committee because "only 30%" of Slovenia's children were in day care centers. I asked the women from Mauritius, why this statistic constituted a problem for women rights in general, or specifically a failure to comply with CEDAW? I asked isn't the decision to either place their children in day care centers, or raise them at home a matter for parents to decide rather than UN monitors?

The UN Committee representative said that she remembered the Slovenian situation well. The problem she told me was that the Slovenian government was providing subsidies for stay at home mothers, which was detrimental to both the women and the children. The women were missing out on career opportunities and the children were missing the educational resources and the social other benefits of being in day care. I responded that the Slovenian government was democratically elected on a "pro-family" platform that included support for family subsidies. Moreover, a future government with opposing views could reverse these policies. Isn't this how democracy works? Isn't it up to Slovenians to determine what family or day care policies they are going to have, or not have? The UN representative replied that the Slovenian government was "reinforcing old stereotypes." CEDAW, she said, embodies universal norms and took precedence over the actions of a particular democratic government.

I also raised the issue of "comparable worth", (the concept that women should be paid equally to men, not simply for the same work, but for work of "comparable value") noting that the CEDAW Committee is promoting this concept in their monitoring of the State Parties. I pointed out to her that the concept of comparable worth is a controversial political issue in the US that Americans are addressing though their democratic process. Further, I mentioned that many Americans believe that market forces (not government) should determine wage scales. She responded that equal pay for work of comparable value was a human right and a universal norm. Neither the private sector, nor the market, nor democratic governments have the right to "discriminate," they must adhere to universal norms such as equal pay for work of equal value, she insisted. Most importantly, she emphasized that CEDAW requires "substantive equality" (or equality of outcome) not simply equality of opportunity or equality before the law, these are just the first stages of de facto equality. At the end of our conversation, the UN representative suggested that the US could ratify CEDAW with reservations and we (the Committee) could work on having those reservations "withdrawn" later.

If CEDAW is ratified, what would compliance look like?

The conversation with the UN CEDAW Representative was enlightening. It reveals that the most important question in considering the ratification of CEDAW is: what would compliance with the Convention mean for the United States of America, for our constitutional system, for our sovereignty, for our federalism, for our economy? Fortunately, it is possible to obtain a clear picture rather quickly and easily. There are two sources that are crucial to understanding the potential impact of CEDAW in the United States: (1) The CEDAW Assessment Tool developed by the American Bar Association (ABA) and funded by the US Agency for International Development (USAID), dated January 2002[1] and (2) the CEDAW Committee's monitoring reports of how democratic countries comply or fail to comply with the Convention.

ABA'S CEDAW Assessment Tool.

First, let us examine the ABA's CEDAW Assessment Tool. The Assessment Tool is an over 200 page document with hundreds of specific questions. It details what states should do to be in compliance with CEDAW. The ABA document uses the official "CEDAW Commentary and Guidelines" as its authoritative source on exactly what the Convention means and doesn't mean. For example, on the controversial issue of whether gender quotas (special temporary measures) are voluntary or required, the ABA Assessment Tool emphatically states that there is an "obligation" to implement gender quotas.

> However, Article 2 (e) of CEDAW obligates States Parties to "take all appropriate measures to eliminate discrimination against women by any person, or organization or enterprise." Article 3 also reaffirms the commitment to take all appropriate measures to ensure the full development and advancement of women. Taken together, Articles 2, 3 and 4 **do, in fact, create an obligation to implement temporary special measures** policies in an effort to end discrimination against women.[2]

Moreover, the ABA Tool declares:

> To promote further de facto gender equality, General Recommendation No. 5 encourages the States Parties to employ more temporary special measures, "such as positive action, **preferential treatment or quota system** to advance women's integration into education, the economy, politics and employment." Recommendation No. 8 also suggests that States Parties employ temporary special measures of affirmative action to ensure women equal opportunity to represent their governments internationally. General Recommendation No. 23 **further advises States Parties to establish quotas** and targeted recruitment procedures and appointments to particular posts, such as the judiciary, in order to overcome the cultural barriers that remain, after de jure compliance has been achieved.[3]

The ABA document clearly states that the CEDAW Convention is not simply interested in legal equality or equality of opportunity, but equality of result or equality of outcome (de-facto equality or substantive equality not de-jure equality) and, indeed that temporary special measures (gender quotas) "must be applied" in some cases.

Thus, the ABA Tool declares:

> Article 4 makes it clear that the goal of the Convention is to promote the gender equality of outcome. Recognizing that legal (de jure) equality does not automatically guarantee de facto equality, Article 4 permits States Parties to employ temporary special measures for as long as inequalities continue to exist. Temporary special measures, which are defined as nondiscriminatory by Article 4, are permissible because they promote de facto equality of women. **Temporary special measures must be applied to implement effectively** all the other provisions within the Convention.[4]

Let us simply look at a few pages of this 200 page ABA document to get the flavor of what is required to comply with CEDAW. Article 3 of the CEDAW Convention declares:

> States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality.[5]

This sounds reasonable enough. But what does this mean in terms of compliance? To assess whether a State is in de facto compliance, the ABA document recommends asking the following questions:

> **Has the State created a national machinery** dedicated to the advancement of women through the promotion of more equitable gender roles?
> If so, what is its mandate? Does it include the elimination of discriminatory laws, gender stereotyping, customs and other practices that discriminate against women?
> How is it funded? **Is funding adequate?**

How is it staffed? What is their level of expertise and commitment? Are they permanent government employees or consultants?
Is there inter-agency coordination within the government to ensure compliance with CEDAW within all departments of the government?
To what level of government does the national machinery report (e.g., legislative, executive, etc.)?
Does the national machinery report to anyone outside the government (e.g., the public, **the United Nations or other international organizations)?**
Does the government coordinate with the NGO community when drafting policy recommendations to the legislature or within government agencies?
If so, what is the nature and quality of the coordination?
Does the national machinery or the State track national budget expenditures for programs that promote the advancement of women?
What are the results of this study (e.g., **percentages of funds spent on social and family support programs, awareness campaigns, temporary special measures to promote women's advancement in all fields)**?
Does the State and women's NGOs have a coordinated plan of action to challenge the effects of harmful cultural traditions on women?
Does the State publish and disseminate information on resources and programs benefiting women?
Does the State have a long-term plan to promote the advancement of women?
If so, **were NGOs involved in the drafting of this plan**?
Does this plan comprehensively cover all areas addressed in CEDAW?
Does this plan include specific targets, such as timelines, specific actions, and delegated responsibilities?
Who implements this plan?
Who evaluates progress of the plan's implementation? How often?
Is the evaluation published and distributed?[6]

We have quoted from the ABA's assessment compliance tool at length so that there will be no misunderstanding of what CEDAW means. This is not an "international bill of rights for women" or a "tool for the promotion of equality," as its proponents claim. Instead, as one can see from the above questions that CEDAW is an attempt: (1) to create a massive intrusive bureaucracy ("national machinery"); (2) to dictate democratic policies, even budgetary priorities ("does the national machinery track national budget expenditures?); (3) to coordinate policy with activist-special interest groups (were NGOs involved in drafting this plan?); (4) to implement preferential gender quotas ("[what] percentage of funds [are]spent on temporary special measures?); and (5) to use taxpayer funds for the promotion of controversial policy objectives ("[what]percentage of funds [are]spent on awareness campaigns"?).

Further, what is the purpose of asking if the "national machinery" "reports" to "United Nations or other international organizations"? The implication is that our self-governing constitutional democracy needs the approval, or at least the imprimatur, of the United Nations to determine our own laws on discrimination and sexual equality. This implies that American sovereign self-government–that is to say, decision-making within the American constitutional process–is somehow contingent on forces outside of our nation and constitutional process.

In fact, the ABA Assessment tool emphasizes the authority of CEDAW over national law. First, the ABA document asks: how does the definition of "discrimination against women" in national law compare to CEDAW's definition of discrimination. It, then asks, "If it [the definition of discrimination against women] does not coincide, [with CEDAW's] what measures have been taken (and by whom) to harmonize CEDAW's definition of discrimination against women with the State's definition."[7] The implication is that CEDAW's definition has precedence over national law.

This point is made even clearer on the following page of the ABA document. The ABA recommends asking: "Is CEDAW directly applied and given effect in courts as part of national law? And then the most revealing question of all: "What training programs exist to educate judges and other legal professional about CEDAW's precedence over national law"?[8] The implication of this question is that if there is no training program in which judges learn that CEDAW is superior to national law, there ought to be.

Through its questions on compliance with CEDAW, the ABA document implicitly indicates that the CEDAW Convention endorses a series of controversial policy positions. These include (1) the concept of "comparable worth; (2) gender quotas for elected offices; (3) federal government sponsored revision of textbooks, the promotion of co-educational institutions and the elimination of all-male education institutions; (4) federal government action to promote shared parental responsibilities which includes government-sponsored "family education"; and (5) federal government action to promote parental leave for men.

In these issues the ABA document asks the following:

•On "comparable worth."

> Do women enjoy the right to equal remuneration (including non-monetary benefits) for work of equal value?
> What enforcement mechanisms exist to ensure compliance with equal pay and equal evaluation of work laws in both the public and private spheres?
> Are there policies and procedures established to prohibit discrimination in the evaluation of work performance? Have gender-neutral evaluation criteria been established?
> Has the State undertaken any studies to calculate the value of work done by women in the non-monetized sector, including but not limited to agricultural work, domestic work, child and elder care, family education and health care?[9]

•On gender quotas for elected officials.

> Has the State allocated funds to encourage female candidates to run for office?
> Has the State Party expanded women's opportunities to vote by providing child-care facilities or transportation to conveniently located polling stations throughout the country?
> Do gender quotas exist for increasing the number of women elected or

appointed to government bodies? If so, how have they been implemented?
Do gender quotas exist to include a certain number of women on party lists or as party candidates?
What percentage of party members are women?
What percentage of party leaders are women?
Does the State track how many women run for publicly elected bodies?
Do voting rates differ between women in urban and rural areas?
If so, has the State introduced any special temporary measures to eliminate the gap?
Are female candidates guaranteed equal access to media outlets during their political campaigns as men?
Do they receive equal media attention? If so, what kind of media attention?
Does a negative perception about women's participation in politics exist?
If so, has the State undertaken a public information campaign to change people's negative perceptions about women's participation in politics?
Do public education campaigns conducted by the State emphasize the importance of a balanced representation of men and women in elected bodies?[10]

•On federal government sponsored revision of textbooks, promotion of all co-educational institutions, and the elimination of same sex education institutions.

Is co-education of boys and girls practiced in all areas of the State?
If not, what measures have been undertaken to encourage co-education throughout the State?
Has the State conducted a review of school curricula, textbooks and other materials at all educational levels to eliminate negative stereotyping of girls and women?
What measures has the State undertaken to review teacher training materials and curricula with the aim of eliminating gender stereotypes?
If so, has the State adequately staffed and funded these initiatives?
In secondary school curricula, does the teaching of the State's political history include the contributions of women political leaders and women's participation in historical events?[11]

•On federal government action to promote shared parental responsibilities including government sponsored family education.

What measures has the State undertaken to ensure that family education includes the concept of shared responsibility of both parents in raising children? What measures has the State undertaken to encourage shared parental responsibilities?[12]

•On federal government action to promote parental leave for men

Is there paternity leave for fathers?
If so, what percentage of eligible men use it?
What measures has the State undertaken to encourage men's use of paternity leave where it exists?

> Does the State support, financially or otherwise, social services that enable parents to balance family obligations with work responsibilities and participation in public life?
> Is paternal leave available to men?
> If so, what is the State doing to encourage men to use their paternal leave?[13]

Surely, it is clear that the "right" answers to the ABA's assessment tool (that is, the answers that demonstrate that a nation is in compliance with CEDAW) are affirmative—"yes we do have gender quotas for elected officials"; "yes we do have government-funded paternity leave for men." Moreover, if male-female ratio in any category is not near 50-50, "yes, we will institute 'special temporary measures' until this parity is achieved."

Yet, none of the issues listed above (comparable worth, gender quotas, textbook revision, government promotion of shared parental duties, government promotion of parental leave for men) are serious human rights or women's rights issues, such as voting rights or the end of female genital mutilation. Some, such as comparable worth, are controversial political issues about which there is much disagreement. Others have so little popular support that they have never even reached the stage of becoming serious political proposals (e.g., gender quotas for members of Congress). The remaining issues, for example, how families divide household and parental duties, are, questions, most Americans believe, that families should be able to determine for themselves without coercion from the U.S. federal government or the United Nations. If the American proponents of CEDAW are serious small "d" democrats they should be willing to play by the rules of our constitutional system. That is to say, they should attempt to enact their proposals through the normal process of American democracy, not claim these controversial proposals are "universal human rights" that should not be subject to democratic decision-making.

The work of the UN CEDAW Committee that monitors the Convention.

UN Human Rights Conventions such as CEDAW establish a committee of experts and advocates to monitor the progress of the State Parties towards compliance with the treaty. To understand how CEDAW is defined and works in practice it is necessary to review the actions of the CEDAW Committee that monitors the compliance of the nation-states. Listed below are some highlights of the work of the CEDAW Committee in monitoring the compliance of six fully functioning advanced democracies. To better understand what American compliance with CEDAW would mean, we choose to review only the CEDAW Committee's response to democratic nations.

•United Kingdom of Great Britain and Northern Ireland.

The CEDAW Committee admonished the British because they appeared to prefer equality of opportunity and equality under law to "substantive equality" or equality of result or outcome. Thus, the CEDAW Committee "notes with concern, however, that varying levels of public understanding of the concept of substantive equality have resulted in the promotion of equality of opportunity and of same treatment only." The CEDAW Committee told the British to "implement awareness raising and education campaigns" to explain the "meaning of substantive equality that goes beyond equality of opportunity" to equality of outcome. To do this it would be

necessary for the British to develop "appropriate mechanism and capacity to monitor implementation, evaluate results achieved, and ensure accountability."[14]

•France.

The CEDAW Committee complained that despite France's gender parity law which required 50% gender quotas for party candidates in local elections—the Committee was still concerned with the "under-representation of women in high-level positions in public sectors…in academia, and in the private and business sectors."[15] Moreover, the CEDAW Committee called on France to curb the "wage gaps" between men and women by "financial sanctions" against companies, "that did not have a plan to redress wage inequalities."[16]

•Germany.

The CEDAW Committee told Germany to introduce government subsidized non-transferable child raising leave to fathers. The reason for this was that the Committee was displeased that so few German fathers were using parental leave under the voluntary arrangement.[17] Thus, the CEDAW Committee demanded to know: "Has the Government conducted a study on why fathers are so reluctant to take parental leave?[18] Further, the Committee insisted upon knowing "what measures" the German government was "envisaging to counteract such realities."[19]

•Ireland.

The CEDAW Committee told the Irish to "genderproof" their budget and allocate more budgetary funds for women's concerns. Ireland was also informed by the Committee that "it was important" for the republic that all the UN Human Rights Treaties (including CEDAW, the Rights of the Child, the Convention for the Elimination of Racial Discrimination, and the Convention for Civil and Political Rights be incorporated into domestic law.[20]

•Israel.

The CEDAW Committee admonished the Israelis because their public health services allocated considerable resources to *in vitro fertilization*, but contraceptives were not free. The Committee also told the Israelis to develop programs to provide for the "gender sensitization of the judiciary, police, and health professionals."[21] Eight years later, the CEDAW Committee reported that it "remained concerned about the low level of representation of women" in local authorities. The Israelis were told by the CEDAW representatives to "take sustained measures, including temporary special measures in accordance with article 4, paragraph 1 of the Convention…and to establish concrete goals and timetables" to increase the "representation of women, including Israeli Arab women in elected and appointed bodies in all areas of public life."[22]

•Australia.

The CEDAW Committee complained to the Australians that although they had ratified the treaty, they had attached reservations to that ratification that restricted women in military combat units. The Committee also objected to what it defined as "disproportionate budget cuts" on programs

effecting women. In addition, the Committee admonished Australia for failing to provide federally funded state maternity leave.[23] Nine years later, the Committee "welcomed" Australian legislation that provided for paid maternity leave for federal government workers but complained that there was no "national system of paid maternity leave" that would require the states, territories, and private sector to act.[24]

The activities of the CEDAW Committee's country monitoring reports reveal that the tone of the ABA Assessment Tool is essentially accurate in anticipating what constitutes "compliance" with the CEDAW Convention. Both the ABA document and the results of the CEDAW Committee's monitoring of democracies demonstrate that the UN Women's Convention is extremely problematic in both principle and practice.

The overarching principle behind CEDAW is substantive equality, or ascribed group-based equality of outcomes, enforced by government bureaucracies. That is, equality of result based on the group that one is born into. This is antithetical to the traditional American concepts of equality of opportunity and equality under law, without regard to race, sex, ethnicity, or religion. In fact, the CEDAW representatives specifically criticize equality of opportunity and equality under law as inadequate. Americans spent a good part of the last century fighting ideologies and movements that promoted (although they didn't practice) substantive equality, there is no reason to embrace this false principle today.

In practice, compliance with the type of substantive or de facto equality promoted by the CEDAW Committee means massive government-bureaucratic intrusiveness into every aspect of national life--politics, economics, health, family, religion and social policy. This is clearly shown by the Committee's attempted interference in how democracies deal with such issues as: the ratio of funds spent on *in vitro* fertilization as opposed to contraceptives; government "measures" to "counteract" the reluctance of fathers to use parental leave; "financial sanctions" against companies that have not instituted comparable worth pay rates based on gender; the political question of whether or not women should serve in military combat roles; and government programs for the "gender sensitization" of judges.

The Issue of Enforcement.

It is often noted by the proponents of the treaty that the CEDAW Committee has no enforcement authority. If the treaty is not self-executing, the argument runs, Congress would have to enact legislation to implement CEDAW. Nevertheless, as American Enterprise Institute scholar Christina Hoff Sommers recently noted the ratification of CEDAW is sure to have an effect on policy development in the U.S. Many lawsuits will be brought arguing that the U.S. is not in compliance with CEDAW on this or that issue. Sommers argues that given "the official nature of the [CEDAW] committee, and the legal authority conferred upon it by the international community…its judgments would become a powerful persuasive force."[25] Further, "CEDAW would serve as an impetus and a justification for judges to make radical new ruling in cases touching on gender issues."[26]

Massive Litigation.

Indeed, as the ABA document suggested, the ratification of CEDAW would lead to massive litigation with activist-special interest groups filing law suit upon law suit in an attempt to achieve equality of outcome through judicial means because they have been unable to achieve this goal legislatively through the democratically elected Congress.

RUDs, Reservations, Understandings, and Declarations will have little meaning.

Nor will the inclusion of any "Reservations, Understandings, and Declarations (RUDs) to America's ratification matter. As Professor Sommers remarks, "The legitimacy and role of 'reservations' in international human rights treaties is one of the most contested areas of international law. Legal experts disagree about the power of RUDs to insulate a country from provisions of a treaty if has committed itself to honor. CEDAW itself states, 'A reservation incompatible with the object and purpose of the Convention shall not be permitted.'"[27] Further, she notes, "as NOW...reported on its website in August 2009, 'Representatives from groups who have advocated for ratification over the years suggest that RUDs have little meaning and could potentially be removed from the treaty at some point.'"[28]

CEDAW process undemocratic in principle and antithetical to a free society..

At the end of the day, the CEDAW process itself is at odds with core American democratic principles because the role of the CEDAW monitors (1) distorts the democratic decision-making process and (2) because these UN monitors seek to limit both the scope democratic self-government and the role of civil society and private life. The CEDAW Committee is a foreign body that takes sides in favor of one political group and against another political group within a democratic state in which it has neither citizenship nor any type of democratic accountability. We saw at the beginning of this testimony how the CEDAW Committee took sides in Slovenia for one political group and against the pro-family forces. In the US, upon ratification of the treaty, it is clear that the CEDAW Committee will work hand and globe with some domestic special interest groups (*e.g.,* NOW and other supporters of expanded government) and, at the same, oppose other domestic actors (*e.g.,* pro-family groups, private sector advocates, budget limiters and others). Thus, the CEDAW monitors would interfere in and distort our internal democratic process.

Worse still, the CEDAW Committee would not simply "take sides" in American politics, but would work actively to limit American democratic decision making by taking political issues out of the hands of elected officials and transform them into "universal human rights," to be determined by judges on the basis of the "evolving norms of international law." Further, the CEDAW process (as we have discussed continuously in this testimony) seeks to limit the scope of individual action within civil society, the free-market economy, and even private life itself. In short, CEDAW is not a benign treaty that Americans could accept in any form (with or without the ineffective reservations that have been suggested), but is anathema to American democracy and our free society.

[1] See American Bar Association Central and East European Law Initiative (CEELI), The CEDAW Assessment Tool: An Assessment Tool Based on the Conventional to Eliminate All Forms of Discrimination Against Women (CEDAW), The Right Consortium, Funded by USAID, January 2002, contact ABA CEELI, 740 15th St. NW, 8th Floor, Washington, DC 20005-1022. Hereafter referred to as ABA Tool.
[2] ABA Tool, p. 16.
[3] Ibid. p. 16.
[4] Ibid. p. 16.
[5] Ibid. p. 82.
[6] Ibid. p. 82.
[7] Ibid. p. 79.
[8] Ibid. p. 80.
[9] Ibid. p. 95.
[10] Ibid. pp-87-88.
[11] Ibid. p. 92
[12] Ibid. p 85.
[13] Ibid. p.97
[14] U.N. General Assembly , 63rd Session. Report of the Committee on the Elimination of Discrimination Against Women: 40th (14 January-1 February 2008) and 41st (30 June-18 July) Sessions. Supp No. 38 (A/63/)38). Official Record. New York, 2008.
[15] U.N. Committee on the Elimination of Discrimination Against Women. 40th Session. Convention on the Elimination of All Forms of Discrimination Against Women: *Concluding comments of the Committee on the Elimination of Discrimination Against Women: France* (CEDAW/C/FRA/CO/6). 14 January-1 February 2008.
[16] Ibid. p.5.
[17] U.N. Committee on the Elimination of Discrimination Against Women. 30th Session. Pre-Session Working Group for the 30th Session. *List of Issues and Questions With Regard to the Consideration of Periodic Reports, Germany* (CEDAW/PSWG/2004/I/CRP.I/Add.3). 12-30 January 2004.
[18] Ibid.
[19] Ibid.
[20] U.N. Press Release, "Committee on the Elimination of Discrimination Against Women Begins Consideration of Report on Ireland." (Press Release WOM/1142). 21 June 1999.
[21] U.N. Committee on the Elimination of Discrimination Against Women. 17th Session. U.N. Convention on the Elimination of Discrimination Against Women. *Concluding Comments: Israel* (excerpted from A/52/38/Rev.1). 25 July 1997.
[22] U.N. Committee on the Elimination of Discrimination Against Women. 33rd Session. U.N. CEDAW. *Concluding Comments: Israel* 5-22 July 2005.
[23] U.N. Committee on the Elimination of Discrimination Against Women, 17th Session CEDAW. Concluding Comments: Australia 25 July 1997.
[24] U.N. Committee on the Elimination of Discrimination Against Women, CEDAW. *Concluding Comments: Australia*, 2006.
[25] Christina Hoff Sommers, "The Case against the U.N. Women's Treaty, National Review Online, November 16, 2010.
[26] Ibid.
[27] Ibid.
[28] Ibid.

The Senate Judiciary Subcommittee on Human Rights and the Law
Hearing, November 18, 2010
On
The Convention on the Elimination of All Forms of Discrimination Against Women

Statement for the Record
By Arvonne Fraser
Former U.S. Ambassador
to the United Nations Commission on the Status of Women

As a former U.S. Ambassador to the United Nations Commission on the Status of Women (1993-4) and member of U.S. delegations to the 1993 U.N. World Conference on Human Rights and the U.N. Decade for Women World Conferences on Women in 1975 and 1980, I wholeheartedly urge U.S. ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

It was with great pride that I witnessed our signing of this important convention in Copenhagen at the second U.N. World Conference on Women in 1980. I was also proud to understand that U.S. delegates to the U.N. Commission on the Status of Women had been instrumental in the drafting of this convention. Later that year this convention had achieved enough ratifications to become an international treaty.

The United States takes international treaties seriously. We take time and have processes for considering ratification because our nation supports the concept of the rule of law. We also work diligently to convince other nations of the importance of the rule of law in the building and maintenance of democratic societies. Therefore our failure to ratify CEDAW is a national embarrassment.

This treaty calls for the equal treatment of women as citizens in every country, while recognizing (in Article 5b) "the common responsibility of men and women in the upbringing and development of their children." It calls for legislative measures to ensure this concept of woman as citizen. Nothing could be more in line with American values and traditions.

I was one of the founders in 1985 of the International Women's Rights Action Watch (IWRAW), which came together to publicize the existence of this treaty and to encourage and monitor its implementation at local, national and international levels. I was proud of our nation's record in conformance to CEDAW provisions. But as the years passed, it became increasingly difficult to rationalize the U.S. failure to ratify.

The U.S. failure to ratify CEDAW keeps us from being a member of the U.N. Committee on the Elimination of Discrimination Against Women, the international body that monitors the status of women in ratifying nations. It is now an embarrassment for the United States to be one of only seven nations of this world that have not ratified this treaty – along with Sudan, Syria, Iran and three tiny Pacific Island nations.

I urge ratification not just for the sake of American women but, perhaps even more importantly, for our nation's credibility. We must practice what we preach or we will continue to lose status and influence in the eyes of the world. I urge CEDAW ratification as soon as possible.

Thank you.

General Board of Church and Society of The United Methodist Church
100 Maryland Avenue, N.E., Washington, D.C. 20002 • (202) 488-5600
Fax: (202) 488-5619 • Email: gbcs@umc-gbcs.org • Website: www.umc-gbcs.org

November 15, 2010

Senator Richard Durbin, Chair
Human Rights and the Law Sub-Committee
Judiciary Committee
Washington, DC 20510

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The General Board of Church & Society (GBCS) of The United Methodist Church is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women [CEDAW].

GBCS is the public policy agency of the 11 million-member United Methodist Church. The United Methodist Church is the third largest Christian denomination in the United States and, historically, has had a commitment to human rights for all people. For decades, the UMC has fought for equality for women with a goal of eliminating violence, poverty and discrimination against women in all facets of society.

The United States has long been recognized as a leading voice for women's rights and human rights, which makes our failure to ratify CEDAW all the more troubling. We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. (The others are Iran, Sudan, Somalia, and three small Pacific Islands.) The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

CEDAW, unquestionably, embodies American values. It seeks to end violence against women and trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous, stable societies. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

Sincerely,

James E. Winkler
General Secretary

Metropolitan Community Churches
Global Justice Institute
446 West 36th Street
New York, New York 10018
www.ufmcc.com

12 November 2010

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The Global Justice Ministry of Metropolitan Community Churches is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women [CEDAW].

Metropolitan Community Churches, a global movement of faith with congregations in twenty eight countries, has long been an advocate for women's equality. Long before many denominations ordained women, our clerical ranks were evenly divided between men and women. Our voices, as leaders of faith, have been raised in support of the full inclusion of lesbians and transgender women under the umbrella of women's and human rights efforts.

The United States has long been recognized as a leading voice for women's rights and human rights, which makes our failure to ratify CEDAW all the more troubling. We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. (The others are Iran, Sudan, Somalia, and three small Pacific Islands.) The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

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Sincerely,

The Rev. Pat Bumgardner, Chair
Global Justice Ministry
Metroplitan Community Churches

November 12, 2010

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The Global Summit of Women is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women [CEDAW].

For over twenty years now, the Summit has been convening women leaders in business, government and civil society for exchanges of best practices in advancing women's economic opportunities worldwide. Last year's Summit hosted by China brought 1,040 women leaders from 80 countries to Beijing, including 30 women cabinet Ministers of various portfolios. Our goal with this forum is to accelerate women's economic advancement through winning strategies and solutions forged by women in the public and private sectors as a way of ending discrimination against women by exchanging policies and programs that work.

In the course of organizing this annual global forum, the American organizers of this Summit have been questioned as to why the country that seems to have some of the right policies in place has not been able to sign on to a simple document that confirms the U.S. commitment to end discrimination against women in this country and worldwide, when it would clearly send a global signal to the rest of the world the strong support of the country as a whole as represented by its Congress.

The United States has long been recognized as a leading voice for women's rights and human rights, which makes our failure to ratify CEDAW all the more troubling. We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. (The others are Iran, Sudan, Somalia, and three small Pacific Islands.) The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

CEDAW, unquestionably, embodies American values. It seeks to end violence against women and trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous, stable societies. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

Sincerely,

Irene Natividad

Irene Natividad
President

1100 G St. N.W., Ste. 700 Washington, D.C. 20005 USA
Phone: (202) 835-3713 Fax: (202) 466-6195
Website: www.globewomen.org E-mail: summit@globewomen.com
GlobeWomen.... the premier on-line source for women in business globally

Testimony of Marcia D. Greenberger
Co-President, National Women's Law Center

Subcommittee on Human Rights and the Law
of the Senate Judiciary Committee

November 18, 2010

Chairman Durbin and members of the Judiciary Committee, thank you very much for the opportunity to testify as you consider the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW affirms principles of human rights and equality for women, principles that embody American law and values. The National Women's Law Center is proud to be a part of the over 160-member CEDAW Task Force, working under the auspices of the Leadership Conference for Civil and Human Rights, which strongly urges the Senate to ratify CEDAW.[1] We are delighted that the Subcommittee on Human Rights and the Law is turning its attention to the long overdue ratification of this fundamental human rights document.

CEDAW has brought 186 nations together to show their commitment to treating women and girls fairly. It is long past time for the United States to become part of this community of nations. The only other countries that have not ratified CEDAW are Iran, Somalia, Sudan and three Pacific Islands, putting the United States in dubious company. By ratifying CEDAW, almost every other country in the world has affirmed the importance of progress for women and girls and agreed to work to achieve that end. That the U.S. has not done so is deeply unfortunate. It fails to reflect our country's proud tradition of leadership on women's rights. It has denied women and girls around the world U.S. leadership on the implementation of CEDAW, and it has denied women and girls in our own country the benefits of important lessons that could be learned about effective strategies and programs adopted in other countries around the world. Simply put, U.S. ratification of CEDAW will strengthen our longstanding role as a global leader standing up for women's rights and human rights.

And our country's leadership is sorely needed. Of the 1.3 billion people living in poverty around the world, 70 percent are women. An estimated 5,000 women a year are killed in the name of "honor" for being a victim of rape, for instance, or for talking to a man who is not a relative. Rape is used as a routine weapon of war in too many conflicts. Women and girls are crying out for the United States' assistance. This is not the time for the United States to be absent from such an important forum.

CEDAW calls upon ratifying nations to take "all appropriate measures", as determined by each country for itself, to end discrimination against women and girls. "All appropriate measures" is a flexible standard that provides each country discretion in determining how to tackle these problems. CEDAW calls upon every country to set out a

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[1] The Leadership Conference is submitting testimony that further describes the breadth and nature of this coalition.

vision for comprehensive progress, addressing the status of women throughout and in the key aspects of their lives. For example:

CEDAW seeks to prevent violence against women and trafficking. CEDAW's call to end discrimination against women includes a focus on stopping gender-based violence such as family violence and abuse, forced marriage, dowry deaths, acid attacks, female genital mutilation, and compulsory abortion and sterilization. In addition, one important goal of CEDAW is to "suppress all forms of traffic in women and exploitation of prostitution of women." This emphasis has led to concrete progress in ratifying countries. For example, Mexico pointed to CEDAW in creating the Mexican General Law on Women's Access to a Life Free from Violence in 2007, which today has been adopted by all of Mexico's 32 states. Nepal, which is both a "destination country" and "sending country" of trafficked women and girls, responded to recommendations from the CEDAW Committee to take steps to address trafficking by enacting strong new laws, in line with CEDAW's provisions.

CEDAW promotes equal educational opportunities. Nearly two-thirds of the world's illiterate adults are women, and two-thirds of its unschooled children are girls. When women and girls are educated, it benefits not only them, but also their families and communities. Child mortality falls and economic development improves. Women's education leads to healthier, more prosperous societies. CEDAW seeks to end discrimination against women and girls in education. It promotes equal educational opportunity and access to learning resources for women and girls at all levels, from preschool to professional and vocational training, from scholarship receipt to sports participation. It urges countries that traditionally barred or discouraged girls from attending school to open the door to their education. It also seeks to prevent girls from dropping out of school. And it has changed women's and girls' lives as a result. For example, in Bangladesh, CEDAW has provided a framework for efforts to expand girls' access to education, and as a result, girls are now enrolled in primary and lower secondary schools as frequently as boys.

CEDAW seeks to improve women's health. CEDAW calls for an end to discrimination against women in health care. It fights maternal mortality and promotes safe motherhood by seeking to ensure that quality prenatal and obstetrical care is made available to all women who need it. In addition, CEDAW's commitment to women's health embraces efforts to fight HIV/AIDS infection in women and girls, address older women's health needs and ensure appropriate accommodations for women with disabilities. This commitment has led to meaningful changes in ratifying countries. For example, in the 1990s, Colombia adopted a women's health policy based on CEDAW to end discrimination against women in health care and to ensure that the diversity of women's health needs are addressed throughout their lives. In 2008, Hungary improved its informed consent laws in response to an incident in which a woman was sterilized without her consent and used CEDAW to advocate for changes in policy.

CEDAW supports mothers and families. CEDAW urges that motherhood not be diminished or disparaged or discriminated against. It supports families and the welfare of

children. It also is committed to the principle, widely-accepted in the United States and elsewhere, that meaningful participation by both mothers *and* fathers in children's lives benefits children and the family. CEDAW addresses the realities faced by the many parents who must balance work and family. It also calls for properly valuing the unpaid work performed by women within the home, and seeks to promote women's safety within the family through opposition to practices that endanger women and render them vulnerable to exploitation. Ratifying countries have used these principles to protect and promote the rights of mothers and families. For example, in 2007, spurred by CEDAW, Sierra Leone revised its family law to enhance women's safety in the family, proving that both parties must consent to a marriage, abolishing the practice of "wife inheritance," and outlawing domestic violence.

The values forwarded by CEDAW are strongly supported by the American public. Indeed, U.S. law is consistent with the principles set out in CEDAW. But, of course, improvement is always needed. Ratification of CEDAW will demonstrate the United States' continuing effort to promote women's and girls' advancement not only abroad, but also at home.

No one would disagree that there is still progress to be made in the United States. Domestic violence remains a serious problem, with an average of four women murdered each day and 5.5 million women physically assaulted or raped by intimate partners each year. Thousands of women are trafficked into the U.S. each year, where they are forced into prostitution or slavery-like conditions. The U.S. ranks 51st in the world in maternal mortality rates, tied with Saudi Arabia. Indeed, the U.S. is one of the few countries in the world whose maternal mortality rate has *increased* over the last twenty years. We rank 47th in infant mortality, tied with Qatar, Serbia, and the United Arab Emirates. Women in this country can expect to live four fewer years than women in France and Monaco and five fewer years than women in Japan.

Therefore, we like every other country in the world have our own challenges to confront. At the same time, we have extraordinary successes in opening opportunities for women and girls, which can provide valuable lessons for other countries working to ensure that women achieve the highest educational, professional, and civic accomplishments, as well as for those countries where women seek to secure basic rights of citizenship such as attending school and owning property in their own names. CEDAW offers paths to progress for all nations, whether they are starting at the beginning in recognizing women's human rights, or whether, like the United States, they come to the conversation as leaders in expanding justice and opportunity for women. By ratifying CEDAW, we can simultaneously encourage other countries' advancement and our own.

It is unfortunate that opponents of CEDAW have often relied on false claims and distortion in their arguments against ratification. One such charge is that CEDAW outlaws Mother's Day. This is flatly false, and especially absurd given CEDAW's central purpose of supporting and empowering women in all their chosen roles, including the role of mother. Over 100 countries around the world that have ratified CEDAW

celebrate some version of Mother's Day. CEDAW has not ended a single one of these celebrations.

Ratification of CEDAW is also completely consistent with the protection of the United States' sovereignty. Should the United States ratify CEDAW, Congress and our state and local legislative bodies, as well as our other elected officials would be responsible for determining what measures are "appropriate" to advance CEDAW's goals. The Supreme Court has made clear that no treaty, including CEDAW, can override the U.S. Constitution, and should any conflict between a treaty and the Constitution arise, the Constitution would necessarily prevail. Nor would the decisions of any international court or body be binding on the United States as the result of CEDAW. According to the State Department, there are 10,000 treaties currently in force in the U.S., including multiple human rights treaties. These treaties have not compromised the United States' status as a sovereign nation and neither would CEDAW.

In closing, CEDAW stands for the fundamental proposition that women's rights are human rights. It is long overdue for the United States to ratify CEDAW, bringing its leadership and vision to this crucial effort to secure equality and justice for women and girls around the world.

Thank you for the opportunity to testify today.

HADASSAH
THE WOMEN'S
ZIONIST
ORGANIZATION
OF AMERICA, INC.

50 WEST 58 STREET
NEW YORK CITY
NEW YORK
10019-2500

TEL. 212.355.7900
FAX 212.303.8282
TTY 212.303.4549
WWW.HADASSAH.ORG

FOUNDED BY
HENRIETTA SZOLD
IN 1912

November 18, 2010

Women's Rights are Human Rights: U.S. Ratification of CEDAW
Hearing before the Senate Judiciary Subcommittee on Human Rights and the Law
Dirksen Senate Office Building
Room 226

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee,

Since 1980, Hadassah, The Women's Zionist Organization, Inc. has shown its strong support for ratification of The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Hadassah affirmed that position in 1994 and in 2000, stating "it is imperative that the United States, a leader in the human rights arena and an active party in drafting the document, honor its international commitments and ratify the Convention . . .".

Ratification of CEDAW is fundamental for promoting women's rights and for continuing America's leadership in human rights. The U.S. is one of only seven countries—and the only democracy—that has not yet ratified CEDAW. Hadassah and the United Nations Development Fund for Women consider universal ratification necessary for prompting full equality for women worldwide. It is time for the U.S. government to show the international community that it stands unequivocally for the rights of women.

Included with this letter are Hadassah's three Policy Statements affirming our support for CEDAW's ratification.

We thank you for taking the time to hold this important hearing and taking our position into consideration. We stand with the CEDAW Task Force, of which we are a member, in stating our profound hope that this hearing is an important step toward a renewed commitment to ratification of CEDAW by the United States.

Sincerely,

Nancy Falchuk

Nancy Falchuk
National President

Statement adopted at the 66th Hadassah National Convention

AMERICAN AFFAIRS

Los Angeles, California
August, 1980

UN CONVENTION OF THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Hadassah, the Women's Zionist Organization of America, commends the United States for having signed the UN Convention on the Elimination of All Forms of Discrimination Against Women. The Convention sets out in legally binding form internationally accepted principles and measures to achieve equal rights for women everywhere. In thus signing, the United States becomes one of more than sixty member nations to have endorsed this Convention.

Hadassah urges the U.S. Senate to speedily ratify this important document.

American Affairs

New York, NY
August 1994

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Hadassah, the Women's Zionist Organization of America, supports the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). We call upon the United States to ratify this Convention and join the overwhelming majority of signatory nations.

As a women's organization, we recognize the need for an international bill of rights for women. The Convention addressed this necessity by setting forth standards for women's civil, legal and reproductive rights. Additionally, the document obliges the signatory nations to pursue legislation and policies that lead to gender equality.

It is imperative that the United States, a leader in the human rights arena and an active party in drafting the document, honor its international commitments and ratify the Convention before the rapidly approaching 1995 United Nations Fourth World Conference on Women.

National Israel, Zionist and International Affairs Dept. California
July 2000

RATIFYING CEDAW, THE CONVENTION TO END ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Hadassah, the Women's Zionist Organization of America, urges the United States Senate Foreign Relations Committee to recommend that the Senate ratify the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) as soon as possible.

CEDAW is the first international treaty to address women's rights as human rights. It comprehensively promotes gender equality and women's full participation in society while condemning all forms of discrimination against women.

As of July 2000, 165 countries, including Israel, already have ratified CEDAW, recognizing its importance as an international bill of human rights for women. Hadassah is appalled that the United States is the only industrialized nation in the Western Hemisphere that has not yet ratified this important convention for women. This places the U.S. in the undesirable company of countries like Afghanistan and Sudan that hold records of severe human rights abuse.

Hadassah urges the United States government to rectify the situation by ratifying CEDAW and reasserting America's position as the world's leader in initiating women's rights as human rights.

STATEMENT OF WADE HENDERSON
PRESIDENT & CEO
THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS
"WOMEN'S RIGHTS ARE HUMAN RIGHTS: U.S. RATIFICATION OF THE CONVENTION"
HEARING ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW
SENATE COMMITTEE ON THE JUDICIARY
NOVEMBER 18, 2010

Chairman Durbin, Ranking Member Coburn, and members of the Committee: I am Wade Henderson, President and CEO of The Leadership Conference on Civil and Human Rights (The Leadership Conference). I appreciate the opportunity to present to you the views of the Leadership Conference in today's hearing on U.S. ratification of CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women. CEDAW is a landmark international agreement that affirms principles of fundamental human rights and equality for women around the world. U.S. ratification would strengthen those principles and those who support them everywhere, and The Leadership Conference strongly urges the Senate to approve this measure as soon as possible.

This is the first hearing on CEDAW by the Senate since 2002 and the first time the Judiciary Committee has held a hearing on the need for the United States to ratify an international human rights treaty. It follows the subcommittee hearing at which I testified last year on Implementation of Human Rights Treaties, which focused on the Convention to Eliminate All Forms of Racial Discrimination (CERD) and the International Covenant on Civil and Political Rights (ICCPR).

The United States played an important role in the drafting of CEDAW, which the United Nations adopted in 1979, and which President Carter signed in 1980. Last December, the world community celebrated the 30th Anniversary of CEDAW, recognizing its success in making a real difference in women's lives, from gaining the vote in Kuwait to expanding primary school for girls in Bangladesh. Unfortunately, the United States was missing in action because we remain one of only seven countries that have still not ratified CEDAW. Even more unfortunately, we are in the company of Iran, Somalia, Sudan and three Pacific Islands—not a group we are proud to belong to.

The Leadership Conference on Civil and Human Rights is leading a broad coalition of more than 160 national organizations that support U.S. ratification of CEDAW. Many of those are submitting their own statements to the Subcommittee. This diverse Coalition is chaired by the ACLU, Citizens for Global Solutions, National Women's Law Center and the YWCA. It includes civil rights organizations like the NAACP and National Council of La Raza; women's organizations like Feminist Majority, National Council of Negro Women, and National Council of Jewish Women; human rights organizations like Amnesty International and Human Rights Watch; faith-based groups like the Women's Missionary Society of the African Methodist Episcopal Church, United Methodist Women, and Presbyterian Church USA; labor unions like

the National Education Association and the Service Employees International Union; international development organizations like Interaction and CARE; and other groups including the American Bar Association, the League of Women Voters and the United Nations Associations; and many more (see attached list).

With the addition of Human Rights to our name this year, The Leadership Conference is signaling the importance of using the international human rights framework as another powerful tool to advance our civil rights and social justice agenda. We view ratifying the CEDAW treaty as fundamental to achieving equal rights and opportunities for women around the world, including the United States. The failure to ratify this treaty for the rights of women undercuts the credibility of our nation's stated intention to engage as a global partner, and weakens the effectiveness of our advocacy for human rights, including the rights of women and girls everywhere.

Many studies show that rights and education for girls and women are crucial to reduce violence, alleviate poverty, build democracies and strengthen economies. Countries are more stable, prosperous and secure with educated women who can fully participate in society. Indeed, one year of secondary schooling can mean 10 to 20 percent more in future wages, according to World Bank research. Furthering women's rights is thus fundamental to America's economic and national security interests.

Ratifying CEDAW would also benefit women and families here at home. Although American women enjoy greater opportunities and status than women in many other parts of the world, few would dispute that more progress is warranted. For example:

- Domestic violence is prevalent - three American women a day are murdered and two million women a year report assaults by the current or former men in their lives. Some estimates suggest that 20,000 women, men, and children may be trafficked into the U.S. each year, forced to labor under slave-like conditions.
- Women are now half the workforce, but they earn on average only 77 cents for every full-time dollar paid to men. For women of color, the wage gap is even wider.
- One in four high school girls in this country drops out before graduation, and they have an average annual income that is $9,100 below even the low wages earned by boys who drop out.

CEDAW would be an effective tool for women working in the United States for progress in these and other areas. The principles embodied in CEDAW are fully in accord with American laws, principles and values. The U.S. Constitution already protects women's right to due process and equality under the law, and numerous laws on both the federal and state level also protect women--prohibiting sex discrimination in employment, education, housing and credit; providing for family and medical leave and child care; and combating domestic violence and human trafficking.

As a nation, we have continued to make progress in eradicating the remaining discriminatory barriers to women here in the United States. For example, the adoption last year of the Lilly Ledbetter Fair Pay Act makes it easier for women to gain redress against systematic pay discrimination. Ratifying CEDAW does not result in any changes to U.S. law. However, it does

create an opportunity, through periodic reporting to the CEDAW Committee, for a dialogue on ways to address remaining gaps in women's equality. And as with other human rights reporting mechanisms, CEDAW would be a catalyst for regular analyses of women's status, highlighting gaps in equality and, in partnership with civil society, suggesting innovative solutions.

For example, the United States participates in similar forums on racial issues with the CERD Committee and in the Universal Periodic Review (UPR) before the UN Human Rights Council. I was in Geneva when the United States presented its UPR report. I was proud of the stature and diversity of our official delegation, and of the report we submitted, which hailed this country's strong record on human rights while acknowledging the need for continued progress. I was pleased that almost half the countries that commented on the U.S. report -- including the United Kingdom, the Netherlands, Canada and Australia -- recommended that the United States ratify CEDAW, and that in response, that our government called CEDAW ratification one of the Obama administration's top priorities.

As the late Dr. Dorothy Height, our former chair and founding mother of the civil rights movement, noted when The Leadership Conference held its first meeting of the CEDAW Coalition: "Ratifying CEDAW remains among the unfinished business of the civil rights movement." Her commitment, her leadership, and her fierce resolve to see this important treaty ratified was truly a galvanizing force that has strengthened our resolve to see that the U.S. joins 186 other nations in ratifying CEDAW.

Ratifying the CEDAW treaty would continue America's proud bipartisan tradition of protecting and promoting human rights. It would strengthen the United States as a global leader standing up for women and girls around the world. Under the leadership of Presidents Reagan, Bush and Clinton, the U.S. ratified similar treaties on genocide, torture and racial discrimination. We appreciate the strong support of the Obama administration. Ratification of CEDAW is long overdue. We urge the Senate to bring CEDAW to the floor for a vote as soon as possible.

HEADQUARTERS
333 Seventh Avenue
13th Floor
New York, NY 10001
Tel: 212.845.5200
Fax: 212.845.5299

WASHINGTON D.C. OFFICE
100 Maryland Avenue, N.E.
Suite 500
Washington, DC 20002
Tel: 202.547.5692
Fax: 202.543.5999

www.humanrightsfirst.org

Statement in Support of Convention for Elimination of All Forms of Discrimination Against Women (CEDAW)

To the Senate Judiciary Subcommittee on Human Rights and the Law

November 18, 2010

Dear Chairman Durbin, Ranking Member Tom Coburn, and Members of the Subcommittee:

Human Rights First is pleased to submit this statement in support of the ratification of the Convention for Elimination of All Forms of Discrimination Against Women (CEDAW). We favor the treaty because it promotes the proposition that women's rights are human rights, and because we know that only societies that fully incorporate women can thrive and prosper.

Furthermore, we support ratification because it would cement American leadership in promoting gender equality and general anti-discrimination efforts abroad. As the U.S. asserts its role as the most prominent defender of human rights globally, the adoption of both the language and the spirit encompassed in CEDAW is critical.

Human Rights First, a non-profit advocacy organization based in the United States, is dedicated to strengthening U.S. policies, laws, and institutions that advance international human rights standards domestically and internationally. We work with human rights defenders around the world to forge a U.S policy that places the highest priority on human rights, freedom, and dignity. Some of our programs include fighting discrimination, mass atrocity prevention, and refugee protection. Founded in 1978 as the Lawyers Committee for International Human Rights, HRF has long advocated for passage of CEDAW, consistent with our mission.

We applaud Senator Durbin's leadership and the initiative this subcommittee has taken to generate momentum toward the ratification of CEDAW. Since its negotiation more than 30 years ago, CEDAW stands as the only international human rights treaty to focus exclusively on the rights of women, and it is long overdue for U.S. Senate approval.

HRF recommends ratification of CEDAW so we can continue to move forward to rectify what we all know to be awful truths: Women and girls throughout the world often face particular kinds of gender-related threats. Some suffer extreme abuse such as violence, trafficking, and sexual slavery; others are excluded from the educational system or denied the right to vote, simply because they are female.

Moreover, we know that women human rights defenders, especially those in particularly dangerous environments, are subject to especially egregious and targeted threats based on their gender. There are multiple cases documented in Colombia from 2001-2005, for example, of gender-specific intimidation of women human rights defenders, including the targeting of women activists' children and their families as a way to manipulate their roles as mothers and exert added pressure on them to stop their human rights work. There are also cases where women under threat cannot escape given the complications of relocating an entire family, including children. These cases exemplify how women defenders are subjected to additional gender-specific risks.

While these cases may not speak to conditions in the United States, it is U.S. advocacy that inspires and protects many of these women in their quests for freedom and equality. The United States cannot effectively advance the elimination of discrimination against women in these and other cases if we have refused to ratify CEDAW ourselves.

Secretary of State Hillary Clinton recently declared, "The complexities of this world" demand "a new American moment, a moment when our global leadership is essential." HRF is proud that the United States is a global leader on human rights, including women's issues. We hope the United States will sustain that leadership through a strong bipartisan domestic consensus that human rights promotion – embodied by CEDAW – is in the national interest. HRF urges its ratification as soon as possible.

Sincerely,

Tad Stahnke
Director of Policy and Programs

STATEMENT IN SUPPORT OF US SENATE RATIFICATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) TO THE SENATE JUDICIARY SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW
NOVEMBER 18, 2010
THE WOMEN'S RIGHTS DIVISION OF HUMAN RIGHTS WATCH

Human Rights Watch applauds the Senate Judiciary Subcommittee on Human Rights and the Law for holding today's hearing on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Thirty years after President Carter signed the convention, US ratification of CEDAW remains a matter of critical importance for affirming 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 150 million[1] reasons the U.S. Senate should ratify CEDAW, but this statement of support will briefly focus on four: first, the ways in which women throughout the world have used CEDAW to improve respect for their rights; 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, improving protection for women's rights in the U.S.

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 around the world over the past two decades. 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.

[1] The population of women and girls in the US in 2005, http://www.census.gov/population/www/pop-profile/files/dynamic/AgeSex.pdf.

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 of Kuwait, what CEDAW means to them. After significant pressure from the CEDAW Committee, Kuwaiti women finally received the right to vote in 2004. Four years later, the first women were elected to the 50-seat parliament since Kuwait became a democracy.[2]

Ask the women of Mexico what CEDAW means to them. After significant domestic and international pressure Mexico is changing its response to violence against women. In 2007, Mexico passed the Mexican General Law on Women's Access to a Life Free from Violence. This law is now fully enforceable as it has been adopted by all 32 Mexican states.[3]

Ask the women of Nepal what CEDAW means to them. With the urging of the CEDAW Committee, Nepal enacted the "Human Trafficking and Transportation (Control) Act" in 2007. This law not only raises awareness on the extremely high prevalence of trafficking in the region, but has improved measures for prosecuting traffickers and providing appropriate services to survivors. [4]

Ask the women in Turkey, who have used the CEDAW ratification and reporting process to set up Turkey's first independent domestic violence shelter. Women's rights advocates continue to use CEDAW to fight against domestic violence and honor crimes. While courts do not always enforce it, advocates continue to use it to help highlight key demands for gender equality. [5]

Ask the women of Saudi Arabia, who are currently using CEDAW to draft a law that would allow female lawyers to enter a court room without a male guardian and would allow women to represent other women in family law cases.[6]

Supporting the U.N. System and Framework

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[2] International Center for Research on Women, "Recognizing Rights, Promoting Progress: The Global Impact on the Convention on the Elimination of all Forms of Discrimination Against Women," 2010, http://www.icrw.org/files/publications/Recognizing-Rights-Promoting-Progress-CEDAW.pdf (accessed November 12, 2010) p. 11

[3] Ibid., p. 6.

[4] Ibid., p. 7.

[5] Ibid., p. 6.

[6] Ibid., p. 9.

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.

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—186 countries have ratified as of November 2010—is evidence 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 mechanisms attached to its enforcement. Having not ratified CEDAW, U.S. intervention in support of women's rights in other countries 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.

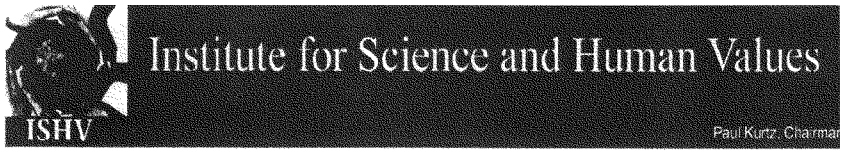
Women's Rights in the U.S.
United States law includes provisions intended to combat discrimination against women and to protect their rights. Nonetheless, women in the U.S. still suffer from lack of remedies for domestic violence, limited career opportunities, sex discrimination in access to vocational education, discriminatory wage differentials between men and women, sexual violence including 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 signal its confidence that existing law affords a great deal of protection for women in the United States and 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 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.

To close, thirty 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. As the last industrialized nation not to have ratified CEDAW, the United States should seize this important opportunity to promote respect for women's rights and 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.



Chairman Durban
Ranking Member Coburn

Wednesday, November 17

Senate Judiciary Subcommittee on Human Rights

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The United States of America is unique in its intellectual, religious, and political heritage. Ours was the first nation founded on the principles of the Enlightenment. Over the last 234 years those principles have formed the foundation of our great power and prosperity and allowed our society to progress beyond the best hopes of the founding fathers. Our evolving commitment to democracy, universal suffrage, and individual rights have influenced scores of nations hoping to mimic our success.

In keeping with that tradition, Institute for Science and Human Values unreservedly asks the United States Senate to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) now.

Since its adoption in 1981, the world has used CEDAW as a tool to help eliminate sex trafficking, disproportionate violence against women, forced marriage and child marriage, childbirth fatalities, and workplace discrimination against women. Countries that recognize the wisdom of the principles of CEDAW have expanded education opportunities for their girls and extended suffrage to women.

The United States of America is a champion of women's rights, but even within our own borders many of these issues are not completely resolved. Critics have contended that accepting CEDAW is tantamount to ceding national sovereignty; but in choosing to follow our principles we exercise our free will, expand our choices, and multiply our prosperity. As the only democracy in the world to reserve ratification of this convention we are denying our own citizens the benefits it could bestow. Worse, we are in discord with our moral foundation, eroding our status as a moral leader and giving cover to repressive regimes like those in Iran, Somalia, and Sudan that are opposed even in principle to progress.

Thank you.

Paul Kurtz	Stu Jordan	Jesse Christopherson
Chairman	President	Communications

5201 W. Kennedy Blvd. Suite 708, Tampa, FL 33609 P/727 278-8446, F/727 391-8459
59 John Glenn Dr. Amherst, NY 14228
www.instituteforscienceandhumanvalues.net support@ishv.net

ICRW Statement for the Record

United States Senate Committee on the Judiciary
Subcommittee on Human Rights and the Law

Women's Rights Are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Hearing

November 18, 2010
2:00 p.m.
Dirksen Senate Office Building Room 226

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) provides a practical blueprint to help countries identify persistent discrimination against women and take appropriate measures to address it. By design, CEDAW helps ensure that the world's women can participate wholly in political, economic and social life. The International Center for Research on Women (ICRW) gives its full support to the international convention's ratification.

Our endorsement is rooted in decades of research evidence that demonstrates that ensuring women's rights – to be educated, to live free of violence, to have access to health care – greatly benefits communities and countries. Indeed, CEDAW's adoption by the United Nations served to focus the world's attention on meeting the unique needs of women and girls. Consequently, more girls are going to school and more women are earning an income. Both outcomes not only contribute to the well-being of families, but to the economic vitality of nations, too.

Moreover, during the last three decades, CEDAW has been instrumental in educating lawmakers, citizens and law enforcement about women's rights. As such, it has helped protect women and girls from being trafficked, from being discriminated against in the workplace and ensured them more equality within marriage, among other impacts.

Governments that ratify CEDAW commit to take action to guarantee that women enjoy basic, fundamental freedoms. It is a critical tool for countries to use to fulfill women's potential.

Headquarters 1120 20th Street NW • Suite 500 North • Washington, DC 20036 • t 202.797.0007 • f 202.797.0020 • www.icrw.org
Asia Regional C-139 • Defence Colony • New Delhi, India 110 024 • t 91.11.2465.4216 • f 91.11.2463.5142

ICRW thanks the Human Rights and the Law Subcommittee of the Judiciary Committee for holding a hearing on the ratification of CEDAW. We appreciate the roles Chairman Richard Durbin of Illinois and Ranking Member Tom Coburn of Oklahoma play in bringing attention to this important human rights treaty.

ICRW submits this statement for the record, as well as the attached paper, "Recognizing Rights, Promoting Progress: The Global Impact of the Convention on the Elimination of All Forms of Discrimination Against Women." Written in 2010, this report aims to educate international organizations, policymakers, opinion leaders, and the general public on the impact CEDAW has had in a variety of settings. It is our hope that its insights can inform members of the Senate on this important treaty.

ICRW thanks the members of this Subcommittee for the opportunity to submit a statement for the record.

Sincerely,

Sarah Degnan Kambou
President, ICRW

Board of Directors

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Barbara Kres Beach
UUA President's International Advisory Committee;
Past President and Co-Founder,
UU Partner Church Council
Falls Church, VA

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Executive Director,
UU Partner Church Council
Bedford, MA

Executive Director
Laura Nagel
First UU Church of Houston
Houston, TX

November 18, 2010

The Honorable Senator Benjamin L. Cardin
509 Hart Senate Office Building
Washington, DC 20510

Dear Senator Cardin:

I am writing to you on behalf of Unitarian Universalists (UUs) from across the country and the International Convocation of Unitarian Universalist Women (ICUUW). UUs have supported U.S. ratification of CEDAW since a vote on this issue at our 2007 annual meeting. ICUUW is representing the Unitarian Universalist Association on the National CEDAW Task Force, a project of the Leadership Conference on Civil and Human Rights.

As we are sure you would agree, countries are more peaceful and prosperous when women have equal rights and opportunities to provide for themselves and their families. Advancing women's human rights is fundamental to America's national security interests and is a cornerstone of our foreign policy. Ratification of CEDAW would strengthen the United States as a global leader in standing up for women and girls and would continue America's proud bipartisan tradition of promoting and protecting human rights.

The ICUUW is hopeful that today's public hearing before the Subcommittee on Human Rights and the Law will be viewed as a major step forward for CEDAW. As a member of the Judiciary Committee and the Senate Foreign Relations Committee, we understand that you are in a key position to move this Treaty forward to ratification.

On behalf of ICUUW members in the U.S. and abroad, we deeply appreciate anything you can do to support human rights through your work on behalf of CEDAW ratification. Thank you for the opportunity to discuss this significant international agreement with you and your staff.

Sincerely,

Christine Nielsen

Christine Nielsen
Vice President

5202 Crawford St Unit 19 • Houston TX 77004 • 877-424-5608 • www.icuuw.com

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The International Women's Health Coalition (IWHC) is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women [CEDAW].

IWHC is engaged in local and global actions to secure every woman's right to a just and healthy life. We strengthen local women's organizations in Asia, Africa and Latin America, and work to ensure that health policies and funding meet the needs of women and young people everywhere.

The United States has long been recognized as a leading voice for women's rights and human rights in our own country and around the world, yet **we are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement.** The United States' absence from this global consensus undermines the ideals of opportunity and equality set out in CEDAW, as well as our leadership on behalf of the rights of women and girls. By ratifying CEDAW, we would send a strong signal to the world that the U.S. government fully respects and supports treaties negotiated by the UN.

CEDAW calls for women's full political and civil participation, and seeks to end violence against women and discrimination. Most fundamentally, it recognizes that women's rights are human rights, and that empowering women is not only important in its own right, but imperative for building prosperous and stable societies. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

Sincerely,

The International Women's Health Coalition

333 Seventh Avenue, 6th Floor

New York, NY 10001

Iowa United Nations Association
20 E. Market Street, Iowa City, Iowa 52245
Phone and Fax: 319.337.7290
Email: unaiowa@unaiowa.org
Website: www.unaiowa.org

Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

For decades, the Iowa United Nations Association has advocated the universal recognition of women's rights. Thus, it is with deep gratitude that we welcome the upcoming Senate Judiciary Subcommittee on Human Rights and the Law hearing on the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

CEDAW highlights the universal imperative to put an end to gender-based prejudice and intolerance. At its core, the international agreement upholds the very first article of the Universal Declaration of Human Rights in that every being deserves the fundamental right to equality.

It is objectively clear CEDAW is neither a Democratic or Republican issue. Furthermore, American administrations from both ends of the political spectrum have regularly produced empirical evidence for U.S. support of fundamental human rights. Currently, CEDAW presents yet another opportunity to re-affirm America's historic reputation as a leading global defender of the intrinsic rights of woman.

By ratifying CEDAW, the United States will support efforts to reduce global sex trafficking and domestic violence. American ratification acknowledges a girl's right to primary education and her right to later take part in the political process as an educated adult. Efforts under CEDAW show continued progress in reducing maternal mortality and increasing a woman's economic participation. From Bangladesh to Mexico, the impact is being felt across continents.

For the United States, the boon of advanced women's rights within fragile states can be measured in its vital importance to U.S. national security. Countries that exhibit greater and equal opportunities for women are simply more peaceful and prosperous. Factoring in that the ratification of CEDAW comes at virtually no cost, the benefits of validating the measure stand in sharp contrast to the current American position of withholding support. In fact, outside of the United States the three most notable abstaining parties are egregious human rights violators: Iran, Somalia, and Sudan.

Three decades ago, the United States played a vital role in the formation of CEDAW. In the 30 years since Jimmy Carter signed CEDAW, 186 of 193 countries have ratified the measure. Embattled women across the globe are still awaiting America's official entry into the international movement against gender discrimination. Instances of domestic politicization of CEDAW for political gain must come to an abrupt end. It is time for the United States to exercise its moral pledge to the protection of women's rights by ratifying CEDAW.

Sincerely,

Yashar Vasef
Executive Director, Iowa United Nations Association

Statement to the U.S. Senate

IWRAW Asia Pacific is an international NGO based in Malaysia that works on the promotion and protection of women's human rights through the lens of the CEDAW Convention and other human rights treaty bodies. Over 17 years working with the CEDAW Convention, IWRAW Asia Pacific has worked with national level groups from almost every one of the 186 States Parties. IWRAW Asia Pacific has facilitated their engagement with the CEDAW process as well as supported them and helped build their capacity to use CEDAW at the national level.

CEDAW is a multi-faceted tool in that it has a variety of uses for a variety of actors. It provides a substantive framework for equality which can be used by women in lobbying and monitoring the progress of their State but it can also be used by States to build the capacity of key actors in the government and judiciary and to serve as an informational road-map towards ensuring that existing laws, policies and programmes are strengthened and new ones implemented so that the necessary conditions are created for women to fully participate in the realization of their rights and in the development and well-being of the entire State. The review process in particular is useful as it engages the State in a constructive dialogue which helps clarify exactly how the State can best assure the protection and promotion of the human rights of women and achieve substantive equality.

As a result of its work IWRAW Asia Pacific can refer to a wealth of examples illustrating how CEDAW has provided NGO's with a concrete, substantive framework for equality which has had a real impact on States' laws, policies and programmes and thereby produced tangible and measurable improvements in the lives of women around the world. One area where use of CEDAW standards and specific Concluding Observations has often been instrumental is as a lobbying tool to achieve changes in legislation and providing the substance for these new laws. In India, for example, a number of personal laws were amended subsequent to CEDAW Concluding Observations and lobbying by NGO's. In January 2000 the CEDAW Committee included in its Concluding Observations to India's report references to several areas of discrimination against women in laws which were brought to its attention through NGO shadow reports. Subsequent amendments to legislation brought about by the Government of India included the amendment of the Indian Divorce Act in 2001, repealing the provisions that were discriminatory to women and providing uniform provisions to men and women with regards to grounds for divorce. Similarly, in Morocco, the new Family Code, replacing the first Code of Personal Status, 'Mudawana', provides an example to other States of how *formal* equality for women can be achieved in an Islamic State. The Concluding Observations of the CEDAW Committee in 1997 and again in 2003 drew attention to discriminatory provisions in the old Code and subsequent amendments in 2004, among other things, made polygamy almost impossible, removed humiliating expressions with

major step forward in the protection of the human rights of women internationally. Currently, the lack of endorsement by the U.S. undermines the global nature of the Convention, despite its ratification by almost every other country in the world. The alignment of the U.S. on this issue with States such as Iran, Saudi Arabia, Sudan and Somalia may be seen as lending legitimacy to the discriminatory and often extreme approaches to women's human rights in these States. The U.S. signed the Convention in 1980 just one year after its entry into force but 30 years later it has yet to follow up this agreement in principle with ratification and the firm commitment to implement the Convention that that symbolizes. Ratification by the U.S. now would send a firm message to those last remaining States that the human rights of women are universal and inalienable. It would also place the U.S. in a position of power when denouncing violations of women's human rights abroad rather than in the compromised position in which it currently finds itself. The U.S. has the ability to be a global leader in human rights but its failure to recognize the importance of the human rights of women through ratification of CEDAW greatly diminishes its reputation in that regard.

IWRAW Asia Pacific therefore calls on the U.S. urgently to ratify the Convention and its Optional Protocol.

JBI The Jacob Blaustein Institute for the Advancement of Human Rights

Administrative Council

E. Robert Goodkind
Chair

Mimi Alperin
Marion Bergman
Susan Morton Blaustein
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Irwin Cotler
Lori F. Damrosch
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Edward C. Luck
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Louis Perlmutter
Robert S. Rifkind
Arthur E. Roswell
Elizabeth Blaustein Roswell
Stephen M. Schwebel
Jerome J. Shestack
David F. Squire
Harold Tanner
Daniel Terris

Felice D. Gaer
Director

Selma Hirsh
Special Consultant

November 16, 2010

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee,

It is a privilege to write to urge members of the U.S. Senate to ratify the Convention on the Elimination of Discrimination against Women (CEDAW). I write on behalf of the Jacob Blaustein Institute for the Advancement of Human Rights (JBI), which I direct. JBI, founded in 1971, has long supported efforts to encourage U.S. ratification of CEDAW. I also write from the perspective of the first American member of a parallel UN treaty monitoring committee, the Committee against Torture, on which I have had the honor of serving since 2000.

Since its adoption in 1979, the CEDAW, as the women's convention is called, has been uniquely important to women worldwide struggling for non-discrimination and to exercise basic human rights. The completion of the CEDAW marked the consolidation of an array of earlier human rights norms related to women–such as those embodied in the Convention on Nationality of Women and the Convention on Political Rights of Women, signed by President John F. Kennedy in the 1960s–into a single specialized treaty. CEDAW's substantive elements address non-discrimination; the right to nationality; the right to participate in public life, including the right to participate in elections; and the right to education, employment, and health care. CEDAW establishes equality between women and men as a standard for measurement, and calls for States to implement appropriate measures to counter a wide range of discriminatory practices and laws and to secure basic rights for women in practice. As UN Secretary-General Kofi Annan has pointed out, CEDAW has raised awareness of discrimination against women worldwide and the need to examine statutes and legal measures that may appear gender neutral but have in fact had adverse impacts on women.

The effort to end discrimination against women has been substantially advanced by the adoption and ratification of the CEDAW by an

JBI The Jacob Blaustein Institute for the Advancement of Human Rights

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measures they have taken to give effect to the CEDAW, and the CEDAW Committee members examine these reports and offer comments and suggestions concerning compliance by the State party. Through inter-active dialogue with leading officials from the ratifying states, the CEDAW Committee members engage directly in improving the awareness and testing the commitment of States parties to the CEDAW to its provisions. By ratifying the Convention, the US would have an opportunity not only to vote for the members of the CEDAW Committee, but to run itself for election to the Committee.

CEDAW ratification thus offers a significant opportunity for the US to engage directly with rogue regimes and violator countries on an array of specific elements regarding the advancement of women and the protection of their human rights. Having had the honor of serving as a member of the Committee against Torture, I can attest to the benefits of ongoing engagement with countries that such a position offers. Since the 1980s, the US has become a party to three of the major UN human rights treaties: the International Covenant on Civil and Political Rights, the International Convention on the Elimination of Racial Discrimination, and the Convention against Torture; and it has had experts elected to each of these monitoring committees. By ratifying the CEDAW, the United States would gain an opportunity to bring American expertise and leadership to this body as well.

I have seen first-hand how an American perspective–knowledge of the norms but also of the facts on the ground—have shaped the work of the UN treaty bodies, not only in conducting country compliance reviews, but also in evaluating complaints submitted by individuals who claim to be victims of violations of the Conventions and crafting general treaty-based recommendations regarding women's rights. I have no doubt that the US would play a leadership role on the CEDAW Committee following its ratification. Notably, many of the members of the Committee, and women from around the globe, have asked for the US to become a part of this body, in order to strengthen the scrutiny of their own countries (not least because American experts often ask unusually pointed questions to affirm compliance).

Just a few weeks ago, members of the U.S. delegation to the Universal Periodic Review at the United Nations Human Rights Council reaffirmed the importance that the United States ascribes to strengthening the effectiveness of human rights mechanisms at the United Nations and to pursuing "principled engagement" with the world through that institution. Ratifying the CEDAW would allow the United

The Jacob Blaustein Building 165 East 56 Street New York, NY 10022-2746 (212) 891-1314 Fax: (212) 891-1460 jbi@ajc.org

JBI The Jacob Blaustein Institute for the Advancement of Human Rights

Administrative Council
E. Robert Goodkind
Chair

Mimi Alperin
Marion Bergman
Susan Morton Blaustein
Roberta Cohen
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States to pursue this strategy of "principled engagement" strategy while also strengthening America's authority in calling for progress on women's rights in its relations with other States, inside and outside the context of the United Nations.

The United States' failure to ratify the CEDAW thus far, given the benefits that would result from such an action, is all the more troubling given that despite the fact that it played an instrumental role in drafting the treaty, today, the United States is one of only seven of the 193 countries worldwide that have not ratified the CEDAW, along with Iran, Sudan, and Somalia. The United States' failure to ratify the CEDAW is at odds with its history of strong support for the advancement of women's rights and equality, and its presence on a list of States with abominable track records regarding women's rights is a source of embarrassment that should be remedied.

Moreover, U.S. ratification of the CEDAW would not require the United States to make major changes to its laws and policies governing women's rights and gender equality. Indeed, as a result of America's longtime commitment to the promotion of women's rights and empowerment at home, U.S. ratification of the CEDAW will have the effect of making the United States a party to a treaty with which it is more than already substantially in compliance. While ratification of the CEDAW will indeed require the United States to participate in "constructive engagement" with the CEDAW Committee regarding its continued efforts to advance the rights of women, at the same time, such dialogue will also provide a forum in which the U.S. can promote its long record of accomplishments in this area.

In sum, I urge all U.S. senators to vote in favor of U.S. ratification of the CEDAW. The treaty is not only consistent with U.S. practice at home, but also offers a unique opportunity for the U.S. to reaffirm and enhance its longstanding commitment to promoting women's rights and non-discrimination on grounds of sex around the world. The United States has long accepted the principle that women's rights are human rights; it is time for the Senate to act on that principle and to approve U.S. ratification of the international treaty that does the most to make this principle a reality.

Felice D. Gaer

Felice Gaer
Director

The Jacob Blaustein Building 165 East 56 Street New York, NY 10022-2746 (212) 891-1314 Fax: (212) 891-1450 jbi@ajc.org

National Member Agencies
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American Jewish Congress
Anti-Defamation League
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Jewish Reconstructionist Federation
Jewish War Veterans
National Council
of Jewish Women
Union for Reform Judaism
Union of Orthodox Jewish
Congregations of America
United Synagogue
of Conservative Judaism
Women's American ORT
Women's League
for Conservative Judaism

November 15, 2010

Dear Chairman Durbin, Ranking Member Coburn and Members of the Subcommittee:

The Jewish Council for Public Affairs, the consensus voice of the organized American Jewish Community, thanks the Senate Judiciary Subcommittee on Human Rights and Law and Chairman Durbin for the decision to hold a hearing on the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). On behalf of our 14 National Member Agencies and 125 local Jewish Community Relations Councils across the country, we applaud this opportunity to call attention to the continuing and unacceptable second class status of women around the world.

The stories and realities of violence and discrimination against women are painfully all too common, and yet still too frequently ignored. Denial of healthcare has resulted in disturbingly high mother and infant mortality rates, while lack of access to education leaves women without the option of a better life. A world whose blessings are available only to some is not the world we strive to create and uphold as Jews, and is contrary to the freedoms and human rights we hold so dear as Americans. For twenty years, the United States has kept the company of countries like Iran, Sudan, and Somalia by remaining one of only 7 countries not to ratify CEDAW.

There are numerous reasons why United States leadership on women's rights at home and abroad is needed and why ratification of CEDAW is critical.

- Ratification of CEDAW would lend the weight and influence of the United States to the important work being done for the equality of women.
- CEDAW sets forth practical goals and steps for each country to make further progress for women and girls.
- CEDAW has been a proven benefit to women in other countries.
- CEDAW would provide an additional tool for addressing the problems that girls and women still face in the U.S, such as domestic violence, trafficking, and discrimination in education.

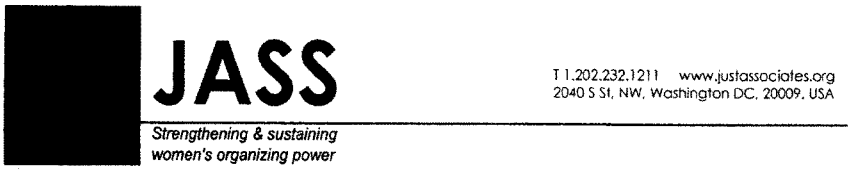
We cannot claim to be defenders of human rights while they are being denied to women. This hearing, and Senate ratification, will put our country once again on the right side of the fight for human rights and help affirm the fundamental principles of human rights and equality for women and girls.

Thank you for your leadership on and concern about this important issue. I hope that we can count on your support for the ratification of CEDAW.

Sincerely,

Josh Protas
Vice President and Washington Director

116 East 27th Street, 10th floor • New York, NY 10016 • 212.648.6950 • Fax 212.686.1353
1775 K Street NW, Suite 320 • Washington, DC 20006 • 202.212.6036 • Fax 202.212.6002
www.jewishpublicaffairs.org • contactus@thejcpa.org



T 1.202.232.1211 www.justassociates.org
2040 S St, NW, Washington DC, 20009, USA

November 15, 2010

Senate Judiciary Subcommittee on Human Rights and Law
Dirksen Senate Office Building Room 226

Honorable Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

I am writing on behalf of Just Associates (JASS), an international women's rights organization working with thousands of women and over 100 women's and community organizations in 27 countries worldwide. We write in support of the ratification of CEDAW. Together as JASS we share an enormous excitement and anticipation at what this historic step might mean not only to women in the US but to women around the globe.

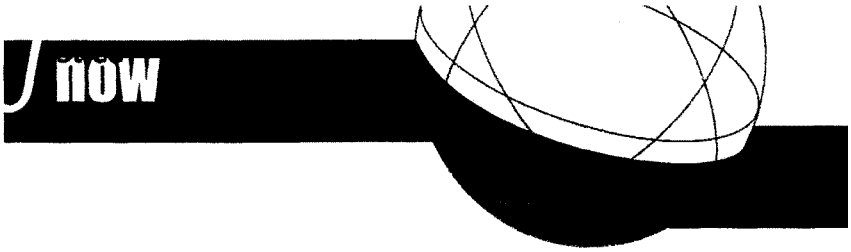
CEDAW is probably our most critical tool in the fight for women's rights worldwide. So critical that women from Malawi to Cambodia to Nicaragua know about CEDAW and actively use it in their efforts to ensure their rights. From market women to farmers, from professional women to students -- in any language -- CEDAW is a powerful promise to the women of the world. The ratification of CEDAW by all of the countries where JASS works has made it possible to reform and pass laws dealing with domestic violence, the right to own property, women's freedom of movement, and many more fundamental rights we hold dear as a democracy.

Given the admiration many people around the world have for our democracy, our colleagues from Asia, Africa and Latin America find it confusing and puzzling that the United States is not a signatory. We share with them the belief that this is a serious contradiction that undermines the voice of the United States in defending basic principles of justice. Ratifying CEDAW would fully establish the US as the global human rights leader we aspire to be and allow us to stand tall along with our colleagues from across the world in promoting women's rights and defending their lives against violence.

We salute your efforts to give legal meaning and force to these rights that underpin our democracy.

Sincerely,

Lisa VeneKlasen
Executive Director
On behalf of Just Associates (JASS)



Statement of Justice Now
Presented to the
U.S. Senate Committee on the Judiciary
Subcommittee on Human Rights and the Law
November 18, 2010

Justice Now commends the U.S. Senate Committee on the Judiciary Subcommittee on Human Rights and the Law for undertaking this important hearing on ratification of the Convention for the Elimination of all Forms of Discrimination Against Women in the United States. It demonstrates a critical recognition of the federal government's responsibility to implement ratified human rights treaties. We would like to additionally thank the Subcommittee for encouraging active U.S government participation in the Universal Periodic Review process of the Human Rights Council.

Justice Now is a human rights organization based in California that supports the rights of women in prison. Since 2003, Justice Now has been documenting abuses in California women's prisons using an international human rights framework. As members of Justice Now, we submit this letter in strong and enthusiastic support of the of the U.S. ratification of the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW).

CEDAW is a landmark international agreement that affirms principles of fundamental human rights and equality for women around the world. Recognizing that women's right are human rights, it seeks to end violence against women in all forms, prohibit forced marriage and child marriage, expand girls' access to education, ensure women's right to vote, fight maternal mortality, and end workplace discrimination against women. By providing a practical blueprint for achieving progress on these and other goals, it has helped millions of women and girls around the world.

In countries that have ratified CEDAW, women and their advocates have partnered with governments to improve the status of women and girls, resulting in opportunity and security for women and their families. The United States is one of only seven United Nations member countries that have not ratified CEDAW, putting it in the company of Iran, Sudan, Somalia, and three small Pacific islands. Joining the 186 countries that have ratified CEDAW would continue the United States' proud bipartisan tradition of promoting and protecting human rights, a tradition that has long included ratification of human rights treaties including the Convention on the Prevention and Punishment of Genocide, the Convention Against Torture, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Racial Discrimination. Just as entrance into these treaties enhanced the United States' leadership on human rights, so too would ratification of CEDAW.

CEDAW will not only further the U.S. history of upholding international human rights, it will also improve the lives of women and girls in the U.S. In particular, ratification could improve the lives of women in prison. Women in prison constitute an incredibly vulnerable group that needs

an enhanced level of protection. Girls of color and/or low socio-economic status often face fewer choices early on in their lives, in all areas, including education, healthcare, and occupational opportunities. This lack of equality tends to lead a disproportionate amount of girls to substance abuse or a life of petty crime, funneling these young women into the prison system. Once in prison, women face egregious violations of their rights to bodily integrity, access to healthcare, and family health. Moreover, the lack of equal access to education and employment, subsequent incarceration, and health and human rights violations that occur within prisons constitute a harmful cycle of misfortune, which unfairly targets women and girls, and may lead to an increased vulnerability to human rights violations. Effective ratification and implementation of CEDAW could not only address human rights abuses that lead women and girls into prison but could also prevent the abuses that occur in prison.

If ratified, CEDAW would not automatically eliminate all hardship and inequality against all women in the United States. What it will do, however, is establish a roadmap for concrete change in public policy in the United States and improve the status of women. CEDAW specifically addresses issues such as education, employment opportunity, healthcare, bodily integrity, and familial relations, and could have far-reaching impacts in other areas.

The United States has long been a world leader in championing human rights, including women's rights. Our ratification of CEDAW would enhance and forward this leadership, to the benefit of women and girls around the world. Women across the country could utilize CEDAW in a number of ways as an incredibly valuable tool to ensure that their rights are, and will continue to be, respected. We strongly hope that this hearing will be an important step toward a renewed commitment to ratification of CEDAW by the United States and that it will soon be followed by a Senate floor vote in favor of ratification. It would make an important global statement about the United States' commitment to ending discrimination and violence against women, as well as improving the status of women internationally.

Thank you for taking the time to consider our statement. I look forward to answering your questions on any of the above, and to continuing to work with the U.S. Senate Committee on the Judiciary Subcommittee on Human Rights and the Law in this regard.

Sincerely,

Robin S. Levi
Human Rights Director, Justice Now

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
November 18, 2010

Statement Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
Hearing On "Women's Rights Are Human Rights: U.S. Ratification Of The Convention On The Elimination Of All Forms Of Discrimination Against Women (CEDAW)"
November 18, 2010

I would like to thank Senator Durbin for holding this important hearing on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). I was proud to work with Senator Durbin to create the Human Rights and the Law Subcommittee, the first congressional committee established to specifically address human rights issues. The work we have done through this subcommittee has helped the Senate focus on ending human rights abuses such as genocide, human trafficking and crimes against humanity. By passing laws that hold the perpetrators of these horrific acts accountable, we continue to advance America's role as a world leader in protecting and promoting equality and human rights.

I am sorry to say that we cannot say the same about America's leadership on the issue we address today. The Convention on the Elimination of All Forms of Discrimination of Women is a landmark international agreement that affirms principles of fundamental human rights and equality for women and girls. It was adopted by the United Nations in 1979 and it has been ratified by 186 out of 193 countries in the world. The United States stands alongside Sudan, Somalia, Iran, Palau, Nauru, and Tonga as the only countries failing to ratify this important human rights convention.

Our failure to ratify CEDAW stands in stark contrast to the American values of fairness and equality. Women and girls in the United States are treated with dignity and equality not available to most of the world's women. Here in the Senate, I have worked to further women's rights as a champion of the Violence Against Women Act, which marked an important and ongoing national commitment to survivors of domestic violence and sexual assault. To combat wage discrimination, I cosponsored the Lilly Ledbetter Fair Pay Act of 2009, which restored the ability of victims to file suit against discriminatory employers and fight wage discrimination on the basis of gender.

I have also championed the human rights of women around the world through efforts to prosecute the use of rape as a war crime, to prosecute human traffickers who prey on women and girls, and to aid the victims of these heinous crimes.

While we should be proud of all we have accomplished at home, we cannot forget that there is

more to be done. Women and girls around the world suffer discrimination and abuse daily. They are denied access to education, health care and employment. They are sold into sexual and domestic slavery. They are abused, beaten and killed because of their gender.

This Convention has proven to be a critical tool to end these practices. It has been used to increase access to primary education for girls, improve protection from sex trafficking and violence, expand health services, and promote economic independence. It has provided opportunities for women to partner with their governments and shape policies to promote equality and protect human rights.

Ratification of CEDAW by the United States would further strengthen the Convention's effectiveness internationally. It would send a strong message to other governments that women's rights are human rights and they must be respected. It would also reaffirm that the United States is indeed a global leader in standing up for women and girls and it would continue our proud bipartisan tradition of protecting human rights. Presidents Ronald Reagan, George H.W. Bush, and Bill Clinton achieved ratification of similar agreements on torture, genocide, and race discrimination. There is no reason we can't do the same for gender discrimination.

I commend Senator Durbin for holding this hearing and the Obama administration for calling for ratification of the Convention. The time to act is now and I urge my fellow senators to support ratification of this life saving convention. I look forward to hearing testimony from today's witnesses.

# # # # #

LEGAL
momentum
The Women's Legal Defense
and Education Fund

November 16, 2010

Chairman Richard Durbin
Senate Judiciary Committee
Subcommittee on Human Rights in the Law
U.S. Senate
309 Hart Senate Building
Washington, DC 20510

Ranking Member Tom Coburn
Senate Judiciary Committee
Subcommittee on Human Rights in the Law
U.S. Senate
172 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

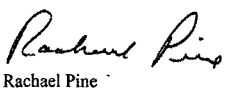
Legal Momentum is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women "CEDAW."

Founded in 1970 as the NOW Legal Defense and Education Fund, Legal Momentum is the oldest legal organization advocating specifically for the rights of women and girls. Legal Momentum played an active role in working for the passage of the Violence Against Women Act. It works at every level of government to strengthen and promote systemic and policy-based responses to the challenges faced by women. Legal Momentum trains legal professionals and advocates nationwide on the rights, protections, and services available to victims and survivors of violence.

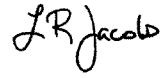
The United States has long been recognized as a leading voice for women's rights and human rights, which makes our failure to ratify CEDAW all the more troubling. We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. (The others are Iran, Sudan, Somalia, and three small Pacific Islands.) The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

CEDAW, unquestionably, embodies American values. It seeks to end violence against women and trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous, stable societies. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

Sincerely,



Rachael Pine
Acting President



Lisalyn R. Jacobs
V.P. for Government Relations

1101 14th Street, N.W., Ste. 300 Washington, DC 20005 T 202.324.0040 F 202.589.0511 www.legalmomentum.org

Legal Momentum is the nation's oldest legal defense and education fund dedicated to advancing the rights of all women and girls.

DREW UNIVERSITY
POLITICAL SCIENCE DEPARTMENT / WOMEN'S & GENDER STUDIES PROGRAM

DEBRA LIEBOWITZ
ASSOCIATE PROFESSOR OF POLITICAL SCIENCE AND WOMEN'S STUDIES

Statement in support of US Senate ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to the Senate Judiciary Subcommittee on Human Rights and the Law

November 18, 2010

Dr. Debra J. Liebowitz, Associate Professor, Political Science & Women's and Gender Studies, Drew University, Madison, New Jersey

I want to commend the Senate Judiciary Subcommittee on Human Rights and the Law for holding this hearing on U.S. ratification of the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW). Over the past ten years, I have worked with nationally-based women's rights organizations from more than 75 countries on how to use the CEDAW Convention to strengthen, promote and protect women's rights in their countries.[1] In this capacity, I have seen the difference that ratification of CEDAW can make in protecting women from discrimination in all spheres of life.

The CEDAW Convention is the premier international human rights agreement promoting equality and non-discrimination for women and girls around the world. It promotes women's human rights by seeking an end to direct and indirect discrimination in public and private life, and by eliminating all distinctions, exclusions and restrictions that limit the enjoyment of women's fundamental freedoms.

There are many reasons why CEDAW ratification is important, not least among them is that it would send a clear message that the human rights of women are universal and inalienable; it would support the United Nations' efforts to promote women's human rights; it would facilitate U.S. efforts to play a leadership role in promoting women's rights around the globe; and, it would help improve women's rights protections in the United States.

In this testimony, I will address these points by focusing on the ways that CEDAW has been used by government officials and women's rights advocates around the world. When I heard that this hearing had been scheduled, I asked women's rights advocates with whom I have worked, to explain how CEDAW has helped improve the lives of women and girls in their countries. What follows are excerpts of the some of the responses I received:

[1] I've done this work in conjunction with IWRAW Asia Pacific, an international women's rights organization based in Malaysia.

36 MADISON AVENUE | MADISON, NEW JERSEY 07940
| FAX 1-973-408-3143 | DLIEBOWI@DREW.EDU | WWW.DREW.EDU

Sapana Pradhan Malla, Director, Forum for Women, Law & Development, Nepal – In 2000, FWLD conducted a wide-ranging study that used the CEDAW Convention's standards to identify Nepali laws that discriminate against women. The results were widely disseminated, leading to the formation of high-level committee to recommend legal reforms. In 2002, Nepal's Parliament passed the revised Country Code which addressed many of the discriminatory laws identified in the study. The revised Country Code legalized women's right to own property, provided for equality in marriage and divorce laws, increased penalties for child marriage, and included prohibitions on sexual violence.

Julieta Montaño Salvatierra, Director of the Women's Legal Bureau, Cochabamba, Bolivia -- Although Bolivia ratified the CEDAW Convention in 1989, resistance to women's rights policies and practices remained strong. An official from the Bolivian Bar Association once claimed publically that Bolivia had solved its "discrimination problem" in 1952 when it introduced universal suffrage. Fortunately, women's rights advocates in the country could turn to the standards articulated in the CEDAW Convention as evidence that this was not true. We were able to achieve a concrete and significant victory when CEDAW's non-discrimination and equality standards were incorporated into our new federal Constitution. Bolivian women have benefited greatly from the strength of the international human rights regime, but much remains to be done. It is my hope that U.S. ratification of CEDAW will promote equality for all women around the world.

Bernice Sam, National Programme Coordinator, Women in Law and Development in Africa (WiLDAF) – Ghana – We have successfully used Ghana's commitments as a party to the CEDAW Convention to increase women's representation in politics and as an advocacy and standard setting tool for legislation on violence against women. WilDAF Ghana and four partners implemented a project entitled, *We Know Politics: Hearing Women's Voices in Ghana's 2008 Elections.* CEDAW's prohibition against discrimination in political participation and representation provided a key rationale for the campaign. In the end, our lobbying paid off and Justice Joyce Adeline Bamford-Addo was elected as the first female speaker of parliament. In addition, President Mills appointed an unprecedented eight women ministers to his cabinet. Our work to address violence against women has also benefited from the CEDAW Convention's substantive guidance. After seven years of consistent advocacy for Ghana to live up to its CEDAW obligations, the Law on Domestic Violence was passed in 2007. We have also used CEDAW's standards to promote legislation that has criminalized female genital mutilation, cruel widowhood practices, "trokosi", and stiffer sentences for defilement, rape, and incest.

Rabéa Naciri Chair of l'Association Démocratique des Femmes du Maroc (Morocco's Democratic Association of Women) – In 2004 Morocco passed a new Family Code that made polygamy almost impossible, raised the minimum age of marriage for girls to eighteen, made divorce provisions more equal, and improved women's inheritance rights. The CEDAW Convention's standards and the Concluding Observations of the CEDAW Committee helped us call attention to the discriminatory provisions in the old law and have helped create a larger space for discussions about women's rights in the country.

Matrine B. Chuulu, Regional Coordinator, Women and Law in Southern Africa Research and Educational Trust (WLSA)[2] -- In our work as WLSA we are holding our governments accountable to the standards of women's rights as provided for in the CEDAW Convention and have worked to ensure that all regional agreements are in-line with the Convention's principles. Indeed, the African Union's Protocol on the Rights of Women in Africa and the SADC Protocol on Gender and Development, in part, are based on CEDAW's principles. As a result of using CEDAW in our work, all the WLSA countries have programmes or policies that have increased women's participation in decision-making; increased women's access to and control over productive resources; created school retention policies for girls who get pregnant; increased the enrolment of girls in school and young women in college. There has also been a marked improvement in addressing gender-based violence including creating stronger institutional mechanisms to address violence and having victim friendly police services. Our efforts to implement CEDAW have led all stakeholders—government officials and NGOs—to increase their efforts to promote equality between women and men and to further acknowledge women's contributions to development.

Joyce Hewett, Coordinator-Public Education/Legal Reform, Woman Inc., Kingston, Jamaica, W.I. – Since 1999 when our group first participated in a training program on CEDAW run by IWRAW Asia Pacific, we have continually used CEDAW in our efforts on behalf of women in Jamaica. One of our sister organizations drew upon CEDAW to train rural women to express their needs, and to demand clean and sustainable water supplies. To have the USA ratify CEDAW would be the first step in demonstrating that the country is truly serious about the rights of women. The time is now!

Elizabeth Bang, National President, National Council of Women in New Zealand (NCWNZ)-- CEDAW is seen as an important tool by women (and some men) in New Zealand who are advocating for women's rights. NCWNZ consistently uses the standards set out in the CEDAW Convention and the Concluding Observations of the UN's CEDAW Committee, in a wide-variety of efforts to promote women's rights in the country. CEDAW has also been used by the judiciary to support the sentencing of the guilty in crimes against women. New Zealand very recently had the privilege of an official visit by the U.S. Secretary of State Hillary Clinton. During her visit the troubling subject of violence against women was touched upon. While New Zealand continues to grapple with this problem, as do other lesser developed countries, CEDAW is one of the mechanisms uniting our work. It provides guidance to government and NGOs alike about how to address the issue. The National Council of Women of New Zealand sincerely encourages the U.S. government to ratify this Convention, and like many countries around the world, to begin working towards a more equal, violence-free society.

Bassa Women's Development Association, Liberia -- We have been using CEDAW in our work teaching women about their economic, political and social rights. It is important that women in Liberia know that they have these rights. Yet, the question we are often asked is,

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[2] WLSA operates in seven countries: Botswana, Lesotho, Malawi, Mozambique, Swaziland, Zambia and Zimbabwe.

"Has America, our role model, ratified CEDAW?" All I can say to you in response is, "Please ratify the CEDAW Convention now!"

As these wide-ranging testimonies indicate, the CEDAW Convention and the associated United Nations' review process have been instrumental in many efforts to eliminate discrimination against women. Indeed, U.S. ratification of CEDAW would serve to support the efforts of women's rights advocates and government officials who are working toward the progressive realization of women's rights.

While it is true that the United States has a relatively robust legal framework prohibiting discrimination against women, more can be done to ensure the full realization of women's human rights at home and abroad. The CEDAW Convention provides a framework or blueprint for evaluating U.S. legal protections for women and determining what more could be done to realize women's right to non-discrimination. Ratification of the CEDAW Convention would send a message that the U.S. government supports women's equality and desires to be counted among those who have made an affirmative commitment to working toward eliminating all forms of discrimination against women. Making this commitment is long overdue; the time for U.S. ratification of CEDAW is now.

Congresswoman Carolyn B. Maloney
Written Testimony
U.S. Senate Judiciary Committee
Human Rights and the Law Subcommittee
Hearing: "Women's Rights Are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)"
November 18, 2010
2pm, 226 Dirksen Senate Office Building

I'd like to thank and recognize Chairman Durbin for his leadership on this extremely important and timely issue. You have been a dedicated champion of women's rights around the world and I sincerely appreciate your commitment highlighting the significance of CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women by holding this hearing today.

The U.S. is the only western country in the world that has not ratified CEDAW and in doing so, keeps company with Somalia, Sudan, and Iran. The treaty has been in force since 1981 and has been ratified by 185 countries, including countries such as Saudi Arabia, Rwanda, Nigeria, and Pakistan. Simply stated, 185 countries cannot be wrong.

Women continue to be subjected to severe human rights violations simply because of their gender. Women in many parts of the world are unable to receive a basic education, earn a living, own or inherit property, or protect themselves against HIV/AIDS. Violence against women continues to be a pervasive problem in all corners of the globe. In the Mexican cities of Juárez and Chihuahua, hundreds of women have been killed since 1993. In Guatemala, thousands of women and girls have been murdered since 2001. Women are still stoned to death and killed by members of their family in the name of honor. Roughly 5,000 women die from honor killings every year worldwide. Domestic violence continues to hurt and kill women at alarming rates. In Russia, 70 percent of married women had been subjected to one or another form of violence by their husbands.

CEDAW is an important tool in combating discrimination and human rights abuses against women around the world. The Convention is an international law that mandates governments change or eradicate discriminatory laws, customs, and practices, as well as takes positive steps to ensure the full development and advancement of women, and their equal enjoyment of human rights. It has proven to be a useful and effective law in combating discrimination for many women around the world. Women have used the Convention as a lobbying tool to pressure their governments to repeal repressive legislation and provide equal opportunities for women.

Eradicating the severe discrimination and violence against women around the globe is vital to the promotion of democracy and sustainable development. It is now well-established that when women are able to achieve their potential, their whole society benefits. While the Convention is slowly working to eradicate discrimination in many countries, U.S. ratification is important to its future success. If the U.S. ratifies CEDAW, it will add legitimacy to the treaty and improve the position of women lobbying for equality in their respective countries. Currently, our refusal to ratify actually hinders the enforcement of the treaty, as well as hampers our position as a world leader on human rights. The U.S. can begin to regain some of the credibility in the international community that we have lost in recent years if we join the rest of the world in ratifying the most comprehensive international instrument on women's rights.

Currently, the United States is already substantially in compliance with CEDAW and agrees with its fundamental principles of equality and non-discrimination. The arguments against ratification that have been put forth in the past distort the facts of the treaty. The Convention does not include any provisions regarding abortion, women in the military, or prostitution. The treaty is non-self executing and therefore any legislation that the U.S. would consider changing to comply with the treaty would have to go through the normal Congressional process. There is no valid reason why the United States should not be a party to CEDAW. Today's hearing is a perfect opportunity to expose some of the baseless arguments against ratification as well as shedding light on the benefits.

I hope that this hearing serves as an impetus for the Senate to consider revisiting the ratification of this vital tool for women around the world. It has been 29 years since CEDAW was entered into force. It is time for the U.S. to join the rest of the world in defending and protecting women's human rights. After all, ratifying CEDAW is something the U.S. can do to make a difference in the lives of thousands of women around the globe.

Again, I thank Chairman Durbin for your dedication and commitment to helping women around the world and look forward to working with you on CEDAW and other important issues.

MARYKNOLL OFFICE FOR GLOBAL CONCERNS

Peace, Social Justice and Integrity of Creation

www.maryknollogc.org

The Maryknoll Office for Global Concerns (MOGC) supports U.S. ratification of the Convention on the End of Discrimination Against Women (CEDAW).

For many years, the MOGC – which represents Maryknoll missioners, Catholic men and women, clergy and lay persons, who live and work in some of the world's more impoverished communities – has promoted peace and social, economic and environmental justice. We critique systems and structures that perpetuate poverty, human rights violations, social inequities, that impact families, and more severely, women and children worldwide.

CEDAW, the landmark international agreement ratified by 186 countries, affirms principles of fundamental human rights and equality for women globally. In countries that have ratified CEDAW, women have partnered with their governments to improve the status of women and girls, and as a result have changed laws and policies to create greater safety and opportunity for women and their families. The MOGC believes that CEDAW can make a difference for women and girls, specifically by reducing sex trafficking and domestic violence; providing access to education and vocational training; ensuring the right to vote; ending forced marriage and child marriage; helping mothers and families by providing access to maternal health care; and ensuring the right to work and own a business without discrimination.

Violence against women is rooted in a global culture that discriminates against women and denies them equal rights with men. Women today earn less than men, own less property than men, and have less access to education, employment, housing and health care. Maryknoll missioners have seen that this global culture of discrimination against women denies women their fundamental human rights and legitimizes the violent appropriation of a woman's person for individual gratification or political ends.

The U.S. is one of only seven UN member countries that have not ratified CEDAW. Ratification of this document is in the United States' own best interest. Empowerment of women leads to more prosperous, stable, peaceful societies the world over. Further, the United States would strengthen its global leadership in standing up for the rights of women and girls, while promoting poverty reduction, economic development, and enhanced political stability internationally.

The Maryknoll Office for Global Concerns strongly appeals to Chairman Durbin and members of the subcommittee at this hearing to continue forward a renewed commitment to ratification by the United States, followed by a Senate floor vote in favor of ratification.

November 15, 2010

Maryknoll Sisters • Maryknoll Fathers & Brothers • Maryknoll Lay Missioners

P.O. Box 29132
Washington, D.C. 20017
(202)832-1780 phone
(202)832-5195 fax
ogc@maryknoll.org

P.O. Box 311
Maryknoll, N.Y. 10545
(914)941-7575 phone
(914)923-0733 fax

777 First Avenue, 10th fl.
New York, N.Y. 10115
(212)973-9551 phone

Good Morning, my name is Melissa. Thank you for inviting me to testify today. I was born and raised in Massachusetts; I am a single mother and currently work for the City of Radford Virginia as the Zoning Administrator/Planner. Last year I was blessed to be able to purchase my first home. Most people who know me would tell you that I am a loving, caring, hard working woman. One thing they all are surprised to know is that I once was afraid for my life.

I witnessed abuse as a child. I remember wishing, praying, begging my mother to leave my abusive father. My freshman year of college, she finally left. That's when her abuse stopped and mine would soon begin. I met my future husband while in college. He was very sweet, charming and seemed to fill the void that I now know was missing from my relationship with my father. As with most abusive relationships it never started out abusive - physically that is.

I remember the first time he hit me; we were with his father. He got mad and hit me, his father told me to go lock myself in the car until his son calmed down. I was mortified. I was 22 years old and three months pregnant.

Years had come and gone and I became numb to name calling, hitting, choking and sexual assault. I recall one instance in the middle of the night; my first born had wet the bed, which he frequently did, so I put him in tub to clean him up. The baby had woken up crying. So I tried to wake my husband to help me. He got up and started punching me; I slipped on the wet floor with my baby in my arms. I spent the rest of the evening crying and felt so alone. He had convinced me, however, that if I left, he would make sure that I didn't get the children. "What Judge in their right mind would give custody to a waitress with two small children?" I saw no way out of this terrible situation.

When we struggled financially, my husband surprised me by allowing me to finish my degree I remember I would be so proud of my straight A's and I would go to him seeking approval and thinking maybe this would convince him that I wasn't stupid. Unfortunately, it just angered him more, and the abuse started getting worse.

The day I left we had gone out to celebrate my birthday; some classmates of mine were there along with some of his friends. I thought we were having a nice evening, but as with most occasions, it didn't end well. He had disappeared for about 30 minutes and when he returned he started accusing me of hiding under a table with one of his friends and I laughed at how ridiculous that was. I was so humiliated I just couldn't deal with it anymore and started walking home. My classmate followed me out I told her I didn't know what to do, I had no money and no place to go since all of my family were in Massachusetts, and she told me to call the Woman's Resource Center. So I got the kids, two laundry baskets of clothes and went to the shelter. That evening was the most peaceful evening I'd had experienced in a long time. And my son never wet the bed again.

I stayed at the shelter for 4 months. It didn't take long for my husband to find me. Though I had a protective order, he still stalked and harassed me and threatened to kill me. When I was ready to leave the shelter, I didn't feel safe having a place of my own. I thank God that I was able to go to Cornerstone Transitional Housing where they had safety and security processes in place to keep myself and my children safe. My abusive ex-partner still continued to stalk and harass me but I felt safe knowing staff

and other residents were looking out for each other and that the local police would respond quickly when my husband turned up

Living at Cornerstone helped me to move forward in so many ways. I was able to build my finances toward my future. I had access to wonderful classes on financial management and was able to save money because I paid an affordable rent. This saving also helped me pay for and further my education, which was a crucial step in my career path.

In addition to the economic and financial benefits, the program helped my children and I heal and address our trauma through counseling and support groups. Having our own home also helped us heal because we felt safe and could plan for our future.

After I lived at Cornerstone for a year and half, my ex-husband moved out of the area. I felt that this was a good time to get a place of my own. My case manager helped me to move into Section 8 housing which was another stepping stone toward my goal of owning my own home. In May of 2008, I began working for the City of Radford as their Planner. Since then I have been promoted to the Zoning Administrator, and as I mentioned earlier, last year I purchased my own home.

I know with all my heart that I wouldn't be where I am today if it wasn't for the shelter and transitional housing available to me. I was given a safe haven with a supportive staff to help. This experience not only helped my children and I become safe and helped me form my independence but will hopefully end the cycle of violence in my family.

November 15, 2010

Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee
U.S. Senate Committee on the Judiciary
Subcommittee on Human Rights and the Law
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The National Asian Pacific American Women's Forum (NAPAWF) is the only national, multi-issue Asian and Pacific Islander (API) women's organization in the country. NAPAWF's mission is to build a movement to advance social justice and human rights for API women and girls. Since its founding, NAPAWF has supported the ratification of Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW). NAPAWF believes that U.S. ratification of the Women's Treaty would advance the civil rights, economic opportunity, educational access, health, immigrant and refugee rights, and efforts to end violence against women. These issues are all core to NAPAWF's mission and important to women all over the world.

Women's rights are human rights. CEDAW affirms fundamental principles of human rights and equality for women and girls. It sets forth practical goals and steps for each country to make further progress for women and girls. 186 countries have ratified CEDAW; yet the U.S. is one of only seven UN member countries that have not ratified CEDAW including Iran, Somalia, Sudan and three small Pacific Island nations. By ratifying CEDAW, the U.S. will be strengthened as a global leader in furthering the rights of women.

Ratification of CEDAW is important to the United States for many reasons; four main reasons are highlighted below:

1. Ratifying CEDAW will be beneficial to the U.S. Counties ratifying CEDAW commit to preparing comprehensive reports on the status of women and girls in the county. Undertaking this broad analysis is an important vehicle for identifying areas of improvement and increasing awareness of conditions that may have a unique impact on women. For example, in 1998, San Francisco adopted a Municipal Ordinance based on CEDAW. Pursuant to that Ordinance, program and policy reviews were undertaken by

National Asian Pacific American Women's Forum (NAPAWF) ★ 1322 18th Street, NW ★ Washington, DC 20036

Tel: 202-470-3170 ★ Fax: 202-470-3171 ★ info@napawf.org ★ www.napawf.org

local agencies and departments. After its review, the Department of Public Works improved city lighting because it recognized that good streetlights were important to prevent violence against women, who are particularly vulnerable to sexual assault, and the lighting provided an important benefit for all.

2. CEDAW would provide an additional tool for addressing the problems that girls and women still face in the U.S. While women in the U.S. enjoy opportunities and status that are not available to many women in other parts of the world, few would dispute that more progress is warranted. For example:

- Domestic violence: The federal Violence Against Women Act ("VAWA"), originally passed in 1994, has enhanced the investigation and prosecution of perpetrators of violence against women, and provided multi-faceted services for victims of family violence and sexual assaults. In addition, all of the fifty states and the District of Columbia have their own laws outlawing violence against women, including domestic abuse, and provide a range of protections and services to battered women. However, domestic violence remains a serious problem in the U.S., with an average of four women per day murdered and 5.5 million women per year physically assaulted or raped by intimate partners. In the API community, forty one to sixty percent of Asian women report experiencing physical and/or sexual violence by an intimate partner during their lifetime in community-based studies compiled by the API Institute on Domestic Violence. CEDAW's commitment to ending violence against women would reinforce our efforts.

- Trafficking: The U.S. has taken a strong stand against trafficking with the enactment of the Trafficking Victims Protection Act, which provides stiff penalties for traffickers, assists and protects victims, and commits funding to anti-trafficking efforts in the U.S. and abroad... Nevertheless, some estimates suggest that there may be 20,000 women, men, and children trafficked into the U.S. each year, who are forced to labor under slavery-like conditions. It is estimated that 14,500 to 17,500 people are trafficked into the U.S. each year. Trafficking survivors in the U.S. are mostly from Asia, Central and South America and Eastern Europe. CEDAW ratification would serve to strengthen the existing U.S. commitment to preventing the trafficking of women and children, and providing

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Tel: 202-470-3170 ★ Fax: 202-470-3171 ★ info@napawf.org ★ www.napawf.org

services and access to justice to trafficking victims attempting to rebuild their lives.

- Pay Discrimination: Women are now half of the workforce in the U.S., but women working full-time today earn, on average, only 77 cents for every dollar paid to men. This is especially harmful given that women are the primary breadwinners in nearly 4 in 10 families. Eliminating the wage gap is of critical importance to API women, whether they are single mothers, supporting older relatives, or just trying to put themselves through college. CEDAW recognizes that ending discrimination against women in the workplace includes fair pay for their work. Ratification of CEDAW would encourage efforts to close this gap.

- School dropouts: Girls are not denied access to education in the U.S. However, one in four high school girls in this country drops out before graduation, and those girls have an average annual income that is $9,100 below even the low wages earned by boys who drop out. CEDAW specifically calls for reducing girls'dropout rates and for helping those who have left school, and its ratification would encourage the development of programs to address the dropout problem.

- Discrimination in Education. CEDAW asks countries to provide equal rights for women in all aspects of education. In career and technical (previously known as vocational) education, girls in this country are still conspicuously absent from classes that prepare students for higher-paying, traditionally male occupations, such as electricians and automotive technicians. In higher education, women are only a small percentage of those studying and teaching physical and computer sciences and engineering. CEDAW would provide a stimulus for greater focus on these disparities and increased enforcement of antidiscrimination laws, and for efforts among educators and government officials to eliminate barriers and encourage girls and women to develop their interests in non-traditional areas

3. Ratifying CEDAW will make the U.S. a more effective leader in helping women around the world. While much progress has been made globally, more work remains to be done around the world with regard to women's health, education, employment, and the other areas addressed by CEDAW:

- In many countries, women confront high rates of maternal and child mortality, which could be reduced by increasing the availability of prenatal care and skilled birth attendants.
- Women are more than half of those living with HIV/AIDS in sub-Saharan Africa, North Africa, and the Middle East. Strategies are needed to reduce women's vulnerability to this disease and treatment is needed for those who are infected.
- Female genital mutilation is still common in a number of countries and must be ended.
- Women and girls need greater access to education. Two-thirds of the world's 774 million illiterate adults are women, a proportion that has not changed over the past 20 years.
- More women than men live in poverty. In addition to the discrimination women face in employment, poverty can be caused by legal and customary restrictions on women's ability to own land and other types of property. These laws and customs should be changed.

In this age of globalization, the fate of our nation is more closely intertwined with that of the rest of the world than ever before. The United States can enhance our longstanding role as a global leader for women's rights and human rights if we engage with the community of nations that has ratified CEDAW in determining how best to achieve progress for women and girls.

4. CEDAW has helped women in other countries. By providing a practical blueprint for women's progress, CEDAW has led to real gains for women in many countries, including by:

- Reducing violence against women and trafficking;
- Enhancing economic opportunity, by reducing discrimination in the workplace and forwarding property and inheritance rights;
- Increasing women's political participation; and
- Forwarding women's human rights.

Statement of the National Association of Social Workers in Support of CEDAW Ratification

The National Association of Social Workers (NASW) is the largest professional social worker organization with over 140,000 members nationwide. NASW promotes, develops, and protects the practice of social work and social workers. NASW also seeks to enhance the well being of individuals, families, and communities through its work, services, and advocacy.

We are encouraged that Senate hearings for the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) are scheduled to take place on November 18, 2010. NASW has long supported the ratification of this convention. It is increasingly important in the present era. This treaty for the rights of women seeks to eradicate gender-based discrimination by setting a basic international standard for the treatment of women. When ratified, the treaty will strengthen existing domestic laws pertaining to women. Additionally, ratification will bolster the United States' position as a worldwide human rights leader. Public support for ratification of the Women's Convention has greatly increased since human rights abuses against women in Afghanistan received publicity.

The treaty for the rights of women is the only international legal instrument that comprehensively addresses women's rights within political, cultural, economic, and social spheres at the local, national, and international levels. The treaty is critical to ensuring civil society and democratic principles. The United Nations adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in December 1979. The United States was an active participant in the writing of the convention. It is time now to ratify this treaty.

I urge you to support ratification. Ratification will make a difference to women in the United States, as it will improve the lives of women around the world. Ratification would strengthen the United States' position as a human rights leader.

Testimony for the Record
The National Committee on UN CEDAW
Before:
Senate Committee on the Judiciary,
Subcommittee on Human Rights and the Law
"Women's Rights are Human Rights: U.S. Ratification of the Convention of the Elimination of Discrimination against Women (CEDAW)"

November 18, 2010

Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee,

Thank you for this opportunity to provide our statement for the record and for conducting this very important hearing titled "Women's Rights are Human Rights: U.S. Ratification of the Convention of the Elimination of Discrimination against Women (CEDAW)."

Founded in 1980, the National Committee on UN CEDAW is a national, grassroots organization solely dedicated to achieving United States ratification of CEDAW. Over the past 30 years, we have actively engaged in advocacy for and education about the U.S. ratification of CEDAW. The National Committee on UN CEDAW is member of the CEDAW Task Force, a broad-based coalition of over 170 national organizations and coordinated by the Leadership Conference on Civil and Human Rights.

As members of the Task Force, our organizations have come together to increase the visibility of CEDAW and to build a greater understanding among policymakers and the public about the need, importance and impact of the United States' ratification of CEDAW.

Adopted by the United Nations General Assembly in 1980, CEDAW is regarded as the most important international mechanism for women's equality. The treaty, formally known as the UN Convention on the Elimination of All Forms Against Discrimination (CEDAW), provides a blueprint of human rights for women and girls in areas including legal and political rights, employment, education, property rights, violence, and access to health care.

In its 30 years, CEDAW has served as an important tool for women, girls and their governments to strengthen laws to protect the human rights of women. The treaty has been used to change constitutions, pass new legislation, and influence court decisions. Women who live in countries which have ratified CEDAW have used the treaty to obtain equal access to education for girls, to enhance women's participation in governance and decision-making, to combat violence against women, and to make trafficking in women and girls illegal.

With 186 country ratifications, CEDAW is the second most widely ratified human rights treaty. Although the United States was instrumental in creating the treaty, it is one of seven countries that has not yet ratified CEDAW. Failure to ratify puts us in the company Iran, Somalia, Sudan, Nauru, Paulu, and Tonga and tarnishes our country's legacy as a world leader in upholding human rights.

Not being a party to the CEDAW treaty undermines U.S leadership in promoting human rights, democracy and the rule of law. U.S. ratification of CEDAW would send the world the message that we consider ending discrimination against women and girls a critical priority. Without ratification, our country cannot credibly demand that others live up to their obligations under the treaty.

Ratifying CEDAW will make the U.S. a more effective leader in helping women around the world. While much progress has been made globally, more work remains to be done in areas including women's health, education, employment, and the other issues addressed by CEDAW. For example:

- Female genital mutilation (FGM) is still common in a number of countries and must be ended. Worldwide, 100 to 140 million girls and women are living with the consequences of FGM. In Africa, about 92 million girls age 10 years and above are estimated to have undergone FGM.
- Women confront high rates of maternal and child mortality rates in many countries. Maternal conditions are leading causes of death and disability among women. More than 99 percent of the estimated 536,000 maternal deaths each year occur in the developing world. Nearly all maternal deaths are preventable through the availability of prenatal and postnatal care and skilled birth attendants.
- Women are more than half of those living with HIV/AIDS in sub-Saharan Africa, North Africa, and the Middle East. Women affected by HIV/AIDS are plunged further into poverty, losing the ability to provide for herself and her children. Strategies are needed to reduce women's vulnerability to this disease and treatment is needed for those who are infected.
- Women and girls need greater access to education. Worldwide there are 774 million illiterate adults, two-thirds of them are women. This proportion that has not changed over the past 20 years.
- Women represent 70 percent of the world's poor. Women are more likely than men to be poor and are at risk of hunger because of the systematic discrimination they face in education, health care, employment and control of assets. The implications of poverty leave many women without basic rights such as access to clean drinking water, sanitation, medical care, and decent employment. Being poor can also mean they have little protection from violence and have no role in decision making. These laws and customs should be changed.
- Around the world, one in three women will be subjected to violence during the course of their lifetime. Violence is a gross violation of human rights that threatens women's health and well-being, and creates a barrier to the economic development of families and communities.

In this age of globalization, the fate of our nation is more closely intertwined with that of the rest of the world than ever before. By ratifying CEDAW, the U.S. can enhance its longstanding role as a global leader for women's rights and human rights. Ratification will enable the U.S. to engage with the community of ratified nations to advance and achieve progress for women and girls.

Ratifying CEDAW will be beneficial to the U.S. Counties ratifying CEDAW commit to preparing comprehensive reports on the status of women and girls in the county. Undertaking this broad analysis is an important vehicle for identifying areas of improvement and increasing awareness of conditions that may have a unique impact on women. Such reports are routinely developed for other ratified treaties.

CEDAW would provide an additional tool for addressing the problems that girls and women still face in the U.S. While women in the U.S. enjoy opportunities and status that are not available to many women in other parts of the world, few would dispute that more progress is warranted. For example:

- *Domestic violence*: The federal Violence Against Women Act ("VAWA"), originally passed in 1994, has enhanced the investigation and prosecution of perpetrators of violence against women, and provided multi-faceted services for victims of family violence and sexual assaults. In addition, all of the fifty states and the District of Columbia have their own laws outlawing violence against women, including domestic abuse, and provide a range of protections and services to battered women. However, domestic violence

remains a serious problem in the U.S., with an average of four women per day murdered and 5.5 million women per year physically assaulted or raped by intimate partners.

- *Trafficking*: The U.S. has taken a strong stand against trafficking with the enactment of the Trafficking Victims Protection Act, which provides stiff penalties for traffickers, assists and protects victims, and commits funding to anti-trafficking efforts in the U.S. and abroad. Nevertheless, some estimates suggest that there may be 20,000 women, men, and children trafficked into the U.S. each year, who are forced to labor under slavery-like conditions. CEDAW ratification would serve to strengthen the existing U.S. commitment to preventing the trafficking of women and children, and providing services and access to justice for trafficking victims attempting to rebuild their lives.
- *Pay Discrimination*: Women are now half of the workforce in the U.S., but women working full-time today earn, on average, only 77 cents for every dollar paid to men. This is especially harmful given that women are the primary breadwinners in nearly 4 in 10 families. CEDAW recognizes that ending discrimination against women in the workplace includes fair pay for their work. Ratification of CEDAW would encourage efforts to close this gap.
- *School dropouts*: Girls are not denied access to education in the U.S. However, one in four high school girls in this country drops out before graduation, and those girls have an average annual income that is $9,100 below even the low wages earned by boys who drop out. CEDAW specifically calls for reducing girls' dropout rates and for helping those who have left school, and its ratification would encourage the development of programs to address the dropout problem.
- *Discrimination in Education*. CEDAW asks countries to provide equal rights for women in all aspects of education. In career and technical (previously known as vocational) education, girls in this country are still conspicuously absent from classes that prepare students for higher-paying, traditionally male occupations, such as electricians and automotive technicians. In higher education, women are only a small percentage of those studying and teaching physical and computer sciences and engineering. CEDAW would stimulate a greater focus on these disparities and increased enforcement of antidiscrimination laws, and for efforts among educators and government officials to eliminate barriers and encourage girls and women to develop their interests in non-traditional areas.

Women's rights are human rights, and CEDAW affirms fundamental principles of human rights and equality for women and girls. The U.S. should strive to be a leader and set an example for the rest of the world in its commitment to women and expanding women's rights.

Around the world, the status and rights of women are linked to a broad array of critical global issues including disease prevention, democratization, poverty reduction, environmental protection and economic development and growth. CEDAW is about helping women and girls lead healthier, more secure lives. The treaty is a critical tool for creating an awareness of and advancing women's basic human rights.

Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. We thank the Senate Judiciary Subcommittee on Human Rights and the Law for convening this hearing and turning its attention to CEDAW. The National Committee on UN CEDAW urges quick action: the Senate should vote to ratify CEDAW now.

National Congress of American Indians

INDIAN LAW
RESOURCE CENTER

Written Submission of the National Congress of American Indians Task Force on Violence Against Women and the Indian Law Resource Center

Women's Rights Are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Hearing before the
Senate Committee on the Judiciary
Subcommittee on Human Rights and the Law

November 18, 2010

The National Congress of American Indians (NCAI) is the oldest and largest national organization of American Indian and Alaska Native tribal governments. As the leadership of tribal governments in the United States, NCAI is dedicated to ending the epidemic of violence against American Indian and Alaska Native women. In 2003, NCAI created the NCAI Task Force on Violence Against Women to address and coordinate an organized response to national policy issues regarding violence against Indian women. The NCAI Task Force on Violence Against Women represents a national alliance of tribal organizations formed in 2003 and dedicated to the mission of enhancing the safety of American Indian and Alaska Native women. The NCAI Task Force works collaboratively with the National Task Force to End Sexual and Domestic Violence and other national organizations to stop violence against women in the United States.

Founded in 1978 by American Indians, the Indian Law Resource Center is a 501(c)(3) non-profit legal organization. The Center assists indigenous peoples combat racism and oppression, realize their human rights, protect their lands and environment, and achieve sustainable economic development and genuine self-government. We work throughout the Americas to overcome the devastating problems that threaten Native peoples by advancing the rule of law, by establishing national and international legal standards that preserve their human rights and dignity, and by providing legal assistance without charge to indigenous peoples fighting to protect their lands and ways of life.

One of our overall goals is to promote and protect the human rights of indigenous peoples, especially those human rights recognized in international law. We believe that it is especially important to encourage the recognition of these human rights at the country level in order to preserve indigenous cultures and lives, and also to protect the environments where indigenous peoples live.

We commend the Subcommittee on Human Rights and the Law for holding this historic hearing on the United States' ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). We submit this statement to the Subcommittee to provide information on violence against American Indian and Alaska Native women and to make recommendations to improve the United States' commitment to protecting the human rights of American Indian and Alaska Native women. We strongly urge the United States to ratify CEDAW as this will help to end the epidemic of violence against Indian women.

I. Violence Against American Indian and Alaska Native Women

Women form the backbone of Indian and Alaska Native nations. Protection of the rights of Indian women is vital to the survival of indigenous communities. The strong protections for women's rights in CEDAW will help decrease violence against Indian women and improve the social and economic status of Indian and Alaska Native nations.

As the United States Department of State recently recognized in its Universal Periodic Report to the UN Human Rights Council, violence against Indian and Alaska Native women is one of the most pressing human rights issues facing the United States.

Violence against Indian women in the United States has reached epidemic proportions. Violence against Indian women greatly exceeds that of any other population in the United States.[1] Every hour of every day an Indian woman is the victim of sexual and physical abuse.[2] Indian women are 2 ½ times more likely to experience violence than other women in the United States.[3] The statistics of the United States Department of Justice report that 1 in 3 Indian women will be raped[4] and that 3 in 5 will be physically assaulted.[5] Indian women are stalked at a rate more than double that of any other population.[6]

Due to the high rates of violence against Indian women, they are at a high risk for sexual exploitation and trafficking. Recent studies indicate that organized crime rings are increasingly targeting Indian women for trafficking, prostitution, and other forms of sexual exploitation.[7] Indian girls are being lured off reservations to be beaten, gang raped, and forced to be sex workers.[8]

Indicative of the severity of the violence committed on a daily basis against Indian women is that in 2004, homicide was one of the leading causes of death for Indian women, outranking heart disease, cancer, diabetes and other such illnesses.[9] Intentional homicide is the third leading cause of death for Indian girls and women between the ages of ten and 24. Some counties within the United States have rates of murder against Indian women that are over ten times the national average.[10]

Because women play central and crucial roles in Native communities, this violence disrupts the stability and productivity of their families, their communities, and the entire Native nation. By every measure, American Indians and Alaska Natives continue to rank at the bottom of every scale of economic and social well-being. They fare worse than the national average in terms of income, education, and unemployment, making them the most impoverished group in the nation.[11] Indian and Alaska Natives have the poorest health of

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[1] *See, e.g.*, P.L. No. 109-162 § 901 (2006).

[2] Brief of Amici Curiae The National Network to End Domestic Violence, Sacred Circle, National Resource Center to End Violence Against Native Women, et al. in Support of Respondents at 4, Plains Commerce Bank v. Long Family Land & Cattle Co., Inc., et al., No. 07-411 (2008).

[3] *See* Steven W. Perry, U.S. Dep't of Justice, American Indians and Crime 8 (2004).

[4] *See* Patricia Tjaden & Nancy Thoenne, U.S. Dep't of Justice, Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women: Findings From the National Violence Against Women Survey 22 ex. 7 (2000).

[5] *See id.*

[6] *See* U.S. Dep't of Justice, Domestic Violence and Stalking, The Second Annual Report to Congress Under the Violence Against Women Act (1997); U.S. Dep't of Justice, Stalking and Domestic Violence, The Third Annual Report to Congress Under the Violence Against Women Act (1998).

[7] *See generally* Minnesota American Indian Women's Resource Center, Shattered Hearts The Commercial Sexual Exploitation of American Indian Women and Girls in Minnesota (August 2009).

[8] *Id.* at 2.

[9] *See* Melonie Heron, Center for Disease Control, Deaths: Leading Causes for 2004, National Vital Statistics Reports, Vol. 56, Number 5 (2004). In 2007, a total of 10,007 Indian people were listed as missing by the National Crime Information Center. *See* NCIC Missing Person and Unidentified Person Statistics for 2007, U.S. Dep't of Justice (2008).

[10] Ronet Bachman, et al, Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known (National Institute of Justice 2007).

[11] US Census Bureau, We the People: American Indians and Alaska Natives in the United States 8-12 (February 2006).

any population in the US with above average rates of chronic problems such as alcoholism, diabetes, smoking, and obesity.[12] They experience violent crimes more than twice as often as any other population in the United States with the average rate of rape and sexual assault among Natives 3.5 times higher than for all other races.[13]

Violence against Indian women contributes to the marginalization of Indian and Alaska Native communities. This violence undermines the ability of Indian women to provide positive and safe environments for their children. Studies have found that women victimized by violence are more likely to seek public assistance, and anecdotal evidence suggests that they are more likely to self-medicate with alcohol and drugs to deal with the violence and injustice they have experienced. Reducing violence against Indian women gives them the ability to create better environments for their children and decreases their children's risk of experiencing violence, alcoholism, drug abuse, and other social ills.

United States Department of Justice reports reflect a high number of inter-racial crimes, with white or black offenders committing 88% of all violent victimizations of Indian women from 1992 to 2001.[14] Nearly 4 of 5 Indian victims of sexual assault described the offender as white.[15] Three out of 4 Indian victims of intimate violence identified the offender as a person of a different race.[16]

The limitations placed by United States law on the inherent jurisdictional authority Indian and Alaska Native nations have over their own territory are a key factor creating and perpetuating the disproportionate violence against Indian women. Unlike other local communities in the United States, Indian nations and Alaska Native villages cannot investigate and prosecute most violent offenses occurring in their local communities. United States laws have stripped tribes of much of the ability to protect their own citizens. Tribes cannot effectively protect Indian women from violence by providing adequate policing and effective judicial recourse against violent crimes in their local communities, because they cannot prosecute non-Indian offenders[17] and can prosecute Indians only for misdemeanors.[18] Unlike other women in the United States, Indian women often do not have a choice to pursue criminal relief against their perpetrators because the United States

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[12] United States Indian Health Service, Facts on Indian Health Disparities (January 2006), *available at* [http://info.ihs.gov/Files/DisparitiesFacts-Jan2006.pdf].

[13] Stephanie Wahab, Intimate Partner Violence and Sexual Assault in Native American Communities 40-41, *in* Intentional Injuries in American Indian Communities: A Report with Recommendations, submitted to The National Injury Prevention Tribal Steering Committee, June 6, 2003.

[14] Patricia Tjaden & Nancy Thoenne, U.S. Dep't of Justice, Prevalence, Incidence, and Consequences of Violence Against Women: Findings From the National Violence Against Women Survey 22 (2000).

[15] *See id.* at 9.

[16] Lawrence A. Greenfield & Steven K. Smith, U.S. Dep't of Justice, American Indians and Crime 8 (1999) (noting that among American Indian victims, "75% of the intimate victimizations and 25% of the family victimizations involved an offender of a different race," a much higher percentage than among victims of all races as a whole.).

[17] Oliphant v. v. Suquamish Tribe, 435 U.S. 191 (1978) (holding that Indian nations lack the authority to impose criminal sanctions on non-Indian citizens of the United States that commit crimes on Indian lands).

[18] 18 U.S.C. §§ 1152, 1153, 1162 (providing for federal jurisdiction over major crimes in Indian country).

has greatly diminished the ability of tribes to adequately respond to violent crimes. United States law has made criminal relief often unavailable by limiting tribal jurisdiction.

Because of the limited criminal authority of tribes, tribes and Indian women must rely on the federal government to investigate and prosecute violent felonies. Federal authorities, who are often the only law enforcement officials with the legal authority to investigate and prosecute violent crimes in Indian communities, regularly fail to do so. A recent study found that federal prosecutors failed to prosecute 62% of all criminal cases, 75% of rape and sexual assault cases, and 72% of child sexual assault cases occurring on Indian lands.[19] As these numbers indicate, Indian women are routinely denied their right to adequate judicial recourse. Nor do Indian women receive equal treatment under the law, as no other group is treated this way.

While the recent passage of the Tribal Law and Order Act is a step towards the eradication of violence against Indian women, ratification of CEDAW would hasten an end to this epidemic. The strong recognitions of the equal rights of women in CEDAW signal the unacceptability of discriminating against, abusing, and sexually exploiting women. The ratification of CEDAW will help end the cycle of poverty, marginalization, and violence on Native lands by indicating the United States' strong commitment to protecting Indian women and their rights.

CEDAW protects women from discrimination and ensures their right to live a life free from violence. It recognizes the rights of women to: full development and advancement (Article 3); equal participation in political and public life (Article 7); represent government internationally (Article 8); have a nationality (Article 9); equal rights to education (Article 10); equal rights to employment (Article 11); equal rights to health care (Article 12); equal rights in other areas of economic and social life (Article 13); and freedom of movement and to choose their residence or domicile (Article 16).

CEDAW addresses violence against women and encourages its elimination by explicitly recognizing the rights of women in matters relating to marriage and family life. Article 16.2 states that "States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations." The Committee on the Elimination of Discrimination of Women interpreted Article 16.2 in General Recommendation No. 19, stating that: "family violence is one of the most insidious forms of violence against women and that it is prevalent in all societies."[20] It encourages States Parties to "ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity."[21]

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[19] Tribal Law and Order Act of 2008, S. 3320, 110th Cong. (2008); Mary Claire Jalonick, *DOJ Will Not Provide Indian Crime Data*, News From Indian Country (Sept. 2008), *available at* [http://indiancountrynews.net/index.php?option=com_content&task=view&id=4641&Itemid=33].

[20] U.N. Committee on the Elimination of Discrimination Against Women, General Recommendation No. 19, at ¶ 23 (1992), *available at* [http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19].

[21] *Id.* at ¶ 24 (b).

Article 6 of CEDAW explicitly condemns sexual violence against women by obligating State Parties to "take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women." Given that the trafficking of Indian women, an understudied and largely overlooked form of violence against them, is on the rise, ratification of CEDAW would indicate the United States' commitment to addressing and ending the sexual exploitation of Indian women.

By ratifying CEDAW, the United States would strengthen its commitment to protecting women's rights and ending violence against all women, including Indian women. Strengthening women's rights through the ratification of CEDAW will help end the cycle of poverty, marginalization, and violence on Native lands.

II. Conclusion and Recommendations

The United States has always been at the forefront of recognizing and protecting human rights through international law. Women, like former First Lady Eleanor Roosevelt, who advocated for the international community to come together to protect human rights and prevent atrocities, have played vital and important roles in the leadership shown by the United States on human rights. Despite this, the human rights of Indian women continue to be violated on a daily basis in this country. Ratification of CEDAW by the United States will help to end violence against Indian women and the ongoing degradation of their human rights. It will also demonstrate to the rest of the world the United States' commitment to women's rights.

By ratifying CEDAW, the United States will join the international community's overwhelming acceptance of international law recognizing the rights of women. As Secretary of State Hillary Clinton stated when she announced the United States' human rights agenda for the twenty first century at Georgetown University last year, "By holding ourselves accountable, we reinforce our moral authority to demand that all governments adhere to obligations under international law."[22]

We recommend that Congress take affirmative actions to recognize and protect the human rights of Indian and Alaska Native women, including:

- The United States should ratify the United Nations' Convention to Eliminate All Forms of Discrimination Against Women.
- The United States should make public safety on Indian reservations a priority and should fully implement the Violence Against Women Act and the Tribal Law and Order Act.

[22] Hillary Clinton, Human Rights Agenda for the 21st Century, speech given at Georgetown University, Dec. 14, 2009, *available at* [http://www.realclearworld.com/articles/2009/12/15/human_rights_agenda_for_the_21st_century.html].

- The United States should reaffirm the inherent authority of Indian tribal governments to enforce tribal law over all persons for all crimes on tribal lands regardless of race or political status.

- The United States should endorse the United Nations' Declaration on the Rights of Indigenous Peoples and commit to the negotiation of a strong American Declaration on the Rights of Indigenous Peoples in the Organization of American States.

Statement of the National Conference of Puerto Rican W omen, Inc.

Hearing of the Senate Subcommittee on Human Rights and the Law

November 18, 2010, 2:00 P.M., Dirksen Senate Office Building, R. 226

On behalf of the National Conference of Puerto Rican Women, Inc. a nonprofit 501c3 organization founded in 1972 and now with chapters in Illinois, Indiana, Miami, New York, Florida Washington DC Metro and members across the United States, I Carmen Delgado Votaw, a member of the National Board of Directors, submit on behalf of National President, Vivian Ortiz and the members of our organization the following statement in support of U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) as soon as feasible.

Our organization, composed of Puerto Rican and other Hispanic/Latina women was created to support women's rights and promote the equal participation of women in the economic, social and political life of the United States. Our commitment to the rights of women across the globe signals the belief that women need to utilize their potential for the improvement of our societies and that without our full participation the world will not have the opportunity it deserves to grow and develop citizens committed to equality.

The CEDAW Treaty has been lingering in limbo for too long. We trust that the Senate will give its consent to ratification in order to demonstrate its commitment to equal rights as human rights in all corners of the world. We trust our government to be able to safeguard U.S. prerogatives but exercise leadership globally and not continue to be in the company of only a handful of other states that have not ratified this unique Treaty that deals solely in defense of women and girls' human rights.

The evidence is clear that CEDAW has already helped women in countries that have ratified it reducing violence and trafficking in women and girls, enhancing economic opportunities by limiting discrimination in the workplace, increasing female political participation and vindicating human rights.

There is no question in our minds that even in the United States women and girls need greater access to education, technology, the sciences, mathematics and sports. The scourge of HIV/AIDS, the toll caused by high rates of maternal and child mortality need to be abated. It is time, members of the Committee and the Senate as a whole, that you stood with us to ensure that women and girls in these United States can stand proud of their nation in promoting well being of more than half of the population of the world to make it more equitable and just and to unleash the untapped potential of all women.

Great Public Schools for Every Student

November 18, 2010

The National Education Association Supports Immediate Ratification of the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW)

The National Education Association, representing 3.2 million educators across the nation, calls on the United States Senate to take immediate action to ratify the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW).

The NEA Legislative Program, adopted by the more than 8,000 delegates to our annual Representative Assembly, calls for CEDAW ratification. NEA Resolutions call for all nations "to respect and protect the basic human and civil rights of every individual" and state that "all persons, regardless of gender, must have equal opportunity for employment, promotion, compensation...and leadership." Ratification of CEDAW would advance these important goals.

The United States will be strengthened as a global leader in furthering the rights of women if we ratify CEDAW. CEDAW would strengthen our government's efforts to ensure that women around the world are treated fairly and have the opportunity to reach their full potential. It would provide the Department of State an additional tool to help combat violence against women, give women greater opportunities for education, reform unfair inheritance and property rights, and strengthen women's access to fair employment.

In this age of global interdependency, the fate of our nation is more closely intertwined with that of the rest of the world than ever before. Yet, too many women and girls need greater access to education. Two-thirds of the world's 774 million illiterate adults are women, a proportion that has not changed over the past 20 years. The United States can enhance our longstanding role as a global leader for women's rights and human rights if we engage with the community of nations that has ratified CEDAW in determining how best to achieve progress for women and girls.

While women in the United States enjoy opportunities and status that are not available to many women in other parts of the world, few would dispute that more progress is warranted. One in four high school girls in this country drops out before graduation, and those girls have an average annual income that is $9,100 below even the low wages earned by boys who drop out. In career and technical education, girls in this country are still conspicuously absent from classes that prepare students for higher-paying, traditionally male occupations, such as electricians and automotive technicians. In higher education, women are only a small percentage of those studying and teaching physical and computer sciences and engineering. CEDAW would provide a stimulus for greater focus on these issues, and for efforts among educators and government officials to eliminate barriers and encourage girls and women to develop their interests in non-traditional areas.

We call on the United States Senate to ratify CEDAW now!

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY

Homelessness and United Nations Convention on the Elimination of all Forms of Discrimination Against Women

Submitted to the Senate Judiciary Subcommittee on Human Rights and the Law by the

National Law Center on Homelessness & Poverty

November 17, 2010

Introduction

As a member of the CEDAW Task Force, a broad-based diverse coalition, we submit this testimony in support of ratification of the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW) by the United States Senate.[1] The National Law Center on Homelessness & Poverty ("Law Center") was established in 1989 to serve as the legal arm of the nationwide movement to prevent and end homelessness in the U.S. Based in Washington, D.C., the Law Center focuses on addressing not just the symptoms, but the causes of homelessness, through impact litigation, policy advocacy, and public education. The Law Center works on systemic, nationwide and local level reform in conjunction with thousands of local level advocacy and service provider groups across the country.

We offer this statement today to describe the impact that CEDAW ratification would have on our work. We thank the Senate Judiciary Subcommittee on Human Rights and the Law for convening this hearing and turning its attention to CEDAW. We ask the United States Senate to ratify the treaty expeditiously.

CEDAW is a landmark international agreement that affirms principles of fundamental human rights and equality for women around the world. Recognizing that women's rights are human rights, CEDAW particularly seeks to end violence against women, ensure that women in rural areas have the right to adequate living conditions, and ensure women equal access to employment and income.

[1] Maria Foscarinis, Executive Director; Jeremy Rosen, Policy Director; Rachel Nelson, Domestic Violence Staff Attorney; and Katharyn Christian, Pro Bono Coordinator, contributed to this submission.

1411 K STREET, NW, SUITE 1400
WASHINGTON, DC 20005
www.nlchp.org
nlchp@nlchp.org
PHONE: 202.638.2535
FAX: 202.628.2737

Violence Against Women

Violence is a leading cause of homelessness.[2] In 2009, four women per day were murdered on average in the U.S., and 5.5 million women per year were physically assaulted or raped by their intimate partners.[3] About 20% of women report domestic violence or abuse as a reason for their homelessness, and in a survey of U.S. cities in 2008, 28% of the cities reported domestic violence as a primary cause of homelessness.[4] Further, in varying regions across the U.S., 22% to 57% of homeless women reported that domestic violence was the immediate cause of their homelessness.[5]

Many survivors of violence become homeless when they are denied housing or evicted from their homes based on the violent acts of their abusers. This is especially true for the many domestic violence survivors who have limited means, as their abusers control their ability to earn an income and/or control any income they earn. Often, survivors must choose between living with their abusers and becoming homeless. If a survivor flees his or her abuser, the survivor often is further discriminated against when attempting to find new housing. A lack of affordable housing and housing assistance limits the housing options available to such individuals even further. As these practices have an adverse impact based on sex and almost exclusively affect women, they constitute a form of gender discrimination in housing. Various federal and state laws prohibit sex discrimination in housing and protect domestic violence survivors' access to housing – including the Violence Against Women Act ("VAWA") as reauthorized in 2005, Title

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[2] *See* NAT'L LAW CTR. ON HOMELESSNESS & POVERTY AND CENTRE ON HOUSING RIGHTS AND EVICTIONS, HOUSING RIGHTS FOR ALL: PROMOTING AND DEFENDING HOUSING RIGHTS IN THE UNITED STATES 55 (2009) (2005), *available at* www.nlchp.org [hereinafter NAT'L LAW CTR. ON HOMELESSNESS & POVERTY AND CENTRE ON HOUSING RIGHTS AND EVICTIONS, *Housing Rights for All*]; NAT'L LAW CTR. ON HOMELESSNESS & POVERTY, INSULT TO INJURY: VIOLATIONS OF THE VIOLENCE AGAINST WOMEN ACT 1-2 (2009), *available at* www.nlchp.org [hereinafter NAT'L LAW CTR. ON HOMELESSNESS & POVERTY, *Violations of the Violence Against Women Act*]; and MARTHA BURT ET AL., HELPING AMERICA'S HOMELESS: EMERGENCY SHELTER OR AFFORDABLE HOUSING? 225, table 8.1 (2001).

[3] Shannan Catalono et al., *Female Victims of Violence*, BUREAU OF JUSTICE STATISTICS SELECTED FINDINGS, September 2009, *available at* http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2020.

[4] *See* Jana L. Jasinski, et al., *The Experience of violence in the Lives of Homeless Women: A Research Report*, U.S. DEPT. OF JUSTICE NATIONAL INSTITUTE OF JUSTICE 2, 65 (2005) and The United States Conference of Mayors, HUNGER AND HOMELESSNESS SURVEY: A STATUS REPORT ON HUNGER AND HOMELESSNESS IN AMERICA'S CITIES, A 25-CITY SURVEY HUNGER AND HOMELESSNESS SURVEY (2008).

[5] WILDER RESEARCH CTR., HOMELESS IN MINNESOTA 2003: KEY FACTS FROM THE SURVEY OF MINNESOTANS WITHOUT PERMANENT HOUSING 22 (Feb. 2004); CTR. FOR IMPACT RESEARCH, PATHWAYS TO AND FROM HOMELESSNESS: WOMEN AND CHILDREN IN CHICAGO SHELTERS 3 (Jan. 2004); NAT'L CTR. ON FAMILY HOMELESSNESS & HEALTHCARE FOR THE HOMELESS CLINICIANS' NETWORK, SOCIAL SUPPORTS HOMELESS MOTHERS 14, 26 (Oct. 2003); INST. FOR CHILDREN & POVERTY, THE HIDDEN MIGRATION: WHY NEW YORK CITY SHELTERS ARE OVERFLOWING WITH FAMILIES (Apr. 2004); HOMES FOR THE HOMELESS & INST. FOR CHILDREN & POVERTY, TEN CITIES 1997-1998: A SNAPSHOT OF FAMILY HOMELESSNESS ACROSS AMERICA 3 (1998); VIRGINIA COALITION FOR THE HOMELESS, 1995 SHELTER PROVIDER SURVEY (1995) (out of print), *cited in* NAT'L COALITION FOR THE HOMELESS, DOMESTIC VIOLENCE AND HOMELESSNESS: NCH FACT SHEET #8 (1999).

VII of the Civil Rights Act of 1964 (the federal Fair Housing Act), and various state and local laws – yet these protections are implemented and enforced inconsistently. As a result, domestic violence survivors still face discrimination in housing and domestic violence remains a leading cause of homelessness among women.[6]

General Recommendation 19 of CEDAW defines gender-based violence as "violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty." Gender based violence, including violence perpetrated by an individual's intimate partner or in the home, inhibits a woman's ability to enjoy and access her other inalienable rights and prevents a woman from securing housing for herself and her family. General Recommendation 19 provides a detailed framework for preventing and ending violence against women. Ratification of CEDAW would reinforce America's commitment to ending violence against women. In doing so, it would help prevent the discrimination in housing and homelessness that all too often stems from such violence.

Right to Housing

Some groups of women are especially vulnerable to homelessness and to discrimination in housing, particularly: women with disabilities; women of color; immigrant and indigenous women; households and families headed by women; and women living in rural environments.[7] While homelessness is often perceived as an urban problem because it is more prevalent and visible there, approximately 9% of all people experiencing homelessness live in rural areas.[8] Individuals experiencing homelessness in rural areas are more likely to be female and to be homeless for the first time, often as a result of poverty and a lack of affordable housing.[9] Although such individuals tend to be employed and housing costs tend to be lower in rural areas, incomes in rural areas also tend to be lower that in urban areas.[10] The result is that women living in rural areas face high rents and housing costs proportionate to those found in urban areas.[11] Further

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[6] *See generally* NAT'L LAW CTR. ON HOMELESSNESS & POVERTY AND CENTRE ON HOUSING RIGHTS AND EVICTIONS, *Housing Rights for All supra* note 1; NAT'L LAW CTR. ON HOMELESSNESS & POVERTY, *Violations of the Violence Against Women Act supra* note 1, at 1-2; and Burt, *supra* note 1, at 225, table 8.1.

[7] *See generally* NAT'L LAW CTR. ON HOMELESSNESS & POVERTY AND CENTRE ON HOUSING RIGHTS AND EVICTIONS, *Housing Rights for All supra* note 1, at 55-56.

[8] *See generally* Nat'l Coalition for the Homeless, *Rural Homelessness*, *www.nationalhomeless.org/factsheets/rural.html* (last visited Nov. 16, 2010) and Council for Affordable and Rural Housing, *Homelessness in Rural America, http://www.carh.org/index.php?option=com_content&task=view&id=144&Itemid=123* (last visited Nov. 16, 2010).

[9] *Id.*

[10] *Id.*

[11] *Id.*

compounding this situation, individuals living in rural areas often must travel great distances to access housing, employment opportunities, and social services. Yet, these same individuals often have limited (if any) means of transportation and often there is no form of public transportation. As a result, homelessness is a very real and growing problem for women living in rural areas.

Article 14 of CEDAW, contemplating these and other difficulties faced by women living in rural areas, mandates that:

> States Parties . . . take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, . . . ensure to such women the right . . . to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

According to international human rights law, adequate housing, at minimum, incorporates seven core components:

(i) security of tenure (i.e. protection against arbitrary forced evictions, harassment, and other threats);
(ii) availability of services, materials, facilities, and infrastructure (e.g. access to potable water, energy for cooking, heating and lighting, sanitation, food storage, refuse disposal, etc.)
(iii) affordability (the amount a woman pays for her housing cannot be so high that it compromises her attainment and satisfaction of other basic needs; this is especially important for women living in rural areas as they are often economically marginalized);
(iv) habitability (the woman must be protected against cold, heat, rain, wind, etc., and *must be safe from domestic violence and/or other threats to her health and safety*);
(v) accessibility (women and other disadvantaged groups should be afforded some degree of priority consideration in housing);
(vi) location (the housing must be situated so that women may access employment and education options, health care, childcare centers, and other social facilities); and
(vii) cultural adequacy (i.e. the housing must allow for the expression of women's cultural identity and recognize the diversity among women).

CEDAW would afford women living in rural areas the right to adequate housing and living conditions, and it would provide a framework for meaningful action to secure such housing.

Employment and Income

In the U.S., one in four women will not graduate with a high school diploma in the standard four-year time period.[12] Women who drop out of high school face fewer employment prospects, earn significantly less than even men who drop out of high school (much less men who have a postsecondary education), and are less likely to earn an income sufficient to afford and access adequate housing.

Women who drop out of high school are less likely to be employed than women who finish high school and are less likely to be employed than men who drop out of high school. In 2006, 53% of women who dropped out of high school were employed, compared with 70% of women who graduated high school and 77% of men who dropped out of high school.[13] The more education women receive, the more likely women are to be employed and to earn incomes sufficient to support and house themselves and their families. A woman that earns an Associate's or Bachelor's degree is 1.5 times more likely to be employed than a woman who drops out of high school.[14]

Moreover, while men at every education level earn more than women, the wage gap decreases as women complete more schooling. Women that drop out of school prior to high school graduation earn an average annual income $9,100 below the lowest wages earned by men who drop out of high school prior to graduation.[15] In 2006, women without a high school diploma earned approximately $15,500, or about $18,000 or 52% less than the basics needs standard for a family of three.[16] In fact, an average woman does not earn more than an average man without a high school diploma until the woman completes some postsecondary education.[17] The average man who dropped out of high school, in 2006, earned approximately $24,698, whereas the average woman who graduated high school earned approximately $21, 898.[18]

Education is one key way for women to break the cycle of poverty and homelessness in their families. Lack of education and homelessness tend to be multigenerational problems, as women and men who drop out of school are also more likely to see their children drop out of school and suffer the same consequences. Furthermore, when

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[12] NAT'L WOMEN'S LAW CENTER, WHEN GIRLS DON'T GRADUATE, WE ALL FAIL: A CALL TO IMPROVE HIGH SCHOOL GRADUATION RATES FOR GIRLS 5-6 (2007).

[13] *Id.* at 7.

[14] *Id.*

[15] *Id.* at 8-9.

[16] *Id.* at 8.

[17] *Id.* at 9.

[18] *Id.*

parents become homeless, their children are more likely to experience barriers to accessing and obtaining adequate education, therein continuing the cycle of poverty.[19]

Article Ten of CEDAW confronts these issues and mandates that States Parties ensure women an equal right and equal access to education as well as equal conditions for such education, particularly in the realms of career and vocational/technical guidance. CEDAW additionally mandates that women have equal access to study and to achieve degrees in "educational establishments of all categories in rural as well as in urban areas" and "in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training." Further, CEDAW calls for the reduction of drop out rates among women and calls for "the organization of programmes for girls and women who have left school prematurely . . . ." Along similar lines, Article Eleven of CEDAW requires States Parties to ensure that women and men have the same right to work, employment opportunities, and equal remuneration (including benefits, retirement, social security, unemployment, sickness, etc.).

Parity and equality between women and men regarding educational and employment opportunities is essential to ending the cycle of poverty, and thereby homelessness, in this country. By providing such requirements and guidance, CEDAW would afford additional opportunities to ensure that women and girls have access to the educational and employment opportunities necessary to earn an income sufficient to afford adequate housing for themselves and their families.

Conclusion

The United States is one of only seven United Nations member countries that have not ratified CEDAW. Ratification of CEDAW by the U.S. Senate would continue America's bipartisan tradition of promoting and protecting human rights and would strengthen the U.S.'s global leadership in standing up for the rights of women and girls around the world. Moreover, as CEDAW serves as a catalyst for member countries by increasing awareness of gender disparities and providing new strategies for further improvement, ratification of CEDAW would benefit the U.S. and would provide new strategies for ending homelessness. We ask the United States Senate to ratify CEDAW now.

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[19] Families with young children, most of which are headed by women, now account for 41% of the nation's homeless population. Approximately one million homeless children and youth are enrolled in public schools. Eric S. Tars, Separate & Unequal in the Same Classroom: Homeless Students in America's Public Schools. 14 Loy. Pub. Int. L. Rev. 267, 268 (2009) and Nat'l Assoc. for the Education of Homeless Children and Youth, *Facts About Homeless Education*, http://www.naehcy.org/facts.html (last visited Nov. 16, 2010). Although the McKinney-Vento Homeless Assistance Act requires states and local education agencies to ensure access to school for homeless children, significant state and local noncompliance persists. Consequently, many homeless children continue to experience significant barriers in accessing education, including: address requirements preventing children from enrolling in the school district wherein they are residing; delays in transfers when moving between schools; lack of transportation to school from the shelter where the children are residing; and an inability to participate in school activities or receive services such as special education classes. As a result, many children who experience homelessness are unable to obtain an adequate education.

national lawyers guild
132 Nassau Street, Room 922, New York, NY 10038 212-679-5100 Fax 212-679-2811 nlg.org

November 16, 2010

Senator Richard J. Durbin
Senator Tom Coburn
U.S. Senate Committee on the Judiciary
Subcommittee on Human Rights and the Law
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Convention on the Elimination of All Forms of Discrimination Against Women

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The National Lawyers Guild submits this statement in strong support of ratification of the Convention on the Elimination of All Forms of Discrimination Against Women [CEDAW].

The NLG was formed in 1937 as an alternative to the American Bar Association, which then prohibited membership by African American lawyers. The NLG was founded "to the end that human rights be regarded as more sacred than property interests." We are committed to advocating for US ratification of the core Human Rights treaties, including CEDAW, the Convention on the Rights of the Child and the International Covenant for Economic, Social and Cultural Rights.

Although the United States claims to be a leading voice for women's rights and human rights, its failure to ratify CEDAW (to say nothing of the CRC and ICESCR) exposes its failure to comply with international norms. We are one of only seven countries in the world to have failed to ratify this landmark international human rights agreement, the others being Iran, Sudan, Somalia, and three small Pacific Islands. The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and the position the United States arrogates to itself as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls here and around the world.

CEDAW seeks to end both violence against women and trafficking, and to promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women

Heidi Boghosian *Executive Director* | David Gespass *President* | Russell Bloom *Executive Vice President* | Carol Sobel *Executive Vice President* | Roxana Orrell *Treasurer* | Rachel Rosnick *Student Vice President*

are prosperous, stable. Ratification of CEDAW, without reservations, declarations and understandings that limit its scope to what we already have, would indicate that the US is making a commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

Sincerely,

David Gespass
President

Phoenix- Scottsdale Chapter
National Organization for Women

P.O. Box 3514
Scottsdale, AZ 85271-3514

November 16, 2010

Senator Dick Durbin, Chairman
Judiciary Subcommittee on Human Rights and the Law

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Judiciary Subcommittee:

The Phoenix-Scottsdale Chapter of the National Organization for Women is pleased to submit this statement in strong support of ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

The Phoenix-Scottsdale Chapter of NOW is committed to bringing women into full participation in the mainstream of American society and to eliminating all forms of discrimination against women. Our chapter has dedicated the last two years to informing our chapter members and community about the history, structure, and benefits of the Convention on the Elimination of All Forms of Discrimination Against Women. Our activities on behalf of CEDAW have included panel discussions, website and newsletter articles, and letters and office visits to our U.S. Senators, John McCain and Jon Kyl.

It is time for the U.S. to join the rest of the world in ratifying this crucial women's human rights treaty. The United States' absence from this global treaty, which we were instrumental in drafting, undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

Sincerely,

Phoenix-Scottsdale Chapter, National Organization for Women
Karen A. Kondej, V-P

NATIONAL SPIRITUAL ASSEMBLY
OF THE
BAHÁ'ÍS OF THE UNITED STATES

1320 Nineteenth St., N.W., Suite 701 • Washington, D.C. 20036-1610 • (202) 833-8990 Fax: (202) 833-8988

Office of External Affairs
Email: usnsa-oea@usbnc.org

November 16, 2010

Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an important legal instrument that will move the U.S. closer to achieving real equality between the sexes and the full participation of women in every field of human endeavor -- goals that Bahá'ís view as essential prerequisites to peace and human progress. The National Spiritual Assembly of the Bahá'ís of the United States, which oversees the national administrative affairs of the more than 160,000 Bahá'ís in the U.S., is submitting this statement in support of ratification of CEDAW. We thank the Senate Judiciary Subcommittee on Human Rights and the Law for convening this hearing and turning its attention to this important human rights treaty.

Bahá'í teachings promote the principles of the oneness of humankind and the equality of women and men and affirm the universality of human rights. CEDAW is the landmark international agreement that sets out principles of fundamental human rights for women around the world. U.S. ratification of CEDAW will send a powerful signal to the rest of the world that human rights apply to men and women alike.

Recognizing that women's rights are human rights, CEDAW seeks to end sex trafficking and violence against women, prohibit forced marriage and child marriage, expand girls' access to education, ensure women the right to vote, fight maternal mortality, and end workplace discrimination against women. By providing a practical blueprint for achieving progress on these and other goals, CEDAW has already helped millions of women and girls around the world. Yet, despite this progress, more work remains to be done with regard to women's health, education, employment, and the other areas addressed by this treaty.

The United States is one of only seven United Nations member countries that have not ratified CEDAW, putting it in the company of Iran, Sudan, Somalia, and three small Pacific islands. Joining the 186 countries that have ratified CEDAW would signal to the rest of the world that the United States continues to value and protect human rights here at home and abroad.

Ratification of CEDAW would give the U.S. an opportunity to enhance its longstanding leadership role in the arena of women's rights and human rights, and also give it a more powerful and influential voice in determining how to best achieve progress for women and girls around the world. We strongly hope that this hearing will be an important step toward a renewed commitment to ratification of CEDAW by the United States and that it will soon be followed by a Senate floor vote in favor of advice and consent to ratification.

Sincerely,
The National Spiritual Assembly of the Baha'is of the U.S.

Anthony Vance

Anthony Vance
Director of External Affairs

9to5, National Association of Working Women
207 E. Buffalo Street, Suite 211, Milwaukee, Wisconsin 53202
▪ (414) 274-0933 ▪ Fax (414) 272-2870

November 16, 2010

United States Senate
Committee on the Judiciary
Human Rights and the Law Subcommittee
Washington, D. C. 20510

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

9to5, National Association of Working Women is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women [CEDAW].

9to5 is a 37-year-old national, membership-based organization of low-income women, working to improve policy on issues related to ending discrimination, strengthening the safety net, and creating good jobs with policies that promote family-flexibility.

The United States has long been recognized as a leading voice for women's rights and human rights, which makes our failure to ratify CEDAW all the more troubling. We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. (The others are Iran, Sudan, Somalia, and three small Pacific Islands.) The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

CEDAW, unquestionably, embodies American values. It seeks to end violence against women and trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous, stable societies. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

Sincerely,

Linda A. Meric

Linda Meric
Executive Director
(303) 628-0925 (ofc)
Lindam@9to5.org

Northeastern University
School *of* Law

November 16, 2010

United States Senate Committee on the Judiciary
Subcommittee on Human Rights and the Law
224 Dirksen Senate Office Building
Washington, DC 20510

Re: CEDAW Testimony

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

Program on Human Rights and the Global Economy
Dockser Hall, Suite 130
360 Huntington Avenue
Boston, MA 02115

The Program on Human Rights and the Global Economy (PHRGE) of Northeastern University School of Law is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women (CEDAW).

PHRGE was founded in 2005 to engage in the study, promotion, implementation and constructive critique of rights-based approaches to economic development and social transformation, with particular attention to economic, social and cultural rights (ESCR). It has a threefold mission:

(1) To promote human rights, particularly economic, social and cultural rights, within the Northeastern community;
(2) To support cutting-edge scholarship on human rights, with a particular focus on economic, social and cultural rights; and
(3) To work to implement human rights norms and sound economic development approaches worldwide.

In many respects, the United States has been a leader in promoting and protecting women's rights, including many economic and social rights such as education, health and freedom from violence. Yet the United States shares with Iran, Sudan, Somalia and three Pacific Islands, the distinction of failing to ratify CEDAW – by far the most significant international agreement on women's rights. The United States' absence from this global consensus undermines our nation's claim to leadership in promoting women's equality, particularly because our inaction weakens the realization of women's rights worldwide. Given the role that women's equality plays in promoting social stability, the United States simply cannot afford to stand aside from the international standards and tools available for promoting such equality both abroad and at home.

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While CEDAW is an international document, it is by no means foreign. Dozens of states and municipalities from across the country have called for CEDAW's ratification by the United States, with governmental units even incorporating CEDAW's provisions directly into their own legal standards. Indeed, CEDAW's standards parallel existing provisions of domestic U.S. law that seek to end violence against women, promote quality education, improve women's health, end discrimination in the workplace, and encourage women's political participation. But these multiple layers should not suggest that CEDAW would be redundant here. Rather, ratification would reinforce the United States' unequivocal commitment to women's progress reflected in our existing laws, while also reinforcing and prioritizing women's equality internationally.

Given the importance to women worldwide of the United States' participation in CEDAW, we call on the Senate to vote for CEDAW's ratification now.

Sincerely,

Dan Danielsen Martha Davis Lucy Williams Margaret Woo

Faculty Co-Directors

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR (RET.)

November 17, 2010

The Honorable Richard J. Durbin
United States Senate
Senate Hart Building - SH309
Washington, DC 20510-1304

Dear Senator Durbin,

Thank you for your letter of November 5, 2010, inviting me to provide my opinion on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

In my view, this is an important treaty, and it is appropriate that it be considered by the Senate. CEDAW currently has 186 countries which have ratified, including our closest allies. The United States is the only country to have signed, but not ratified, the Convention. Our non-ratification leaves us in the company of the few remaining non-party countries, including Iran and the Sudan. This is not company we normally keep, and this fact should inform the Senate's consideration of CEDAW.

The United States has made great strides in supporting women's rights. I support CEDAW not because I think it would require changes in women's rights within the United States. Rather, ratification of CEDAW would enhance the authority of the United States to advocate on behalf of women's rights in countries, including both CEDAW parties and non-parties, that do not respect women's rights to the same extent that the United States does. The Senate's failure to ratify CEDAW gives other countries a retort when United States officials raise issues about the treatment of women, and thus our non-ratification may hamper the effectiveness of the United States in achieving increased protection for women worldwide.

A number of countries have ratified CEDAW with reservations, understandings, and/or declarations. This number includes countries like Australia, which has a federal system similar in some ways to our own. It also includes France, Germany, Ireland, and the United Kingdom. To the extent that Senators have serious concerns about the substance of particular provisions of the Convention, perhaps their concerns could be addressed with a carefully crafted package of reservations, understandings, and declarations.

I commend your subcommittee for its consideration of CEDAW.

Sincerely,

Sandra Day O'Connor

Testimony of Terry O'Neill, President,
National Organization for Women and NOW Foundation

Judiciary Subcommittee on Human Rights and Law
United States Senate
In Support of
The Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW)
Washington, D.C.
November 18, 2010

Thank you for the opportunity to present comments. As the nation's largest organization of grassroots feminist activists with chapters in all 50 states and the District of Columbia, the National Organization for Women submits this testimony in strong and enthusiastic support of U.S. ratification of the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW). The treaty is the most complete international agreement on basic human rights for women and was adopted by the United Nations (UN) General Assembly in 1979. To date, 185 countries have ratified CEDAW. Even though the U.S. helped draft the treaty, it is the only industrialized country left to ratify.

U.S. ratification of CEDAW would lend weight to the treaty and the principle that human rights of women are worthy of being guaranteed through international human rights standards. Until the U.S. ratifies CEDAW, it can neither credibly demand that others live up to their obligations under the treaty, nor that it is a leader in the global human rights community.

Women in the U.S. stand to benefit greatly under CEDAW ratification. In ratified countries, CEDAW has helped save lives during pregnancy and childbirth; reduce the sexual enslavement and trafficking of women and girls; secure basic legal recourse to women and girls against violence and abuses of their human rights; free access to primary education and health care where it had previously been denied, and acknowledge the basic right to own and inherit property, including helping to secure essential development loans to poor women. Many of these problems remain within our own borders, particularly maternal mortality, with the U.S. having higher rates than virtually all other industrialized nations; and human trafficking, on which the UN Special Rapporteur on the sale of children, child prostitution and child pornography recently conducted a fact-finding mission within our country and subsequently called for increased efforts to combat sexual slavery.

In agreeing to ratify CEDAW, countries agree to take "all appropriate measures" to ensure the full development and advancement of women in politics, law, employment, education, health care, commercial transactions and domestic relations. While several local states, counties and cities have passed resolutions urging U.S. ratification, the city of San Francisco was the first U.S. city to adopt an ordinance obligating itself to the principles of CEDAW. We can assume that the expansion of justice for women in San Francisco under CEDAW strongly suggests what could happen in our entire country upon ratification. Following are just a few examples of what San Francisco has done: adopt harsher sentences for domestic violence; implement new flexible work schedules for the city, which led more women and men with families to begin working for the city; and decrease the optimal distance between streetlights after taking women's safety into consideration.

Globally, ratification of CEDAW is in this country's own best interests. Empowerment of women leads to more prosperous, stable and peaceful societies. Conversely, violence against women, and disproportionately women with disabilities, dramatically escalates in conflict-afflicted societies. By ratifying CEDAW, the U.S. would strengthen its global leadership in standing for the rights of women and girls and promote the inclusion of all women in the peacemaking process the world over. CEDAW also promotes the participation

1100 H Street, NW, Washington DC 20005
Tel 202.628.8669 / email now@now.org / www.now.org

of women in decision-making, increasing the likelihood that priorities, perspectives and needs of women are addressed in matters of sovereignty, post-conflict peace building and reconciliation processes.

For these reasons and several others NOW has been working to promote ratification of CEDAW for decades, passing its first resolution of support in 1986. Tirelessly our grassroots activists have conducted educational outreach, petition drives and even pickets of those members of Congress who held up the treaty. In 2009 our membership passed another resolution that led to the creation of a national action campaign called RATIFY WOMEN! Through this campaign hundreds of NOW chapters and tens of thousands of NOW members have been encouraged to disseminate fact sheets, hold film screenings and educational discussions about CEDAW and lobby their Senators to make CEDAW ratification an immediate priority. In conjunction with International Women's Day 2010 and National Women's History Month, NOW petitioned President Obama to throw the full weight of the executive branch behind this treaty, amassing 5,000 signatures in the first few days alone. On Mother's Day 2010 we worked in coalition with more than 160 organizations working under the umbrella of the Leadership Conference for Civil and Human Rights CEDAW Task Force to drive grassroots statements of support for CEDAW ratification to the Senate.

With strong support for ratification of CEDAW, NOW remains very much aware of the 11 Reservations, Declarations and Understandings (RDUs) that have been attached to the treaty by prior administrations and conservative senators -- limitations that would undermine key provisions. An analysis of those RDUs has been prepared at our request by Martha Davis, Esq., a human rights law expert and former NOW Legal Defense and Education Fund attorney. It is clear the various RDUs convey a lack of commitment to ending discrimination against women and specifically claim no responsibility for the U.S. to undertake efforts to expand maternity leave, improve access to health care services for women, or take more effective efforts to address sex-based pay discrimination, among other objectives that would promote women's equality. Almost no other women's rights or human rights organization has spoken out to object to the RDUs -- possibly out of fear that any criticism of the treaty will further stall ratification. NOW believes that ratifying CEDAW with debilitating RDUs attached will hurt the cause of women's rights worldwide and urges ratification of a strong, clean CEDAW to display our political commitment to uphold international standards and may indeed slow efforts in developing countries currently dedicated to improving human rights for women in areas highlighted by the RDUs.

NOW strongly hopes that this hearing will be an important step toward a renewed commitment to ratification of CEDAW by the U.S. and that it will soon be followed by a Senate floor vote in favor of ratification. Over thirty years have passed since CEDAW's initial adoption by the U.N. General Assembly. Women in the U.S. and around the world stand to benefit greatly under CEDAW ratification. The time has arrived to prioritize and pass CEDAW without restrictions.

Reference material: Memo from Martha Davis, Esq., to National Organization for Women

MEMORANDUM

TO: **National Organization for Women**
FROM: **Martha F. Davis***
RE: **Analysis of Possible CEDAW RUDS**
DATE: **June 12, 2009**

It will surprise no one that the National Organization for Women supports rapid U.S. ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW is the major international treaty addressing women's rights. Ratification of CEDAW would enable the U.S. to participate directly in the global dialogue among and between nations about the best means to ensure women's equal access to, and participation in, the full range of societal institutions. It addresses women's equality in a broad range of critical areas including the economy, the political and educational spheres and the family.

However, CEDAW is not new to the American political scene, and it reaches 2009 with some questionable baggage. The U.S. was active in CEDAW's drafting and the treaty was signed by President Carter in 1980. He transmitted it to the Senate Foreign Relations Committee for its advice and consent that same year, shortly before he left office. In the intervening years, the treaty has been festooned with a growing number of Reservations, Declarations and Understandings (RDUs), proposed by both the particular Administration-in-power and members of the Senate Foreign Relations Committee. These RDUs undermine CEDAW's meaning and effectiveness. If CEDAW is to really contribute to the national and international effort to achieve equality for women, these RDUs must be rejected or at least narrowed considerably.

In preparation for renewed consideration of CEDAW ratification, NOW asked me to prepare an analysis of the RDUs that it anticipates might be attached to CEDAW during its renewed consideration by the Senate Foreign Relations Committee. The analysis below begins by setting out the case against RDUs as a general matter before examining the propriety of the eleven specific RDUs that have been proposed in the past. This Memorandum builds on an analysis of proposed RDUs prepared by the NOW Legal Defense and Education Fund and the Lawyers Committee for Human Rights, submitted to the Senate Foreign Relations Committee in 1994.[1]

THE CASE AGAINST RDUs

In the 1994 letter submitted to the Senate, the NOW Legal Defense and Education Fund and the Lawyers Committee for Human Rights observed that the substantive provisions of CEDAW are consistent States can and should accept virtually all of CEDAW's obligations and undertakings without qualification. Despite this, numerous RDUs were proposed with the sole purpose of ensuring that the U.S. need not make any changes in domestic law, now or in the future, to comply with CEDAW's provisions. This approach is troubling as there are several areas (for example, paid family leave) where the U.S. fails to meet CEDAW's standards and lags behind much of the industrial world – and even some of the

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* For purposes of identification only: Professor of Law; Co-Director, Program on Human Rights and the Global Economy, Northeastern University School of Law. Cassandra Brulotte, Elizabeth Persinger, Tom Zito and Jane Moisan provided excellent research assistance in preparing this Memorandum.

1 The 1994 submission was signed by Deborah Ellis, then-Legal Director of NOW LDEF and Michael Posner, Executive Director of the Lawyers Committee. As a staff attorney at NOW LDEF in 1994, I assisted with preparation of the NOW LDEF/Lawyers Committee analysis. NOW LDEF is now known as Legal Momentum. The Lawyers Committee for Human Rights is now known as Human Rights First.

developing world – in guaranteeing full equality to women. It appears that past Administrations have sought to identify such areas and then, through RDUs, to preclude any obligation to work to improve the record of the United States on these issues. This use of RDUs to preclude all domestic law changes that might flow from CEDAW ratification is inappropriate and misguided.

The purpose of treaties generally is to undertake new obligations or to make the commitment to the international community to adhere to existing obligations. In both cases, the basis for evaluating treaty compliance tests whether "appropriate measures" have been pursued in good faith. The mere fact that the treaty establishes benchmarks to which the U.S. does not currently adhere is not sufficient reason for a reservation. A specific reservation may be added if a particular treaty provision is found to be unacceptable, but there should not be a wholesale rejection of change. If the United States ratifies CEDAW subject to broad limitations that imply a lack of political commitment to observe international standards, its actions will rightly be decried by the international community. Such an approach will suggest that the U.S. views these international norms as being applicable only to other countries. In fact, there has been just such a reaction by other countries in regard to the RDUs the U.S. attached to the ICCPR, with numerous countries filing objections with the United Nations. The U.S. can expect to provoke similar international criticism if it ratifies CEDAW subject to numerous and broad caveats.

An additional impact of U.S. ratification with extensive RDUs is even more troubling. Internationally, women have made great collective strides in recent decades, but women's equality is still a dream in many countries. If the U.S.'s ratification evinces only lukewarm commitment to CEDAW, it will give aid and comfort to those nations that persist in perpetuating discrimination against women and girls. Further, it may chill the efforts within some nations to take CEDAW and women's equality seriously. For example, as recently noted by Janet Benshoof of the Global Justice Center, the Protocol on the Rights of Women in Africa,[2] ratified by nearly half of the African nations, takes concrete steps to implement CEDAW in the region by requiring that governments take affirmative measures to ensure women's equality and by defining equality to encompass reproductive rights and equal participation in the judiciary. A U.S. approach that effectively excises such provisions out of CEDAW through extensive RDUs runs the risk of slowing efforts in developing countries that would have a tremendously positive impact on the nations' development and women's lives.

ANALYSIS OF SPECIFIC RDUs

RESERVATIONS:

(1) The Constitution and laws of the United States establish extensive protections against discrimination, reaching all forms of governmental activity as well as significant areas of non-governmental activity. However, individual privacy and freedom from governmental interference in private conduct are also recognized as among the fundamental values of our free and democratic society. The United States understands that by its terms the Convention requires broad regulation of private conduct, in particular under Articles 2, 3 and 5. The United States does not accept any obligation under the Convention to enact legislation or to take any other action with respect to private conduct except as mandated by the Constitution and laws of the United States.

Analysis:

This proposed reservation is undesirable. Even if there were a conflict between U.S. law and

2 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, CAB/LEG/66.6 (Sept. 13, 2000); reprinted in 1 Afr. Hum. Rts. L.J. 40, *entered into force* Nov. 25, 2005. *See* Janet Benshoof, *How International Law Could Radically Change the Definition of Gender Equality in the United States: CEDAW and Reproductive Rights*, Global Justice Center White Paper, Nov. 2008.

CEDAW which required the U.S. to enact new laws to meet the requirements of CEDAW, the mere fact that a treaty establishes standards to which the U.S. does not currently adhere is not a sufficient reason for a reservation. The purpose of treaties is to undertake new obligations or to make a commitment to the international community to adhere to existing obligations. If the U.S. ratifies CEDAW subject to this broad limitation that implies a lack of political commitment to observe international standards, its actions will rightly be decried by the international community. It suggests that the U.S. views these international norms as being applicable only in other countries and sees no room for improvement in its own rights performance and no role for the federal government in deterring private discrimination. Further, the U.S. position may chill important efforts in other nations to promote women's equality.

If the concern of the Administration is that CEDAW might require the U.S. to forbid private discrimination which is affirmatively protected by the Constitution, the Administration might, at most, include a reservation clarifying that under this article the U.S. is not required to forbid that narrow category of private discrimination which receives affirmative Constitutional protection. An example of such private discrimination might be certain instances of discriminatory "hate speech" protected by the First Amendment. *See also Boy Scouts of America v. Dale*, 530 U.S. 630 (2000) (upholding first amendment protection for non-governmental associational acts of discrimination).

(2) Under current U.S. law and practice, women are permitted to volunteer for military service without restriction, and women in fact serve in all U.S. armed services, including in combat positions. However, the United States does not accept an obligation under the Convention to assign women to all military units and positions which may require engagement in direct combat.

Analysis:

This reservation is objectionable. Indeed, the underlying facts regarding women in the U.S. military have changed dramatically since the reservation was initially proposed. Many of the significant legal restrictions on women's participation in the military were lifted long ago. Prior to 1994, the Department of Defense (DoD) imposed a "risk rule" for women's military assignments, providing that "risk of direct combat, exposure to hostile fire or capture [were considered] proper criteria for closing non-combat positions or units to women; when the type, degree and duration of such risk are equal to or greater than the combat units with which they are normally associated within a given theater of operations." *Presidential Comm'n on the Assignment of Women in the Armed Forces, Report to the President B-2* (1992). However, the risk rule was rescinded in January 1994 because, in the DoD's opinion, the rule was obsolete. Indeed, based on its own detailed studies, the DoD found that women are fully capable of performing combat roles. In both Panama and the Persian Gulf, women proved that they could perform in combat as well as men. *See* Department of Defense, Conduct of the Persian Gulf War, Final Report to Congress, App. R at R-4 (April 1992); Bureau of International Organization Affairs, U.S. Dep't of State, U.S. Report to the U.N. on the Status of Women 1985-1994 93-94 (1994). The reforms of the 1970s 1980s and 1990s largely lifted women's exclusion from indirect combat roles.

Nevertheless, women are still excluded from assignments to units, below the brigade level, whose primary mission is direct ground combat or collocation with direct ground combat units. *See* Annual Report of Status of Female Members of the Armed Forces of the United States, FY 2002-2006; 10 U.S.C.A. § 652. A 2006 report identified nineteen Army Positions (involving infantry, armor, special forces and ranger services) closed to women because they involve direct ground combat as their primary mission and eight Army positions (involving field artillery) closed because they involve collocation with direct ground combat units. The Air Force reported thirteen positions closed because they involve collocation with direct ground combat units. The Navy reported seven positions (involving special warfare and special operations) closed because they involve direct ground combat as their primary mission, thirty-five positions closed because they involve collocation with direct ground combat units and two area of service (submarines and patrol coastal ships) closed on the ground that the costs of appropriate berthing and privacy arrangements are

prohibitive. The Marines reported twenty-five positions closed because they involve direct ground combat as their primary mission. *See* Annual Report of Status of Female Members of the Armed Forces of the United States, FY 2002-2006, *available at* www.defenselink.mil.dacowits/.

Significantly, the military itself has questioned the need for a combat restriction, with DoD officials emphasizing how essential women's military service, including combat service, is to the armed forces. *See, e.g.*, Rowan Scarborough, *Report Leans Toward Women in Combat*, Wash. Times, Dec. 13, 2004, at A01 (reporting on military's desire to collocate co-ed units with combat troops); Bryan Bender, *Combat Support Ban Weighed for Women: Pentagon Opposes GOP Proposal*, Boston Globe, May 18, 2005, at A1 (quoting Colonel Joseph Curtin of the Pentagon: "Women soldiers have made incredible contributions in the war on terrorism through service and their demonstrated bravery."). *See generally* Linda Murnan, *Legal Impediments to Service: Women in the Military and the Rule of Law,* 14 Duke J. Gender & Pol. 1061 (2007) (arguing for removal of barriers to women in the military; the author is a retired USAF Colonel); Martha McSally, *Women in Combat: Is the Current Policy Obsolete?*, 14 Duke J. Gender & Pol. 1011 (2007) (arguing that the combat exclusion is obsolete in light of contemporary warfare conditions; Colonel McSally, currently on active duty, was the first U.S. woman to fly in combat after the lifting of USAF restrictions in 1991).

Further, the military's policy of restricting women's participation in direct combat units denies women significant opportunities for job advancement and thus restricts women from advancing along the main routes to those branches' senior leadership. The number of military jobs available to women is heavily tied to the ground combat exclusion rule and the relative level of ground combat engagement for each branch of service. Since by law women are excluded from combat positions and most three-star and four-star general positions require combat experience, women are typically not promoted to such rank. It was not until November 2008 that Ann Dunwoody became the nation's first female 4-star general. She remains the only woman in that position, with only a handful of female 3-star generals behind her.

In sum, this is the appropriate time to reject the proposed reservation. Contrary to the proposed reservation, women cannot volunteer for military service without restriction, as women are precluded from certain designated combat positions. But rather than abdicating any obligation to open direct combat positions to women, the U.S. should, at a minimum, commit to continuing the decades-long efforts to open all military positions to women. In doing so, the U.S. would fulfill the good faith requirement of taking "appropriate measures" as the phrase was construed during drafting of the Convention. *See Draft Convention on the Elimination of Discrimination Against Women - Report of the Secretary General,* United Nations General Assembly, UN Doc A/32/218/Add.1 (12 October, 1977), at 4.

(3) U.S. law provides strong protections against gender discrimination in the area of remuneration, including the right to equal pay for equal work in jobs that are substantially similar. However, the United States does not accept any obligation under this Convention to enact legislation establishing the doctrine of comparable worth as that term is understood in U.S. practice.

Analysis:

This proposed reservation is unnecessary. During drafting of the Convention, it was understood that the phrase "appropriate measures" would obligate a State to make a good faith effort to implement a provision of the Convention. *See Draft Convention on the Elimination of Discrimination Against Women - Report of the Secretary General,* United Nations General Assembly, UN Doc A/32/218/Add.1 (12 October, 1977), at 4. *See also* Comm. on Econ., Soc. and Cultural Rights, Report on the Fifth Session, General Comment No. 3: The Nature of States Parties' Obligations (art. 2, para. 1 of the Covenant), P 10,

U.N. Doc. E/1991/23 Annex III (1990), reprinted in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.6 at 14 (2003)(discussing content of "appropriate means" in the context of the International Covenant on Economic, Social and Cultural Rights). Instead of taking a blanket reservation to enacting comparable worth legislation, the U.S. should commit to bringing U.S. law into conformity with the international standards of wage equity evidenced by Article 11(1)(d) of CEDAW, General Recommendation No. 13 of the CEDAW Committee (encouraging State Parties to ratify ILO Convention No. 100), the Constitution of the International Labor Organization (Preamble) and the ILO Convention No. 100 ("equal remuneration" interpreted as "rates of remuneration established without discrimination based on sex").

In undertaking this obligation, the U.S. would not be starting from scratch. Twelve states already have comparable worth legislation: Arkansas, Idaho, Kentucky, Maine, Maryland, Massachusetts, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, and West Virginia. *See* Elizabeth J. Wyman, *The Unenforced Promise of Equal Pay Acts: A National Problem and Possible Solution from Maine*, 55 Me. L. Rev. 23, 40-42 (2003) (citing state statutes, discussing affirmative defenses for employers and state case law interpreting those comparable work statutes). Three other states do not use "comparable" but use other words to describe the same standard *Id.*

At a minimum, the U.S. should state that it will continue to implement the object and purpose of Article 11(1)(d) by developing legislative measures where appropriate. Though federal legislation is silent on the issue of comparable worth, there continue to be significant developments expanding the implementation of equal pay principles to redress wage discrimination in female-dominated occupations. For example, President Obama signed the Lilly Ledbetter Fair Pay Act of 2009 (P.L. 111-2) into law, thus ensuring the redressability of discriminatory pay practices that have accumulated over a career. Furthermore, the proposed federal Fair Pay Act (S. 1087) currently pending in Congress would expand the protections of the federal Equal Pay Act to cover work of "equivalent" value in both the public and private sector.

The persistence of the wage gap, with women earning 77 cents for every dollar earned by a man and even more dramatic gaps when race, national origin and disability are taken into account, indicates that current U.S. law is falling far short of achieving economic equality. This is comprehensively documented by *The Wage Project*, www.wageproject.org. Ratification of the Convention without the proposed reservation would reiterate the U.S.'s continued commitment to increase women's access to fair wages.

(4) Current U.S. law contains substantial provisions for maternity leave in many employment situations but does not require paid maternity leave. Therefore, the United States does not accept an obligation under Article 11(2)(b) to introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances.

Analysis:

Rather than take this broad reservation, the U.S. should make a commitment to take appropriate steps to expand the availability of paid maternity leave. Such an undertaking would fill a significant gap in U.S. law. The Family and Medical Leave Act ("FMLA"), 29 U.S.C. § 2601-54, mandates that employers of 50 or more employees provide twelve weeks of unpaid leave after childbirth or for other family-related medical purposes. However, no federal law provides for paid maternity or parental leave, nor does U.S. law require an employer to reinstate a woman who has taken maternity leave without loss of seniority or allowances. Laws such as the FMLA and the Pregnancy Discrimination Act, 42 U.S.C. § 2000e(k), are of little practical benefit to most women, given that few can afford unpaid parental leave.

Paid maternity and parental leave policies are already in place in many industrialized countries, including Germany, France, Italy, Canada, Austria, Belgium, the Netherlands, Luxembourg, the United

Kingdom, Ireland, Denmark, Finland, Greece, Portugal, Japan, Sweden, and Spain. Likewise, states are beginning to extend paid leave, with California leading the way, followed by Washington and New Jersey, all of which offer paid family leave. Bills for paid family leave are pending in several more states, and even Congress is considering the provision of 4 weeks of paid parental leave for federal employees in the event of a birth, adoption or placement (S. 354, H.R. 626). Given these efforts, the proposed reservation is unwarranted.

UNDERSTANDINGS

(1) The United States understands that this Convention shall be implemented by the Federal Government to the extent that it exercises jurisdiction over the matters covered therein, and otherwise by the State and local governments. To the extent that State and local governments exercise jurisdiction over such matters, the Federal Government shall, as necessary, take appropriate measures to ensure the fulfillment of this Convention.

Analysis:

The proposed language is not constitutionally necessary, nor is it desirable. Federal authority in this area is clear. *Missouri v. Holland,* 252 U.S. 416 (1919) (confirming that the treaty power resides with the federal government). Under the Constitution and international law, the federal government has the responsibility and the authority to carry out obligations under
CEDAW. Although the federal government has the ultimate responsibility to see that these obligations are carried out, it is entirely appropriate to leave some implementation to the states so long as the United States government sees to it that this is done. But there are few, if any, matters covered by CEDAW that are subject exclusively to state jurisdiction. Under the Fourteenth Amendment and other constitutional provisions, these matters are subject to the treaty and legislative powers of Congress and the jurisdiction of the federal courts.

(2) The Constitution and laws of the United States contain extensive protections of individual freedom of speech, expression, and association. Accordingly, the United States does not accept any obligation under this Convention, in particular under Articles 5, 7, 8 and 13, to restrict those rights,

through the adoption of legislation or any other measures, to the extent that they are protected by the Constitution and laws of the United States.

Analysis:

Under the First Amendment of the U.S. Constitution, the government may only penalize speech that incites to imminent lawless action. Similar limits apply to restrictions of expression and association. An understanding emphasizing that U.S. compliance cannot restrict the free speech, expression or association protections of the First Amendment would be appropriate.

(3) **The United States understands that Article 12 permits States Parties to determine which health care services are appropriate in connection with family planning, pregnancy, confinement and the post-natal period, as well as when the provision of free services is necessary, and does not mandate the provision of particular services on a cost-free basis.**

Analysis:

This understanding is unnecessary. Article 12 makes clear that State Parties shall decide which health services are "appropriate" and when it is "necessary" to grant free services. Given the lack of

conflict between U.S. law and the requirements of Article 12, the proposed understanding is entirely superfluous.

(4) Nothing in this Convention shall be construed to reflect or create any right to abortion and in no case should abortion be promoted as a method of family planning.

Analysis:

This proposed reservation is objectionable and unnecessary. CEDAW does not address abortion directly. Some foreign and international courts have cited CEDAW as a factor when striking down criminal abortion bans. Similarly, the European Court of Human Rights has cited CEDAW when holding governments accountable to providing abortions necessary to protect the woman's health. However, these decisions are already reflected by the status quo in the U.S., where abortion has been de-criminalized since the 1973 landmark decision *Roe v. Wade*, 410 U.S. 113. A woman's right to access such health care was reaffirmed in *Planned Parenthood v Casey*, 505 U.S. 833 (1992), where the Supreme Court struck down unduly burdensome restrictions, and again in *Stenberg v Carhart*, 530 U.S. 914 (2000), the Court this time emphasizing the preeminence of a woman's continuing life and health. The states have similarly enacted legislation underscoring the importance of providing appropriate reproductive health care, thirty-eight specifically mandating that abortions be performed by licensed physicians. With one exception, every state provides some degree of public funding for abortions. *See, e.g.*, The Guttmacher Institute, An Overview of Abortion Laws, March 1, 2009, at ttp://www.guttmacher.org/statecenter/spibs/spib_OAL.pdf. President Obama recently brought this national commitment to women's reproductive health to the international stage by overturning the Mexico City Policy on U.S. AID funding, also known as the "global gag rule."

This proposed reservation, which seems to derogate from existing U.S. law, could have the effect of undermining these longstanding federal and state policies protecting the fundamental right of

reproductive choice, and the reservation would have a deleterious effect on U.S. foreign policies that address abortion as one aspect of women's reproductive health and well-being. Since U.S. law is not inconsistent with CEDAW's provisions, no reservation is necessary.

(5) The United States understands that the Committee on the Elimination of Discrimination Against Women was established under Article 17 "for the purpose of considering the progress made in the implementation" of the Convention. The United States understands that the Committee on the Elimination of Discrimination Against Women, as set forth in Article 21, reports annually to the General Assembly on it activities, and "may make suggestions and general recommendations based on the examination of reports and information received from the States Parties." Accordingly, the United States understands that the Committee on the Elimination of Discrimination Against Women has no authority to compel actions by States Parties.

Analysis:

This understanding is unnecessary. The U.S. Supreme Court made clear in *Medellin v. Texas*, 128 S.Ct. 1346 (2008), that non-self-executing treaties require Congressional action before they can be implemented, and that even self-executing treaties do not create private rights of action in domestic courts. The Supreme Court's assertion of its own central role in determining the self-executing status of treaties renders this understanding meaningless.

Rather than merely asserting U.S. domestic sovereignty, this understanding, with its implication that states should not aspire to meet CEDAW goals, undermines the ability of both U.S. courts and

fledging democracies to cite Committee recommendations when striking down oppressive laws. Indeed, the statements of the CEDAW Committee itself underscore its role in guiding, rather than dictating, the implementation process. The twenty-five General Recommendations released by the Committee since 1986 repeatedly note actions parties "should" take along with various "suggestions" for parties in reviewing and applying their current laws. *See, e.g.*, CEDAW, General Recommendations, at http://www.un.org/womenwatch/daw/cedaw/recommendations/index.html. Since it is wholly unnecessary given the relevant domestic and international law, this reservation would only serve to further alienate the U.S. from the international development of human rights standards.

DECLARATIONS

(1) The United States declares that, for purposes of its domestic law, the provisions of the Convention are non-self-executing.

Analysis

This declaration is not constitutionally required and it is undesirable. In *Medellin v. Texas*, 128 S.Ct. 1346 (2008), the U.S. Supreme Court made clear that it is "our obligation to interpret treaty provisions to determine whether they are self-executing," slip op. at p. 18, by examining the treaty text and its negotiating history. A Congressional gloss on the CEDAW treaty text is thus superfluous.

Further, there is no reason for such a blanket insistence that neither the Executive nor the courts should give effect to a treaty until Congress adopts legislation. To do so would go against the spirit of Article 6 of the Constitution as the framers intended it. It would undermine one of the principle reasons why the Constitution made treaties the law of the land, and gave the President and the Senate the power to make such treaties without the consent of the House of Representatives. Incorporation of this declaration runs the risk of unnecessarily delaying U.S. compliance with some provisions and setting up unnecessary political obstacles to U.S. compliance generally. Many of the articles will in fact require Congressional implementation, but some might not. Determination of what is or is not self-executing should be made article by article after ratification and by each branch of government for purposes within its responsibility. The U.S. Supreme Court's recent ruling in *Medellin v. Texas* articulates clearly the preeminent role of the courts in determining, based on text and the history of the treaty itself, whether particular provisions of an international treaty are self-executing.

(2) With reference to Article 29(2), the United States declares that it does not consider itself bound by the provisions of Article 29(1). The specific consent of the United States to the jurisdiction of the International Court of Justice concerning disputes over the interpretation or application of this Convention is required on a case-by-case basis.

Analysis

This proposed declaration is objectionable. When the United States ratified the International Covenant on Civil and Political Rights, it declared that it accepted the competence of the Human Rights Committee to receive and consider communications in which one State Party claimed that another State Party was not fulfilling its obligations under the Covenant. Indeed, the U.S. is already party to over 75 treaties which provide for submission of disputes to the ICJ. There is no basis to suspect that the Court will fail to render a fair and impartial verdict under those treaties, or under CEDAW. If the U.S. is committed to the rule of law, there is no reason to resist the jurisdiction of the ICJ in the event of a dispute.

Pathfinder
INTERNATIONAL
a global leader in reproductive health

November 15, 2010

Pathfinder International Statement on the Ratification of the Convention on the Elimination of All Forms of Discrimination against Women

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Pathfinder International strongly supports the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by the United States Senate. Globally, approximately half a million women die of *preventable* pregnancy and child birth-related complications every year, while 10 million experience injury, infection, disease or disability[1]. More than 200 million women in developing countries who desire to safely time or space their pregnancies, lack access to modern contraceptives.[2] Over 51 million girls worldwide are married before the age of 15; this number is expected to grow to be 100 million in the next decade.[3] Worldwide one in three women are subjected to violence simply for being a woman.[2] In the 21st century such statistics are unacceptable and reflect a tremendous failure by the international community to appropriately respect, protect, and fulfill the human rights of women and girls.

Women and girls are the stewards of our collective futures, catalysts for transforming our societies, and essential assets to all efforts to address the urgent development issues facing us globally. Enabling women and girls to fully exercise their human rights, including their rights to life, to be equal in dignity, to enjoy the highest attainable standard of health and education, and to live free of violence, is vital to advancing gender equality and equity and the empowerment of women in all parts of the world. Gender equality and securing women's health in turn are vital to the economic and social development of individual families, communities, nations, and our global world.

Given the urgent need to reach millions of women and girls with information and services related to pregnancy and childbirth and to eliminate underlying risk-factors, such as violence against women, female genital cutting, and early marriage and childbearing as part of preventing maternal mortality and morbidity, we have watched, with growing concern, the lack of an urgent global focus on realizing women's rights as human rights. We call on the United States of America to accelerate efforts to secure the human rights of women and girls by immediately ratifying CEDAW and to find the political will and resources necessary to translate this commitment into tangible actions to improve the lives and health of women and girls everywhere. Not doing so indicates a low value placed on women and girls.

---

[1] State of the World's Mothers. Save the Children; 2004.
[2] UN Millennium Project. 2006. *Public choices, private decisions: sexual and reproductive health and the Millennium Development Goals.* New York: U.N. Millennium Project.
[3] United Nations Population Fund. Child Marriage Factsheet. [Online] [cited 2010 Nov]. Available from: http://www.unfpa.org/swp/2005/presskit/factsheets/facts_child_marriage.htm

9 Galen Street, Suite 217, Watertown, MA 02472 • Tel: (617) 924-7200 Fax: (617) 924-3833 • www.pathfind.org

Women and girls are not suffering because of conditions that could not be treated or lack of development, but because society as a whole has yet to make the decision that their lives and futures matter. It is time the United States of America decides to join with the overwhelming majority of the international community to ratify CEDAW. We must work together to ensure women and girls are able to participate in, benefit from, and contribute to the social, economic, political, and cultural life of their families, communities, and countries. We cannot afford to wait any longer if we are to positively impact the lives of women and girls today, or the outcome and prosperity of the developing world in the 21st century.

Signatories

Pathfinder International Executive Team
Daniel Pellegrom, President
Caroline Crosbie, Senior Vice President
Demet Gural, Vice President, Programs
Erin Majernik, Vice President, Resource Development
Thomas Downing, Chief Financial Officer

Pathfinder International Field Office Heads
Susan White, Acting Country Representative, Angola
Shabnam Shahnaz, Country Representative, Bangladesh
Carlos Laudari, Director, Pathfinder do Brasil
Carmen Pereira, Executive Coordinator, Pathfinder do Brasil
Tanou Diallo, Country Representative, Burundi
Alpha Mahmoud Barry, Chief of Party, Conakry Guinea
Mohamed Abou Nar, Country Representative, Egypt
Tilahun Giday, Country Representative, Ethiopia
Mengistu Asnake, Deputy Country Representative, Ethiopia
Rema Nanda, Country Representative, India
Darshana Vyas, Director, Programs, India
Peter Eerens, Country Representative, Kenya
Rita Badiani, Country Representative, Mozambique
Regina Benevides, Chief of Party, Mozambique
Mohammad Murtala Mai, Country Representative, Nigeria and Ghana
Tauseef Ahmed, Project Director, Pakistan
Jelilah Unia, Project Director, Papua New Guinea
Mustafa Kudrati, Country Representative, Tanzania
Ton van der Velden, Country Representative, Vietnam
Linda Casey, Project Director, Washington DC

Pathfinder
INTERNATIONAL

Pennsylvania NOW, Inc.
P.O. Box 68
Bellefonte, PA 16823
phone: 814-280-8571 fax: 814-355-3057
email: panow@panow.org
website:http://www.panow.org

11/15/2010

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Re: Ratification of CEDAW without disabling Restrictions, Understandings, and Declartions (RUDs) or any further delay.

Senate Judiciary Committee
Subcommittee on Human Rights and the Law
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee on Human Rights and the Law.

On behalf of the over 13,000 contributing and dues-paying members of the National Organization for Women here in Pennsylvania, we are writing to you today to express our strong support for ratifying the international Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW).

We thank the Senate Judiciary Subcommittee on Human Rights and the Law for convening this hearing and turning its attention to CEDAW. CEDAW was first proposed 35 years ago and was written with the assistance of the US Government. Yet we have yet to ratify this critical treaty that affirms the fundamental principles of human rights and equality for women around the world, including here in the United States. CEDAW has been ratified by 186 countries, including all other industrialized nations, with the exception of the United States. In fact, the United States is one of only seven United Nation-member countries that has not ratified this critical human rights treaty. The other six member countries are Iran, Somalia, Sudan and three small Pacific Island nations. It is long past time for the US to ratify this treaty.

Promoting and protecting human rights is fundamental to America's core values. Under the leadership of Presidents Reagan, Bush and Clinton, the U.S. ratified similar treaties on genocide, torture, race, and civil and political rights.

While progress has been made in advancing women's rights in recent decades, women continue to suffer disproportionately from poverty, sexual and domestic violence and lack of access to basic health care and equal education. In countries where CEDAW has been ratified, it has made significant improvement to the status of women. U.S. ratification of CEDAW would lend weight to the treaty and solidify our status as a leader in the global human rights committee.

In this age of globalization, the fate of our nation is more closely intertwined with that of the rest of the world than ever before. The United States can enhance our

longstanding role as a global leader for women's rights and human rights if we engage with the community of nations that has ratified CEDAW in determining how best to achieve progress for women and girls.

Attached to this letter are the signatures of 515 people who signed our petition supporting the US ratification of CEDAW without disabling Restrictions, Understandings and Declarations (RUDs) or any further delay. A total of 334 of these signatures were collected online through Facebook at our Pennsylvania NOW Education Fund cause site. These signatures represent people from four countries (India, Pakistan, the United Kingdom and the United States). Within the United States, we collected these online signatures from people living in 33 different states. The remaining 181 signatures were gathered at a Ni-Ta-Nee NOW (the local chapter of NOW in Centre County, PA) tabling event at the Central Pennsylvania Festival of the Arts held in State College, Pennsylvania in July.

Thank you again for holding these hearings. Show your support for women in Pennsylvania, the United States, and around the world by showing your support for CEDAW.

Please send this treaty to the floor of the Senate with a message of strong support for ratification of CEDAW without disabling Restrictions, Understandings and Declarations (RUDs). Please ratify CEDAW without any further delay.

Thank you.

Sincerely,

Joanne L. Tosti-Vasey Ph.D.

Joanne L. Tosti-Vasey, Ph.D.
President
Pennsylvania NOW, Inc.

Enc. Petitions with attached signatures/sign-on names.

Pennsylvania NOW, Inc.

• • •

PETITION TO RATIFY THE CEDAW WOMEN'S RIGHTS TREATY

About this Petition:

We believe that believe that women's rights are human rights.

The United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) has been ratified by 185 countries, including all industrialized nations, with the exception of the United States. While progress has been made in advancing women's rights in recent decades, women continue to suffer disproportionately from poverty, sexual and domestic violence and lack of access to basic health care and equal education. In countries where CEDAW has been ratified, it has made significant improvement to the status of women. U.S. ratification of CEDAW would lend weight to the treaty and solidify our status as a leader in the global human rights committee.

Why It's Important

•CEDAW is the most comprehensive international agreement on the basic human rights of women and girls.
•U.S. ratification would lend weight to the treaty and the principle that human rights of women are universal across all cultures, nations and religions and worthy of being guaranteed through international human rights standards.
•Until the U.S. ratifies CEDAW, it can neither credibly demand that others live up to their obligations under the treaty, nor that it is a leader in the global human rights community.

What CEDAW Has Helped Achieve In Other Countries

•Reducing the sexual enslavement and trafficking of women and girls.
•Securing basic legal recourse to women and girls against violence and abuses of their human rights.
•Freeing access to primary education and health care where it had previously been denied.
•Saving lives during pregnancy and childbirth.
•Acknowledging the basic right to own and inherit property, including helping to secure essential development loans to poor women.

The Desired Outcome of this Petition:

CEDAW can be ratified with a two-thirds majority of the Senate (at least 67 votes). Women have already waited 30 years. Demand President Obama and the Senate RATIFY WOMEN! by prioritizing and passing CEDAW without restrictions.

To: President Obama & the US Senate
We petition that...
President Obama and the Senate support human rights by prioritizing and passing the Convention on the Elimination of Discrimination Against Women (CEDAW) without restrictions or reservations.
Sincerely,
The Undersigned

Number	Name	City	Region	Country
1	Khadija Hafiz	Arlington	Virginia	United States
2	Alison Mathews	Boston	Massachusetts	United States
3	Adelina Malito	Pittsburgh	Pennsylvania	United States
4	Nagesh Rao	Highland Park	New Jersey	United States
5	Bello Galadanchi	State College	Pennsylvania	United States
6	Cho Win	Philadelphia	Pennsylvania	United States
7	Alexandria Dotson	Pasadena	California	United States
8	Caroline Bachmann	Byram	New Jersey	United States
9	Katie M. Shade	Breinigsville	Pennsylvania	United States

Number	Name	City	Region	Country
10	Brenda Carla Martinez	Kearny	New Jersey	United States
11	Adeline Koh	Philadelphia	Pennsylvania	United States
12	Nicole Melissa Morin	Fitchburg	Massachusetts	United States
13	Jacqueline Baldwin-LeClair	Morristown	New Jersey	United States
14	Andressa Leite	Ewing	New Jersey	United States
15	Laura D	Lowell	Massachusetts	United States
16	Frankie Mastrangelo	West Palm Beach	Florida	United States
17	Beverly Marie Ibsen	Tacoma	Washington	United States
18	Betsy Nowland-Curry	Lexington	Kentucky	United States
19	Holly Traynor	Minneapolis	Minnesota	United States
20	Brittany R. Moore	Lexington	Kentucky	United States
21	Hope Jasper	State College	Pennsylvania	United States
22	Bill Adams	Millersville	Pennsylvania	United States
23	Amy Jackson	Germantown	Maryland	United States
24	Anita Equality Latch	Tacoma	Washington	United States
25	Lauren Rohrer	South Seville	New Jersey	United States
26	Barbara Kline	Pittsburgh	Pennsylvania	United States
27	Alan M. Gross	Somerset	New Jersey	United States
28	Jenna Mehnert	Mechanicsburg	Pennsylvania	United States
29	Jennifer Lynn Lodovico-Cody	State College	Pennsylvania	United States
30	Krista Moyer	Minneapolis	Minnesota	United States
31	Tabinda Khan	Monmouth Junction	New Jersey	United States
32	Chuck Pennacchio	Plumstead	Pennsylvania	United States
33	John Morgan	Oley	Pennsylvania	United States
34	Soupie Henderson	Rockville	Maryland	United States
35	Bonnie MacAllister	Philadelphia	Pennsylvania	United States
36	Jerry Policoff	Lancaster	Pennsylvania	United States
37	Paula UmaÃta	Phila	Pennsylvania	United States
38	Laura Hershey	Englewood	Colorado	United States
39	Kate Blumenthal	Philadelphia	Pennsylvania	United States
40	Jeanne Clark	Pittsburgh	Pennsylvania	United States
41	Elisabeth Raab	Philadelphia	PA	United States
42	Carl Olson	Port Orchard	Washington	United States
43	Jodi Sandvick	Washington	District of Columbia	United States
44	Antonia Gonzalez	Seattle	Washington	United States
45	Patricia B. Mcfalls	Brockton	Massachusetts	United States
46	Amy Fields	Seattle	Washington	United States
47	Luis Saul Moscoso	Mountlake Terrace	Washington	United States

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Number	Name	City	Region	Country
48	Jennifer Dugan	Haymarket	VA	United States
49	Rebecca Spangler	Port Matilda	Pennsylvania	United States
50	Chris Moore	Ventnor City	New Jersey	United States
51	Danielle Lynn Lodovico	Rochester	Pennsylvania	United States
52	Anne E. Lacsamana	Clinton	New York	United States
53	Elizabeth Sholes	Sacramento	California	United States
54	Deborah Gussman	Haddonfield	New Jersey	United States
55	Kelly Marie Newton	Vineland	New Jersey	United States
56	Ellen Burden Parker	Absecon	New Jersey	United States
57	Stephen Walsh	Harrisburg	Pennsylvania	United States
58	Allison Bramhall Hieber	Little Rock	Arkansas	United States
59	Emari DiGiorgio	Ventnor City	New Jersey	United States
60	Barb Palmer	Montrose	Pennsylvania	United States
61	Missy Bickelman	Scranton	Pennsylvania	United States
62	Jeff Wiley	Kingston	Washington	United States
63	John Joseph Molinari	San Francisco	California	United States
64	Emily Bent	Princeton	New Jersey	United States
65	Marla Jaksch	Hopewell	New Jersey	United States
66	Kathy Black	Philadelphia	Pennsylvania	United States
67	Olga Vives	Scottsdale	Arizona	United States
68	Regina Cowles	Boulder	Colorado	United States
69	BJ Star, Esq.	Ozona	Florida	United States
70	Mary Freeborn Little	Port Byron	Illinois	United States
71	Heather Trimble	Marietta	Pennsylvania	United States
72	Jeffery M. Thompson	Camp Hill	PA	United States
73	Karen Gascar	San Diego	California	United States
74	Lauren Pilnick	St. Peter	Minnesota	United States
75	OttiliÃ© Conradie	Charlotte	North Carolina	United States
76	Elizabeth Kivowitz	Pittsburgh	Pennsylvania	United States
77	Kristi Bowers	Hollidaysburg	Pennsylvania	United States
78	Aimee O'Neill	Shoreline	Washington	United States
79	Rhonda Armstrong	Augusta	Georgia	United States
80	Mikhail Sooknanan	Randolph	Massachusetts	United States
81	Marion Wagner	Indianapolis	Indiana	United States
82	Vanessa Hoagland	Roslyn	Pennsylvania	United States
83	Amanda Crystal	Glassport	Pennsylvania	United States
84	Angel Hernandez	New Brunswick	New Jersey	United States
85	Susan Squier	Boalsburg	Pennsylvania	United States
86	Roni Lee Bier	Hammonton	NJ	United States
87	Heather Hulsey	Baltimore	Maryland	United States

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88	Lisa Bennett	Gaithersburg	Maryland	United States
89	Jessica Cortese	north brunswick	New Jersey	United States
90	Amanda Javier	Pittsburgh	Pennsylvania	United States
91	James O. Simmers	New Orleans	Louisiana	United States
92	Colleen McGovern	Wyoming	Pennsylvania	United States
93	Pamila Wofford	State College	Pennsylvania	United States
94	Nancy Ashton	Haddonfield	New Jersey	United States
95	Lynne LeBlanc Crowley	Prescott	Arizona	United States
96	Jean Wewer Graham	Ewing	New Jersey	United States
97	Susan Kundin Cohen	Pittsburgh	Pennsylvania	United States
98	Craig Williams	Berea	Kentucky	United States
99	Cynthia Arrieu-King	Margate City	New Jersey	United States
100	Dominick Buscemi	Martins Creek	Pennsylvania	United States
101	Anita Carney	Merchantville	New Jersey	United States
102	Susan French	Encino	California	United States
103	Laura Piraino	State College	Pennsylvania	United States
104	Dawn M Skorczewski	Cambridge	Massachusetts	United States
105	Ellen Shimberg-deBlecourt	Philadelphia	Pennsylvania	United States
106	Bernadette Blatt	West View	Pennsylvania	United States
107	Alice Woldt	Seattle	Washington	United States
108	Donna Vorreyer	Hinsdale	Illinois	United States
109	Joanne Tosti-Vasey	Bellefonte	Pennsylvania	United States
110	Adrienne Amar	Shelton	Washington	United States
111	Samantha Neal	Bridgeton	New Jersey	United States
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123	Linda Drum	Port Orchard	Washington	United States
124	Anna Ngo	San Francisco	California	United States
125	June Brock-Carroll	Anderson	South Carolina	United States
126	Patricia E. Ortman	Washington	District of Columbia	United States

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Number	Name	City	Region	Country
127	Daniel Carey	Sligo	Pennsylvania	United States
128	Sharon J. Davis	Easton	Pennsylvania	United States
129	Jill Edwards Leite	Athens	Georgia	United States
130	Terry Cooper	Easton	Pennsylvania	United States
131	Sarah Betts	Buford	Georgia	United States
132	Elizabeth Cook	Baltimore	Maryland	United States
133	Michael Reda	Philadelphia	Pennsylvania	United States
134	Dawn Meredith	Austin	Texas	United States
135	William D. Hicks	richmond	Kentucky	United States
136	Karen Kwisz	collingswood	New Jersey	United States
137	Laura Brown	State College	Pennsylvania	United States
138	Arthur Goldschmidt	State College	Pennsylvania	United States
139	Lea Dougherty	Dickson City	Pennsylvania	United States
140	Kathryne Taylor OHara	Halifax	Pennsylvania	United States
141	Jon Eich	State College	Pennsylvania	United States
142	Bethany Donnelly	Newport	New Jersey	United States
143	Silvia M Roca-Martinez	Bloomington	Indiana	United States
144	Tina Marie Stinnett	emeryville	California	United States
145	Janice Zink	Norwood	Colorado	United States
146	Rachel Citrino	Bridgeton	New Jersey	United States
147	Andie Goodman	Lancaster	Pennsylvania	United States
148	Michelle Lutz	Lancaster	Pennsylvania	United States
149	Bill Frizlen	Pittsburgh	Pennsylvania	United States
150	Chris Blevins	Richmond	Kentucky	United States
151	Donald Hahn	State College	Pennsylvania	United States
152	Carol Ellickson	Great Falls	Virginia	United States
153	Elizabeth Bougart-Sharkov	Los Angeles	California	United States
154	Bridget Morrow	Los Angeles	California	United States
155	Kimberly George Greenfield	Harrisburg	Pennsylvania	United States
156	Jennifer Burry	West Pittston	Pennsylvania	United States
157	Jack Cruver	Olalla	Washington	United States
158	Nicki Cohen	Denton	Texas	United States
159	Sue Errington	Muncie	Indiana	United States
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163	Danielle Hamri	Lancaster	Pennsylvania	United States
164	Anna Marie Faramelli	Scranton	Pennsylvania	United States
165	Alison Worley	Philadelphia	Pennsylvania	United States
166	Carey E. Sheriff	Springfield	Missouri	United States

Number	Name	City	Region	Country
167	Judith Samuels Kay	Port Orchard	Washington	United States
168	Stephanie Monahon	Madison	Alabama	United States
169	Margi Gamble	Kansas City	Kansas	United States
170	Barbara Brenner	Bridgeton	New Jersey	United States
171	Mara Starr	New Orleans	Louisiana	United States
172	Linda Tosti-Lane	Brier	Washington	United States
173	Kate Ogden	Hammonton	New Jersey	United States
174	David Alcantara	Atlantic City	New Jersey	United States
175	Katherine Terrell	Utica	New York	United States
176	D'borah Burnett	Arabi	Louisiana	United States
177	Janice Horn	Clarion	Pennsylvania	United States
178	Crystal L. Little	New Orleans	Louisiana	United States
179	James A Young	Conshohocken	Pennsylvania	United States
180	Kristi Hicks Hale	Dayton	Ohio	United States
181	Michal Stump	State College	Pennsylvania	United States
182	Joel Solkoff	State College	Pennsylvania	United States
183	Aj Nielsen- Osborn	San Diego	California	United States
184	Bill Croley	Mobile	Alabama	United States
185	Colleen Donovan	Indiana	Pennsylvania	United States
186	Rebecca Lewis Jennings	Gaylesville	Alabama	United States
187	Ava Stoops	Lemoyne	Pennsylvania	United States
188	Alice Woldt	Seattle	Washington	United States
189	Sandy Wolfe	Mechanicsburg	Pennsylvania	United States
190	Dominica Bowski Iacovelli	Phila	Pennsylvania	United States
191	Lynn Sinclair	Pemberton	New Jersey	United States
192	Sherry Krainick	Bothell	Washington	United States
193	Paula Steele	Pittsburgh	Pennsylvania	United States
194	Holly Kent	Bethlehem	Pennsylvania	United States
195	Luke Hahn	Haverhill	Massachusetts	United States
196	Natalia Ibanez	Bayside	New York	United States
197	Kathleen Rauhauser	York	Pennsylvania	United States
198	Alvin Marcus Brown	Port Orchard	Washington	United States
199	Mary Foy	Philadelphia	Pennsylvania	United States
200	Patrick O'Keeffe	Lititz	Pennsylvania	United States
201	Kristin Jacobson	Galloway	New Jersey	United States
202	Rep. Maralyn Chase	Edmonds	Washington	United States
203	Bridget Gates	Warren	New Jersey	United States
204	Dioana Gayle	Millville	New Jersey	United States
205	Robin Butler	Harrisburg	Pennsylvania	United States
206	Diane Gordon	Lynnwood	Washington	United States

Number	Name	City	Region	Country
207	Deborah Naftzger	Newport	Oregon	United States
208	Kaija Reiss	New Orleans	Louisiana	United States
209	Anne Buchanan	State College	Pennsylvania	United States
210	Mary Seubert	Sherman Oaks	California	United States
211	J. Ann Dumas	University Park	Pennsylvania	United States
212	Shannon Ide Phelan	Mountaintop	Pennsylvania	United States
213	Alyssa Freeman	Richmond	Virginia	United States
214	Leticia Juarez	Jacksonville	Florida	United States
215	Kathie Smith	Pittsburgh	Pennsylvania	United States
216	Gwen Panks Venezia	Pearl River	Louisiana	United States
217	Elaine R. Reynolds	Easton	Pennsylvania	United States
218	Doug Shields	Pittsburgh	Pennsylvania	United States
219	Carolyn Cook	Washington	District of Columbia	United States
220	Jessica Weingarten	Chesterbrook	Pennsylvania	United States
221	Mary Harley	Parkersburg	West Virginia	United States
222	Kiki Schock	Walnutport	Pennsylvania	United States
223	Diane Sipe	Evans City	Pennsylvania	United States
224	Scott Calvin	Greenburgh	New York	United States
225	Betty L. Sarafin	Berea	Kentucky	United States
226	Shirley Kleinfelter	Lebanon	Pennsylvania	United States
227	Lori Paules	Lancaster	Pennsylvania	United States
228	Marianne A. Morgan	Valencia	Pennsylvania	United States
229	Bruce Hebert	Brewton	Alabama	United States
230	Virginia Eskridge	Pittsburgh	Pennsylvania	United States
231	Natalie Ramsey	Vineland	New Jersey	United States
232	Kathleen A Ferraro	Pittsburgh	Pennsylvania	United States
233	Anne Carroll	Collingswood	New Jersey	United States
234	Sarah Buonarota	Portland	Pennsylvania	United States
235	Morgen Hummel	Pine Grove Mills	Pennsylvania	United States
236	Scott Crawford	Los Angeles	California	United States
237	Sheila Fox	Media	Pennsylvania	United States
238	Christy Pfleger	State College	Pennsylvania	United States
239	Monica Lomax Mcgorry	Springfield	Pennsylvania	United States
240	Heather Obrien	Carlisle	Pennsylvania	United States
241	Kaushal Modi	Ankleshwar	Gujarat	India
242	Kathleen Leo	Seaville	New Jersey	United States
243	Nadine Bean	West Chester	Pennsylvania	United States
244	Lisa York	Amite	Louisiana	United States
245	Cole Reilly	Towson	Maryland	United States

Number	Name	City	Region	Country
246	Debbie Friend	Conneaut	Ohio	United States
247	Jill Avery-Stoss	Mountain Top	Pennsylvania	United States
248	David Miller	Reading	Pennsylvania	United States
249	William! Robertson	New Orleans	Louisiana	United States
250	Howard Parker	Harrisburg	Pennsylvania	United States
251	Jackie Hillyer	Ashtabula	Ohio	United States
252	Melody Griffin Landrum	Uneedus	Louisiana	United States
253	Vickie Mathas	Mount Laure	New Jersey	United States
254	Anne Williams	Palmer	Alaska	United States
255	Deloris Randall	Reading	Pennsylvania	United States
256	Larry S. Lauritzen	Easton	Pennsylvania	United States
257	Phil Grigsby	Marquette	Kansas	United States
258	Francesca Miller	Inglewood	California	United States
259	Gina Poledna	Sandpoint	Idaho	United States
260	Fran Pierce	Chester Springs	Pennsylvania	United States
261	winifred nancy Jara	Forest Hill	Maryland	United States
262	Kathy Kreis-Layne	Chunchula	Alabama	United States
263	Brian Jara	State College	Pennsylvania	United States
264	April Peracchio	Bowmansville	Pennsylvania	United States
265	Marty Marks	Pittsburgh	Pennsylvania	United States
266	Elisha Reed	Hummelstown	Pennsylvania	United States
267	Marie Cashion	San Diego	California	United States
268	Landra Lewis	Berea	Kentucky	United States
269	Denise Rosenfeld	Baltimore	Maryland	United States
270	Jesse Louis Barlow	State College	Pennsylvania	United States
271	Bonnie Hannable	Beverly	Massachusetts	United States
272	Charleen DeCosta Pullia	Vineland	New Jersey	United States
273	Patty Bride	Deawood	Kansas	United States
274	Jennifer Ross Gentile	Millville	New Jersey	United States
275	Alice Donovan	Port Richey	Florida	United States
276	Cameron Baer	Tuscola	Illinois	United States
277	MaryPat Donegan	Pittsburgh	Pennsylvania	United States
278	Patty Brannon	Pittsburgh	Pennsylvania	United States
279	Janet Read Erhard	Vandergrift	Pennsylvania	United States
280	CharlotteLewis Napier	Hyden	Kentucky	United States
281	Dawn Guzik Stocker	Cranberry Township	Pennsylvania	United States
282	Marguerite Christy	Surprise	Arizona	United States
283	Gale Jaffe	Los Angeles	California	United States
284	Cynthia Morrell Fox	McDonough	New York	United States

Number	Name	City	Region	Country
285	Barry Ray Pelts	Clarksville	Arkansas	United States
286	Ainsley Ross Rager	State College	PA	United States
287	Barbara Dickman	Delmont	Pennsylvania	United States
288	Derek Stanford	Bothell	Washington	United States
289	Carolyn Angerstein	Double Oak	Texas	United States
290	Jack Ewing	Pittsburgh	Pennsylvania	United States
291	Cana R Williams	Germantown	Maryland	United States
292	Lisa Eutsey	Flagstaff	Arizona	United States
293	laurie greene	port republic	New Jersey	United States
294	Mary Ellen Persuit	Sewickley	Pennsylvania	United States
295	Donna Joslyn	Vancouver	Washington	United States
296	Jo Fox Burr	Poulsbo	Washington	United States
297	suzanne pierrette hall	Pittsburgh	Pennsylvania	United States
298	Kyle Phillips	Columbus	Ohio	United States
299	Dawn Hartz	Connellsville	Pennsylvania	United States
300	Sharon L Black	Oklahoma City	Oklahoma	United States
301	Bonni R Axler	Land O Lakes	FL	United States
302	Adam John	Karachi	Sindh	Pakistan
303	Patricia Donahue	Easton	Pennsylvania	United States
304	Hassey Gascar	San Diego	California	United States
305	Marisa Roth	Bath	Pennsylvania	United States
306	Judith Driscoll	Middleboro	Massachusetts	United States
307	Alana Phelan	Vineland	New Jersey	United States
308	Sohayla Rostami	State College	Pennsylvania	United States
309	Debarshi Pramanik	Kolkata	West Bengal	India
310	Janet Gray	Lumberton	NJ	United States
311	Lynne D. Shapiro	New Haven	CT	United States
312	Jonathan H. Gerard	Easton	PA	United States
313	Pete Taperek	Southsea	Hampshire	United Kingdom
314	Aven Irene Winkels	Sewell	NJ	United States
315	Corey White	Philadelphia	Pennsylvania	United States
316	Marie Madonna-Kissell	State College	PA	United States
317	Lynne A. Peters	Cincinnati	Ohio	United States
318	Martha Elizabeth Evans	State College	PA	United States
319	Rosemary C. Anderson	Pittsburgh	Pennsylvania	United States
320	Peggy Lucas	Middletown	Pennsylvania	United States
321	Francis Santicola	Moon Township	PA	United States
322	William G. Smith	Moorestown	NJ	United States
323	Marie Gray Cashion	San Diego	CA	United States
324	Laurie M. Green	Mount Holly	New Jersey	United States

Pennsylvania NOW, Inc.

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Number	Name	City	Region	Country
325	Constance Woerner	Manheim	PA	United States
326	Mark Edward Kohut	Pittsburgh	Pennsylvania	United States
327	Lyn L Solinas	Crawford	WV	United States
328	Carol M. Ames	State College	Pennsylvania	United States
329	Carol L. Harris	Tucson	Arizona	United States
330	Eddy Zalinski	Spring Mills	PA	United States
331	Heather C. Hoffmeister	Las Vegas	NV	United States
332	Diane de Grasse	Brunswick	Maine	United States
333	KATHY MASCARO	Pittsburgh	Pennsylvania	United States
334	Murtaza Baramatiwala	Baramati	Maharashtra	India

Petition to Ratify the CEDAW Women's Rights Treaty

Pennsylvania

Petition summary and background:	The United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) has been ratified by 185 countries, including all industrialized nations, with the exception of the United States. While progress has been made in advancing women's rights in recent decades, women continue to suffer disproportionately from poverty, sexual and domestic violence and lack of access to basic health care and equal education. In countries where CEDAW has been ratified, it has made significant improvement to the status of women. U.S. ratification of CEDAW would lend weight to the treaty and solidify our status as a leader in the global human rights committee.
Petition signed on July 8-10, 2010 in State College, PA for the following action:	We, the undersigned, believe that women's rights are human rights. We urge President Obama and the Senate to support human rights by prioritizing and passing CEDAW without restrictions or reservations.

Printed Name	Signature	Address	Comment	Date
Cynthia Brewer	Cynthia Brewer	121 Cherry Ridge Rd State College, PA 16803	please ratify CEDAW	July 8 '10
Michele Hamilton	Michele Hamilton	424 Cappelani Drive		7-8-10
Jane Sheeder	Jane Sheeder	2845 McCormick Rd. SC PA 16801		7/8/10
Ann Pangborn	Ann Pangborn	322 E. IRVIN Ave State College, PA 16801		7/8/10
Suzanne Weinstein	Suzanne Weinstein	1443 Majestic View Rd State College, PA 16801		7/8/10
PETER MONLI	Peter Monli	1820 BANFIELD CT STATE COLLEGE PA 16801		7/8/10
Bridget Simpson	Bridget Simpson	1301 East Branch Rd State College, PA 16801		8/7/2010
EVAN MONTPELLIER	Montpellier	1301 EAST BRANCH RD STATE COLLEGE, PA 16801		8/7/2010
Donna Coble	Donna Coble	1955 Madison Ave Bridgeport CT 06602	Please ratify	
Pat Coble	Patricia Coble	105 Dale Dr State College PA 16801	" "	8/7/10

Petition to Ratify the CEDAW Women's Rights Treaty

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Printed Name	Signature	Address	Comment	Date
Tammy Taylor	Tammy L. Zagl	84 Hardwood Ln Mahnton PA 15540		7-8-10
Caryn Winter	Caryn Wint	138 E. Beaver Ave Apt 33 State College, PA 16801		7-8-10
Jessica Bargar	Jessica Bargar	406 S. Gill St Apt 11, State College PA 16801		
Ashley Farwell	Ashley Farwell	143 Philomena Dr. Mount Pleasant PA 15108		7-8-10
Sara L N Farwell	Sara L N Farwell	106 McElwain Hall University Park PA 16802		7-8-10
Jes Lucky	Jes Lucky	1122 S. Atherton St		7-8-10
Linnia Muschitz	Linnia Muschitz	333 S. Allen St. SC 16801		7-8-10
Mary Jane Hovatec	[illegible]	1011 Evergreen Rd SC 16801		8 July 10
Linda Gonçalves	[illegible]	2910 Treetops Drive State College 16801		7-8-10
R. Neill Johnson	R. Neill Johnson	939 Shady Ln. Bellefonte, PA 16823		7-8-10

Petition to Ratify the CEDAW Women's Rights Treaty

Petition summary and background:	The United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) has been ratified by 185 countries, including all industrialized nations, with the exception of the United States. While progress has been made in advancing women's rights in recent decades, women continue to suffer disproportionately from poverty, sexual and domestic violence and lack of access to basic health care and equal education. In countries where CEDAW has been ratified, it has made significant improvement to the status of women. U.S. ratification of CEDAW would lend weight to the treaty and solidify our status as a leader in the global human rights committee.
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Printed Name	Signature	Address	Comment	Date
ANNI MATSICK	[illegible]	STATE COLLEGE	.	7-8-10
JILL LOOMIS	[illegible]	Bloomsburg, PA		7-8-10
Jennifer Harp	[illegible]	State College PA		7-8-10
Rebecca D. Shirer	[illegible]	State College PA		7/8/10
Deborah Lanning	[illegible]	State College, PA		7/8/10
Nancy Meprich	[illegible]	" "		7/8/10
Sally Malian	[illegible]	Port Matilda PA		7/8/10
Nell Habashy	[illegible]	State College, PA		7/8/10
Leann Terry	[illegible]	Bellefonte, PA		7/8/10
Alison Stevenson	[illegible]	State College PA		7/8/10

Petition to Ratify the CEDAW Women's Rights Treaty

Petition summary and background:	The United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) has been ratified by 185 countries, including all industrialized nations, with the exception of the United States. While progress has been made in advancing women's rights in recent decades, women continue to suffer disproportionately from poverty, sexual and domestic violence and lack of access to basic health care and equal education. In countries where CEDAW has been ratified, it has made significant improvement to the status of women. U.S. ratification of CEDAW would lend weight to the treaty and solidify our status as a leader in the global human rights committee.
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Printed Name	Signature	Address	Comment	Date
Claude de Pamphilis	Claude de Pamphilis	1002 Thistlewood Way, State College		8 Jul 2010
ELIZABETH STAPLING	Elizabeth Stapling	1109 Idaho Ave W., St Paul MN 55109		7/8/10
Patricia Macneal	Patricia Macneal 16872	7088 Brush Valley Rd.		
CAZIA BRADLEY	Cazia Bradley	250 Bradley Rd PM PA		7/8/10
Joanne Tosti-Vasey	Joanne Tosti-Vasey	Pennsylvania Nowlings 80 Box 68, Bellefonte PA 16823	We've waited too long! Ratify CEDAW Now!	7/8/10
David Shoma	David Shoma	624 Indiana St Johnstown PA 15905		8/7/2010
T. Hettmansperger	T. Hettmansperger	216 E. Hamilton SC 16801		7/8/10
Sraejh	[illegible]	925 Stratford Ct State College PA 16801		8 July 10
Amanda Hall	Amanda L Hall	304 Fernwood Court State College, PA 16803		7/8/10
Nick Smarez	Nick Smarez	1003 W Aaron Dr. Apt. 5D State College, PA 16803		7/8/10

Petition to Ratify the CEDAW Women's Rights Treaty

Pennsylvania

Petition summary and background:	The United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) has been ratified by 185 countries, including all industrialized nations, with the exception of the United States. While progress has been made in advancing women's rights in recent decades, women continue to suffer disproportionately from poverty, sexual and domestic violence and lack of access to basic health care and equal education. In countries where CEDAW has been ratified, it has made significant improvement to the status of women. U.S. ratification of CEDAW would lend weight to the treaty and solidify our status as a leader in the global human rights committee.
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Printed Name	Signature	Address	Comment	Date
JULES ARGINTEAU	[illegible]	537 E. Prospect State College PA 16801		7/8/10
Georgia C. Mabey	Georgia C. Mabey	2310 W. Gatesburg Rd Warriors Mark PA 16877		7/8/10
Marcello Fickes	[illegible]	2083 Mary Ellen Lane State College PA 16803		
Rohan Samarth	[illegible]	2432 Pinehurst Dr. State College, PA 16803		
Carolyn H. Snodgrass	CAROLYN H. SNODGRASS	935 Savannah Ave. Pittsburgh PA 15221		7.8.10
David Dooley	David Dooley	6301 Jackson St Pgh PA 15206		"
Elizabeth Crosby	[illegible]	Moving — 16801		7/8
Nathan Rae	[illegible]			
Tyler Naill	[illegible]	600 Norman Road York PA 17403		
[illegible]	[illegible]	300 Allegheny St. Hollidaysburg, PA 16648		

Petition to Ratify the CEDAW Women's Rights Treaty

Pennsylvania

Petition summary and background:	The United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) has been ratified by 185 countries, including all industrialized nations, with the exception of the United States. While progress has been made in advancing women's rights in recent decades, women continue to suffer disproportionately from poverty, sexual and domestic violence and lack of access to basic health care and equal education. In countries where CEDAW has been ratified, it has made significant improvement to the status of women. U.S. ratification of CEDAW would lend weight to the treaty and soildify our status as a leader in the global human rights committee.
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Printed Name	Signature	Address	Comment	Date
Gina Thompson	Gina M. Thompson	230 E. Burnside St Bellefonte PA 16823		7/8
Nancy Hamilton	Nancy Hamilton	627 Devonshire Dr. State College 16803		7/8
Kami L. McManus	Kami L. McManus	509 Allen Park 1013 South Allen State College PA		7/8
Elizabeth Green	Elizabeth Green	385 upper Bro. Valley Rd Spring Mills. PA 16827		7/8
Merrill David	Merrill David	448 Park Lane SC PA 16803		7/8
Naomi York	[illegible]	301 Locust Lane Apt. 105 State college PA 16801		7/8
Brosi Bradley	Brosi Bradley	250 Bradley Rd Port Matilda PA		7/8
Alejandro Mandaya	[illegible]	Port Royal PA		7/8
Nancy Gord-Baran	Nancy Gord-Baran	338 Big Hollow Rd SC PA 16801		7/8
Robert Baillie	Robert Baillie	166 E North Hills Pl 16803		7/8

Petition to Ratify the CEDAW Women's Rights Treaty

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Printed Name	Signature	Address	Comment	Date
TIMOTHY ROBINSON	[illegible]	1667 Valley View 16823		8 Jul 10
KIMBERLY HAMILTON	[illegible]	011 Kimport Ave Boalsbg PA		7/8/10
KSAYLLE BLUME	[illegible]	207 Beline Ci SC PA 16803		7/8/10
Patricia A Stroentzenlab	[illegible]	526 Dimite Ave		7/8/2010
[illegible]	[illegible]	310 NORTHSTAR DR Harrisburg, PA.		7/8/10
Joshua Pollak	[illegible]	321 Lea Drive WC, PA		7/8/10
DAVID CACANDIA	[illegible]	301 S. Burrows St. SC PA 16801		7/8/10
KC Hirth	KC, Hirth	315 Carolina Dr		7/8/10
Desiree Dennis	[illegible]	137 Ghaner Dr.		7/8/10
Tom Kapustik	[illegible]	110 Middle St SC		7/8/10

Petition to Ratify the CEDAW Women's Rights Treaty

Pennsylvania

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Printed Name	Signature	Address	Comment	Date
CASEY TALMAS	Casey Talmas	30 PARKER E, 2D NEW YORK, NY 10034		7-8-10
REBECCA HALEY	Rebecca Haley	2731 MORRIS RD. ARDMORE, PA 19003		7-8-10
Catherine Vandenberg	Catherine Vandenberg	649 Kansas AVE PA Furnace PA 16865		7-8-10
Janet Keeler	Janet Keeler	3690 Oakland Ave, 16802 State College PA		
Mary Hart	Same	State College PA		7/8/10
Rhianna Stockbridge	R Stockbridge	State College, PA		7/8/10
Paige Cooperstein	Paige Cooperstein	State College, PA		7/8/10
Candace Kugel	C Kugel	State College PA		7-8-10
NAANA NTI	Naana O. Nti	Lemont, PA		7-8-10
Rebecca Lerner	Rebecca Lerner	Lemont, PA		7-8-10

Petition to Ratify the CEDAW Women's Rights Treaty

Pennsylvania

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Printed Name	Signature	Address	Comment	Date
Noelle Marquez		State College, PA 16803		7/8/10
Darren Dondrin		State College PA 16801		7/8/10
Sarah Gaglione		State College PA 16801		7/8/10
Nick Hyle		State College 16801		7/8/10
BETTY BRENDEL	Betty B. Brendel	Lock Haven 17745		7/8/10
John Brendel	John Brendel	Lock Haven 17745		7/8/10
Veronica Stirewalt	Veronica Stirewalt	State College 16803		7/8/10
KATE CAVERO	Kate Cavero	601 VAIRO BLVD APT 825		
Audrey Smith	Audrey Smith	1138 S Garner St State College PA 16801		7/8/10
TONY BELLIZIA	Tony Bellizia	PO BOX 18 LATIMER PA		

Petition to Ratify the CEDAW Women's Rights Treaty

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Printed Name	Signature	Address	Comment	Date
Kristine Gobo	Kristine Gobo	Wesleyville PA 1P7 Timberlocch.		7/9
Kristine Clark	Kristine Clark	862 Walnut Spring Ln		7/9/10
Ann Bolser	[illegible]	730 E. McCormick		7/9/10
Michael Hetto	[illegible]	" "		"
Elizabeth Gorham	[illegible]	300 E IRVIN SC		7/9/10
Judith R Beck	[illegible]	3108 Plaza Dr SC		7/9/10
Mary Gail Baker	Mary Gail Baker	111 W. Marylyn Av S.C		7/9/10
Gigi McNamara	Gigi McNamara	407 S. Corl SC.		7/9/10
Katie Wilcox	[illegible]	227 Waring Av SC PA		7/9/10
Barbara Nilson	Barbara Nilson	214 Waring Ave.		7/9/10

Petition to Ratify the CEDAW Women's Rights Treaty

Pennsylvania

Petition summary and background:	The United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) has been ratified by 185 countries, including all industrialized nations, with the exception of the United States. While progress has been made in advancing women's rights in recent decades, women continue to suffer disproportionately from poverty, sexual and domestic violence and lack of access to basic health care and equal education. In countries where CEDAW has been ratified, it has made significant improvement to the status of women. U.S. ratification of CEDAW would lend weight to the treaty and solidify our status as a leader in the global human rights committee.
Petition signed on July 8-10, 2010 in State College, PA for the following action:	We, the undersigned, believe that women's rights are human rights. We urge President Obama and the Senate to support human rights by prioritizing and passing CEDAW without restrictions or reservations.

Printed Name	Signature	Address	Comment	Date
Markus Maier	M. Maier	1159 Smithfield Cir State College PA 16801	no snail mail please	7.9.10
Georgina Motter	Georgina Motter	349 Centennial Hills Rd. Port Matilda PA 16870		7-9-10
Theresa Dicky	Theresa Dicky	4810 Olney Rd Hbg		7-9-10
WILBUR ZELINSKY	Wilbur Zelinsky	467 Martin Terrace, S.C. 16803		7/9/10
Kira Smith	Kira S	113 Harris Ave State College 16801		7/9/10
P. Nordstrom	P. Nordstrom	462 Cardinkwood SC PA		7/9/10
E. Whiteside	E. Whiteside	258 Toftrees Ave #213 S.C. PA 16803		7/9/10
Ronnie Voigt	Ronnie Voigt	220 Varsity St. College PA 16803		7/9/10
[illegible]	[illegible]	711 University Dr. State College PA		7/9/10
Sara Post	Sara Post	920 Taylor St. 16803 PA		7/9/10

Petition to Ratify the CEDAW Women's Rights Treaty

Pennsylvania

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Printed Name	Signature	Address	Comment	Date
Catherine Farley	Catherine Farley	1319 Girard Ave. Wyomissing, PA 19610	♡	7/9/10
Toni Brink	Toni Brink	PO Box 94 Coburn, PA 16838	Please ratify CEDAW Treaty	7/9/10
Eric Fuchs	[illegible]	129 W. Linn st Bellefonte, PA 16823	RATIFY NOW! (Please)	7/9/10
Ashanti Kirby	[illegible]		Ratification	7/9/10
Corey Bradley	[illegible]	1005 N Atherton st State College, PA	Do it Already!	7/9/10
Shana Gregg	[illegible]	334 Human ave State College PA	Just do it ✓	7/9/10
Amirhezar Ghasemi	Amirhezar Ghasemi	256 Blue Course Drive Apt F32 State College, PA		7/9/10
Sadie Smiles	Sadie Smiles		:)	7/9/10
Vanessa Ho	Vanessa Ho			7/9/10
Kyle Hiedacavage	[illegible]		☺	7/9/10

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Printed Name	Signature	Address	Comment	Date
Jasmin Rakestraw		3366 Oak Leaf Dr State College PA 16803		7/9/10
Michael Pipe		1690 W College Ave Apt 9 State College PA 16801		7/9/2010
Ivy Bryan		106 Hollyhock Dr Lafayette Hill PA 19444		7/9/10
Kelly Byrne		121 Willow Circle SC, PA 16801		7/9/10
Sally J. Sherman		150 W. Prospect Ave SC 16801	Thanks for raising our voices - even in this weather!	7.9.10
Lori Hewitt		208 Apollo Dr Bellefonte, PA 16823		7.9.10
Susan Brilhart		445 Waupelani Dr. #2-15 State College, PA 16801		7-9-10
Mckenzye Sehn-Loovle		8606 St. Monte Drive Spring Grove IL 60081	—	7/9/10
Misha Moschera		550 Pattees Ave. Apt. 348 State College PA 16803		7/9/10
[illegible]		1631 SW Yamhill St. #312 Portland, OR 97205	GO!	7.9.10

Petition to Ratify the CEDAW Women's Rights Treaty

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Printed Name	Signature	Address	Comment	Date
MARTHA EVANS	Martha Evans	424 Waupelani Dr I-13 State College PA 16801	I believe firmly in this. I sincerely hope that our Government will heed our plea.	7/10/10

The Senate Judiciary Subcommittee on Human Rights and the Law
Hearing on Women's Rights are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
November 18, 2010

Statement for the Record
By Jacqueline Pitanguy
Founder and Executive Director, CEPIA, CidADANIA Estudo Pequisa Informação Ação
Brazil

Thank you for this opportunity to provide a statement in support of U.S. ratification of CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women.

Brazil ratified CEDAW in 1982, with reservations. The ratification of CEDAW happened in a moment of redemocratization of the country, when women's movement had already gained political space in the public scenario. After the new 1988 Constitution , which established an equalitarian legal frame for women and men in all fields, CEDAW was ratified without reservations. CEDAW provided an international human rights standard which reinforced the initiatives taken by the new civil democratic government towards women's equality. Among those, the creation of the National Council of Women's Rights, a federal organ which I presided for 4 years, in accordance with UN recommendations for the establishment of machineries to improve the situation of women. Recently Brazil has also signed the Optional Protocol of CEDAW.

CEDAW is the only international convention that is oriented towards women, more than half of the humanity , who still faces, in all countries, independently of culture, religion, race, ethnicity, the burden of a universal cultural heritage of gender inequality reflected, in some countries, in laws, in others still present in cultural patterns in spite of advancements in the legal frame. Violence against women, widespread and brutal , is still present in all countries, and only in 1993 it was recognized as a human rights violation at the UN Human Rights Conference on Human Rights .

The ratification of CEDAW by the United Sates of America is very important for the role that the US plays in ensuring human rights and it will contribute to legitimize CEDAW as a major human rights instrument for the achievement and protection of the human rights of women, in your national context and in the international level.

Thank you.

GENERAL ASSEMBLY MISSION COUNCIL
COMPASSION, PEACE AND JUSTICE
PRESBYTERIAN MINISTRY AT THE UNITED NATIONS

PRESBYTERIAN CHURCH (U.S.A.)

November 16, 2010

Senate Judiciary Subcommittee on Human Rights and the Law
Washington, DC 20510

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The Presbyterian Church (U.S.A.) is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women (CEDAW). Securing and promoting the rights of women requires the intentional focused attention throughout the world that CEDAW provides.

The Presbyterian Church (U.S.A.) has repeatedly affirmed its commitment to work for equality and wholeness for all and to work against gender-based discrimination in its own life and throughout the world. Based on this commitment, the199th General Assembly (1987) called the United States to ratify CEDAW, a call that has been repeated by subsequent assemblies. Indeed, in July 2010, the 219th General Assembly once again directed the Office of the Stated Clerk to call the United States government to ratify CEDAW without reservation.

The United States has long been recognized as a leading voice for women's rights and human rights, which makes our failure to ratify CEDAW all the more troubling. We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

CEDAW, unquestionably, embodies American values. It seeks to end violence against women and trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous, stable societies. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

Sincerely,

The Rev. W. Mark Koenig
Director
Presbyterian Ministry at the United Nations

777 United Nations Plaza, Suite 7A · New York, NY · 10017
212-697-4568 · FAX 212-986-3002 · www.pcusa.org/un

November 12, 2010

Senator Richard Durbin
Chair
Senate Judiciary Committee
Subcommittee on Human Rights and the Law
Senate Dirksen Office Building Room 224
Washington, DC 20510

Dear Senator Durbin,

I am writing to convey the Public Health Institute's strong support for ratification of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The Public Health Institute is an independent nonprofit organization, based in Oakland, California, that is dedicated to improving the health, well-being and quality of life for people around the world.

As a critical part of our mission, the Public Health Institute supports policies and practices that protect and promote the health and well-being of women, children and adolescents, as well as those that raise the social status of women and girls. These goals are fully consistent with the letter and intent of CEDAW. We therefore commend CEDAW to your attention and urge that it be immediately ratified by the Subcommittee on Human Rights and the Law, the Judiciary Committee and the full United States Senate.

Thank you for your leadership on this issue.

Sincerely,

Suzanne Petroni
Vice President for Global Health

1901 L Street, NW, #300, Washington, D.C. 20036 • Phone: 202.621.1400 • Fax: 202.621.1427

Reasons to Worry About the Ratification of CEDAW

Testimony for the Senate Committee on the Judiciary

Subcommittee on Human Rights

Relating to Hearings on November 18, 2010

By Jeremy Rabkin

Professor of Law

George Mason University

School of Law

Overview

1. U.S. ratification of CEDAW is unlikely to provide much benefit to women within the United States. If advocates for women's rights seek additional legal protections, they do not need permission from international authorities to pursue new measures here. The simple majorities required for domestic legislation -- whether in Congress or in state legislatures -- should be easier to obtain than the two-thirds majority required for Senate ratification of CEDAW. If we focus on domestic effects, the argument for ratification seems to presume that we actually are in need of further protections for women. But it also seems to presume that these needed measures can't win the support of domestic legislators or judges on their own merits – so we need outside prompting. What reason is there to think that we will be better satisfied with new measures prompted by a cross-section of "experts" from foreign countries, most of which have different national traditions and different social priorities?

2. The more plausible argument for ratifying CEDAW, then, might seem to be international: even if our own democracy does not need international supervision in this area, UN prodding may help to enhance protection for women in more repressive countries -- so the argument might go. But almost all other countries in the world do now participate in CEDAW. It does not seem to have done much for

women in such participating states as Saudi Arabia and North Korea. Why believe that U.S. participation in CEDAW would add any significant extra weight to pleas for sexual equality in such countries? The United States can urge greater human rights outside the specialized forums of the UN. The State Department already does so, quite regularly. Why suppose that U.S. influence will be enhanced when associated with so many other countries in the CEDAW system – which means, when associated with many others that have very poor human rights records, themselves? It is true, of course, that many countries are particularly suspicious of American policy aims and therefore particularly resistant to pressure from American officials, acting on their own. But if that is so, why suppose that American participation in CEDAW will make that convention or its monitoring committee more impressive to skeptical countries?

3. When thinking about whether to ratify CEDAW, we should not simply focus on the particular provisions of this particular treaty but on the broader context. For decades, the United States did not ratify any human rights treaties. In the aftermath of the Cold War, President George H.W. Bush and President Bill Clinton persuaded the Senate to ratify three major UN human rights conventions (on Civil and Political Rights, Race Discrimination and Torture). We have ratified no new conventions since 1993, so the U.S. has remained aloof from six other UN human rights conventions as well as a great many labor conventions and conventions on international humanitarian law (which the UN considers to be part of the international human rights corpus). The United States has thus adopted a rough compromise toward international human rights conventions: we have registered a degree of receptivity while remaining somewhat skeptical and aloof, overall. Since nothing has happened to make CEDAW look more promising now than 30 years ago (when President Carter first urged the Senate to consider it), we would, by now endorsing CEDAW, seem to be signaling a more general embrace of international human rights conventions and their associated UN machinery. The Senate should consider carefully whether that is wise.

4. If the Senate does ratify CEDAW, a variety of adverse consequences are likely to follow. Some of these consequences might be contained by accompanying reservations and declarations in the resolution of ratification. But some long term risks may be harder to contain by mere legislative formulas. In the end, the United States will retain the capacity to reassert its own preferences -- if American public opinion is clear about what those preferences are. But both domestically and internationally, ratification of CEDAW will introduce complicating factors, both legally and politically. The question is whether there are any substantial benefits -- beyond momentary gratification of a feel-good gesture -- to compensate for likely risks. The risks are certainly easier to discern than any tangible benefits.

II. Foreign Policy Concerns

1. By 2005, the most visible institution in the UN human rights network, the Commission on Human Rights, had become so corrupt and dysfunctional that even Kofi Anan, the UN Secretary General at the time, urged that it be reformed and reconstituted. Negotiations for reforming the body were quickly overwhelmed by maneuverings of the same repressive governments that had captured the Commission. The successor institution, the Human Rights Council, looked so unpromising that the Bush administration declined to participate. The Obama administration, as a sign of good will, reversed this policy and the U.S. now holds one of the 47 seats on the Human Rights Council -- along with Cuba, China, Kyrgyzstan, Russia, Saudi Arabia and a host of other repressive regimes. No serious observer claims that American participation has done anything to improve the tone of the Human Rights Council.

2. By ratifying CEDAW, we will seem to be endorsing the human rights system in which representatives of the worst human rights offenders are routinely elected to serve as monitors of human rights compliance. The CEDAW committee has representatives of Egypt, Algeria, Cuba, China and other countries with rather unattractive human rights profiles. Even North Korea has ratified CEDAW and is treated as entirely respectable participant in its human rights review. The latest CEDAW committee report on North Korea offers chipper comments, as if it were only slightly behind Scandinavia in its human rights performance.

3. By ratifying CEDAW, we would seem to be endorsing the human rights system in which peripheral and secondary issues get the same attention as fundamental rights. The convention itself, like most other human rights conventions, does not indicate that any provisions are more essential than others. It offers a catalog of favored policies and sweeping, undifferentiated admonitions. The monitoring committee accordingly can find that every state is deficient in some areas but showing promise in others – as if the world were a kindergarten in which every child needs encouragement but there is really no such thing as a bad boy. The latest report on Saudi Arabia conveys no recognition that women are more constrained there than almost anywhere in the world. The Saudi law that prohibits women from driving cars gets no more attention than the failure in some western political parties to ensure gender balance in legislative assemblies. Meanwhile, over the past five years, the CEDAW committee has issued a series of admonitions to Israel and Iraq about the need to protect women in war zones – without any evidence that Israeli or Iraqi troops have been in any way particularly delinquent in their treatment of women. But documented epidemics of rape perpetrated by UN peacekeepers in central Africa – often involving very young girls – have received no notice from the CEDAW committee.

4. By ratifying CEDAW, we would seem to be endorsing a UN human rights system which, to skeptics in the Islamic world, often seems more intent on advocating immorality (or undermining religion) than securing freedom. To cite the most obvious example, CEDAW says nothing specific about abortion but the CEDAW committee has repeatedly questioned laws that restrict access to abortion, as well as laws regulating access to divorce in various countries. Jihadis will never be won over to western notions of human rights. But a sensible human rights policy would emphasize that that certain minimal protections for human rights can be acceptable to people of all faiths. Instead, the CEDAW committee has urged Saudi Arabia to remove its shar'ia reservation to the convention – as if determined to emphasize that there can be no valid religious objections to *anything* that western "experts" may now seek to describe as "human rights."

5. By ratifying CEDAW, we would seem to be endorsing the notion that U.S. objections or concerns are mere signs of petulance that will be overcome in time. The Bush administration's protests against the new Human Rights Council did not stop the Obama administration from deciding to seek a seat on the Council. More seriously, U.S. protests about the International Criminal Court in its early years have now given way to a policy of "constructive engagement." The Kampala conference of parties to the ICC in June 2010 accordingly disregarded U.S. warnings not to add the crime of "aggression" to the Court's jurisdiction. European governments and human rights activists have learned that U.S. resistance will fade over time. By endorsing CEDAW now, the Senate would likely reinforce this expectation by foreign governments and international bodies, thus weakening the force of future U.S. protests.

III. Domestic Ramifications

1. The Senate will, undoubtedly, attach various reservations, understandings and declarations to the resolution of ratification. A declaration can stipulate that the convention will not have direct effect in U.S. domestic law. Reservations can insist that the U.S. declines to commit itself to any standard that would run afoul of our prior constitutional commitments, as with First Amendment guarantees of free speech and religious freedom. We might, in this way, ensure that the convention does not, of itself, force any change in existing U.S. law. Presumably, we can ratify CEDAW while declining to ratify the Optional Protocol, so that individual American citizens would not have recourse to the CEDAW monitoring committee. But it is not at all clear that this approach – committing to CEDAW with one hand, while denying

it any real effect in American policy with the other hand – will prove a stable compromise.

2. To start with, even without the Optional Protocol (authorizing individual complaints), the CEDAW committee will scrutinize American compliance in periodic "national assessments." We know from past experience that the committee will challenge at least some of the American reservations – since the Committee claims the authority to determine whether particular reservations are consistent with the "object and purpose" of the overall convention. The U.S. government has disputed this authority, also claimed by the Human Rights Committee monitoring compliance with the Covenant on Civil and Political Rights. The committee will urge that we make the convention self-executing – that is, enforceable through private lawsuits in domestic courts – and it will urge that we ratify the Optional Protocol, so that individuals dissatisfied with their treatment in U.S. courts can gain a hearing in Geneva. When the committee demands a fuller commitment from the United States, will current advocates for the treaty be content to say, "We only wanted to join other countries in *endorsing* the treaty, not *commit to implementing* it in the same way other countries have done"? Will current skeptics, if they agree to support the treaty with currents reservations and understandings, have the firmness to say, "We only supported the treaty on the assurance that it would not require us to make any changes, so we won't listen to official demands from UN experts about what signing the treaty now requires us to do"?

3. Ratification of CEDAW will not give the CEDAW monitoring committee the authority to overrule American law, but it may well complicate -- and perhaps further polarize or embitter -- domestic debates on a variety of social issues. Instead of simply arguing about what we think most proper for our own country, advocates for new measures will appeal to our international obligations. Much of the country will find this compelling, while many others will find it particularly offensive. We have seen a foretaste of coming debates in the disputes of the past decade about whether the Supreme Court should invoke foreign or international precedent in interpreting the U.S. Constitution. By ratifying CEDAW now, the Senate seems to be putting its stamp on the general notion that our own law should be shaped in the light of international human rights standards. That is likely to encourage demands for the ratification of other conventions which have been embraced by most other countries, such as the Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child. Why resist these commitments if we think it is reasonable now to commit to CEDAW? In the same way, ratifying CEDAW now will encourage advocates to press more insistently for U.S. courts to consider international human rights standards -- including the admonitions of UN monitoring committees, such as the CEDAW committee itself -- for guidance in interpreting U.S. law and the U.S. Constitution. The trend in this direction, though it has encountered much criticism, continues to be embraced by the majority of justices on the current Supreme Court. Ratification of CEDAW will

seem to register Senate acquiescence to the larger project of harmonizing U.S. law with international standards.

4. The objections to this trend are not merely abstract. The United States has placed much more emphasis on personal freedom than most other countries, even if the comparison is limited to other western countries. Other countries have laws against hate speech and speech denigrating religion or "propaganda for war" -- as the UN Covenant on Civil and Political Rights admonishes all states that they should have such speech restraints in their laws. The United States has, for many decades, accepted the view that our First Amendment guarantees free speech even to hateful ideas. Other western countries have established churches and government funded and government supervised religious schools. The United States has remained quite wary of government "entanglement" with religion, as a matter of constitutional principle. When Congress proposed an Equal Rights Amendment to the Constitution in 1972, the proposal was to prohibit the federal and state *governments* from denying or abridging "equality of rights under the law ... on account of sex." CEDAW, by contrast, imposes a completely open-ended mandate to reshape all private activities and private institutions in the name of equality. Article 2, for example, commits states to "take all appropriate measures to eliminate discrimination against women *by any person, organization or enterprise*" and to "take all appropriate measures .... to modify or abolish existing ... *customs and practices* which constitute discrimination against women ...." Article 3 imposes the duty to "take in all fields, in particular in the political, social, economic and *cultural* fields, all appropriate measures ... to ensure the full development and advancement of women ....." [emphasis added] Nowhere in the entire text of CEDAW is there any acknowledgment that there are or should be limits to what states can do to limit the free speech of private citizens or the freedom of religious institutions. If CEDAW is not meant to encourage demands for a wider government powers to reshape "social" and "cultural" life, then it really is no more than an empty platitude, not worth the effort required to ratify it. If advocates for CEDAW prevail in the fight for ratification, they are not likely to pack their gear and forget about the convention in future lobbying or litigation.

5. Ratifying CEDAW will have one larger implication, that Americans cannot trust their own Constitution and their own democracy to assure that our policies are fair to women. We face ongoing challenges in reconciling our commitment to individual freedom with other concerns, such as the need to encourage marriage and the rearing of children in stable families. We want to maintain broad tolerance for religious and ethnic minorities, while still encouraging the embrace of current norms, such as equal opportunity for women. All modern countries struggle to find the right balance on such questions. It should not be surprising that different countries often draw different lines. If we commit to CEDAW, we say that we are, somehow or for some reason, in need of outside assistance in protecting our own

women. To say that we need to do this because most other countries now do so is already to concede the main point -- that we should doubt our own judgments if we differ from others, because the prevailing international consensus (or what UN experts choose to depict as such) is the only sure guidance in today's world. In ratifying CEDAW, then, we risk devaluing one of America's most precious and unique assets – the pride and confidence we derive from maintaining the world's oldest, continuously operating democratic constitution. CEDAW ratification seems to encourage Americans to believe that, while our own Constitution was well enough in its time, it now needs to accommodate the higher authority of international human rights law. The Senate should consider very carefully whether international human rights monitors can really substitute for the security we have gained from popular attachment to our own Constitution over the past two centuries.

6. The ultimate stakes do not even concern the subject matter of CEDAW. If we can't trust our own constitutional structures to do right by women – who are, after all, half of the electorate – why should we retain confidence that our own elected officials or even our own appointed judges know what is best in other areas? Since 9/11, we have engaged in extended debates about the propriety and legality of many new security measures, regarding trial and detention of terror suspects, government surveillance of telephone and Internet communication, military tactics in remote war zones and so on. In many areas, American security practices have been questioned, or condemned outright, even by generally friendly foreign governments in western Europe. Yet the Obama administration has continued most of the controversial practices of the previous administration. That continuity seems to confirm that, for all the controversy, there are strong reasons for retaining most of the security measures we have developed in the past decade. Few other countries have the same military and surveillance capacities as the Unites States, no other country has the same world wide security responsibilities. Still, it requires a certain degree of self-confidence to resist international criticism – and elaborate arguments about what international standards do or do not require – even when it comes to basic security measures. By ratifying CEDAW now, we seem to say that the United States is afraid or ashamed to stand outside prevailing international practice even when it comes to treatment of our own citizens in our own country, even when it comes to rather specialized issues of public policy. After giving in to the international trend on CEDAW, will we have more confidence to resist demands for American embrace of other international measures, like the International Criminal Court? The Senate should consider whether an entirely gratuitous embrace of international standards in regard to women's issues – for no other clear reason than to show we do respect international standards – will undermine the self-confidence we might need to go our own way in other areas. Does the gratuitous embrace of international standards really make us safer?

Dear Ms. Silver:

I am the Coordinator of Legal Services for a non profit domestic violence agency, the Rachel Coalition, which is located in metro-west New Jersey and serves victims of domestic violence throughout New Jersey, especially in Essex County (including Newark), Union County, Morris County, and Hudson County. We provide counseling, legal services, case management, emergency financial help, and a safe transitional home as well as educational programs for the community. The Rachel Coalition wishes to support the United State's ratification of the CEDAW. Please see the statement below. For more information on our organization, please view our website at www.rachelcoalition.org and/or feel free to contact me at

We are submitting the following statement to be included on the record, if possible.

Rachel Coalition, a domestic violence service agency, supports CEDAW because it provides a framework for addressing international violence against women. It also provides women and girls' access to education, economic opportunity, and political participation all essential tools that helps women move from lives of violence to lives of security and safety.

Yours truly,

Suzanne

Suzanne Groisser, Esq.
Rachel Coalition
Coordinator of Legal Services
60 South Fullerton Avenue
Montclair, NJ 07042
[redacted]

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

On behalf of the Union for Reform Judaism whose more than 900 congregations encompass over 1.5 million Reform Jews across North America and the Central Conference of American Rabbis, which includes more than 1,800 Reform rabbis, I am pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women [CEDAW].

CEDAW unquestionably reflects American and Jewish values. It seeks to end violence against women and trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. These are values of human rights and respect for the dignity of each individual that are reflected in America's founding principles and in the Bible's ancient wisdom.

Jewish tradition teaches us that human life is sacred because all of humanity is created *b'tselem elohim*, in the image of God (Gen 1:26). From the beginning, the Torah makes clear that this divinity extends to men and women: "In the Divine image, male and female, God created them and blessed them" (Gen. 1:27). Sex-based discrimination—whether in the form of limited access to health care, lack of educational opportunities or brutal acts of violence—is an unacceptable denial of a woman's fundamental dignity.

For more than 70 years, the Reform Jewish Movement has spoken out in support of human rights and against apartheid, sweatshops and child labor, the genocide in Sudan, and other abhorrent human rights abuses. We have done so guided by the Torah's obligation imposed on us to preserve the sanctity of life by speaking out in response to oppression and brutality in our world. In the Holiness Code, we are told that we "may not stand idly by when [our] neighbor's blood is being shed" (Leviticus 19:16). This teaching inspires our belief that the United States must ratify CEDAW to ensure the preeminence of our nation's voice against the oppression of women worldwide. It is reflected in the Central Conference of American Rabbis' 1994 resolution urging the United States to ratify CEDAW and "unequivocally express[ing] our belief that women everywhere deserve the same rights and opportunities as their fathers, brothers, husbands and sons; that discrimination according to gender is unjust, and that women's rights are unquestionably human rights." The Union for Reform Judaism and Women of Reform Judaism, which represents more than 65,000 women in North America, have also passed resolutions calling for the ratification of CEDAW.

The United States has long been a leading voice for women's rights and human rights, which makes our decades-long failure to ratify CEDAW all the more troubling. We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. (We share this unfortunate distinction with Iran, Sudan, Somalia, and three small Pacific Islands.) The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our nation's own status as a global leader on the rights of women and girls.

By ratifying CEDAW, we will strengthen our nation's voice to the benefit of women and girls around the world.

As Jews, we are intimately acquainted with what happens when otherwise good people are silent in the face of political oppression and violence. The time has long passed for this nation to join the global community and stand clearly on the side of women and against oppression and injustice. The Senate should ratify CEDAW now.

Sincerely,

Mark J. Pelavin
Associate Director
Religious Action Center of Reform Judaism

ROOSEVELT
INSTITUTE

Hyde Park, NY
New York, NY
Washington, DC

Statement by Anna Eleanor Roosevelt
Chair, The Roosevelt Institute

To the Committee on the Judiciary
United States Senate
November 18, 2010

CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women, is a landmark international agreement that guarantees fundamental human rights and equality to women around the world.

Ratification by the United States, after decades of delay, is a moral imperative for our country. But I encourage you to consider it in instrumental terms as well.

Today we know with certainty that improving the status of the world's women is not just the right thing to do. It is the smart thing to do. Investing in women must be recognized as a necessary, strategic objective of United States foreign policy.

Studies from more than 100 countries offer impressive evidence that societies are more peaceful and prosperous where women have basic rights and opportunities.

Democracies flourish and economies prosper –public health improves and natural environments are best protected and sustained – when women participate more fully and fairly in public life.

All over the world countries are incorporating CEDAW's principles into their national constitutions, basic laws and administrative policies. Civil society organizations and individuals are using it to challenge specific state actions on grounds of discrimination.

The treaty has been an important tool to help punish the perpetrators of violence against women and of trafficking in women and girls; to establish standards for women's education, political participation, civil status, and economic advancement; and to reform customary laws of marriage and family status that have held women back for centuries.

I encourage you to consult the compelling document, ***Promoting Progress, Recognizing Rights: The Global Impact of CEDAW***, compiled for this hearing by the highly regarded International Center for Research on Women. It offers numerous specific examples of the ways in which CEDAW has been used to advance women's rights in areas of the world of vital strategic interest to the United States from Afghanistan, Egypt and Turkey, to India and Japan, to South Africa and the fragile emerging democracies of Rwanda and Liberia, in Latin America and the Caribbean, as well.

New York, NY
570 Lexington Avenue, 18th Floor New York, NY 10022
T (212) 444 9130 F (212) 752 9452

American women enjoy opportunities and rights only dreamed of by most women in the world who are calling on us to ratify as a strong signal of our commitment to them. But even here at home few would dispute that more progress is needed to help women balance work and family, improve the quality of health care and child care, close the pay gap, punish domestic violence and sex trafficking. Comparative global indexes of well-being for women no longer favor the United States because women lack access to important protections and services in these sectors.

CEDAW would not automatically result in changes to U.S. law. Ratifying the treaty provides a valuable moral framework and a powerful symbol but still leaves the power to debate and adopt appropriate legislative actions with Congress and the states.

My grandmother, Eleanor Roosevelt, understood the basic truth that human rights, as she once said memorably, must "begin in small places, close to home . . . where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination."

Eleanor Roosevelt was one of only eighteen women in a sea of men at the founding of the United Nations in 1945. But those women, from every corner of the world, united to create a foundation for universal human rights. They explicitly guaranteed that those rights would benefit all "human beings', not just men, and established the UN Commission on the Status of Women, alongside the Human Rights Commission, to demonstrate the power of their common commitment to gender equality.

CEDAW is one of the five core agreements of the United Nations that codify the aspirations of the landmark Universal Declaration of Human Rights, hammered out under the firm but genial guidance of my grandmother.

President Jimmy Carter signed CEDAW back in 1980, but today the United States remains one of just seven countries that has not ratified it, placing us in the unlikely company of Iran, Sudan, Somalia, Yemen and several small Pacific island nations. Held hostage by partisan Senate politics and campaigns of misinformation, CEDAW has nonetheless twice won bi-partisan approval from the Senate Foreign Relations Committee and enjoys broad-based public support.

The time for formal ratification is long overdue.

Thank you very much for this opportunity to share my views.

Statement by Sakhi for South Asian Women
To the Senate Judiciary Committee in fierce support for the United States' ratification of the international Convention for the Elimination of All Forms of Discrimination Against Women
November 18, 2010

On behalf of the South Asian Diaspora in the New York area we, Sakhi for South Asian Women write today to urge the Senate Judiciary Committee to take immediate action to ratify the international Convention for the Elimination of All forms of Discrimination Against Women (CEDAW). CEDAW affirms fundamental principles of human rights and equality for women and girls. The recommendations, policies and best practices set forth in CEDAW inform Sakhi's efforts to support survivors of violence.

Sakhi for South Asian woman works tirelessly everyday to end violence against women, particularly domestic violence in the South Asian Diaspora. Through our work, we are witness to the violations and degradations women undergo everyday. The details of our cases elaborate how gender, race, sexual orientation, immigrant status and being an underserved and marginalized community intersect with violence, torture and abuse to problematize women's access to fundamental human rights.

Promoting human rights is fundamental to America's core values. Based on these values, the United States has ratified similar human rights treaties on genocide, torture, race, and civil and political rights. Violence against women is an unacceptable form of discrimination against women. The time has come for the United States to take critical action in protecting the rights of more than half of its citizens. Women's rights ARE human rights!

The ratification of CEDAW will enable us to promote and protect the human rights of survivors of domestic violence in our community, and re-affirm the United States' longstanding role as a global leader for women's rights and human rights.

Respected Senate Judiciary Committee, we at Sakhi for South Asian Women implore you to take immediate and critical action in protecting women's equal rights to participate in economic, social and political spheres. Please Ratify CEDAW today!

Sakhi for South Asian Women

P.O. Box 20208 • Greeley Square Station • New York, New York 10001
Telephone 212.714.9153 • Facsimile 212.564.8745 • Helpline 212.868.6741
E-mail contactus@sakhi.org • Website www.sakhi.org

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

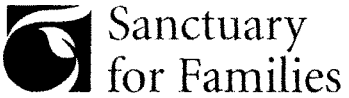
SAME SKY is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women [CEDAW].

SAME SKY is a fair-trade company whose mission is to empower women worldwide and inspire a movement of women empowering women. Founded in 2007, *SAME SKY* aims to be a part of the global movement lifting them out of poverty by giving them the tools to become entrepreneurs and lead self sustaining lives.

The United States has long been recognized as a leading voice for women's rights and human rights, which makes our failure to ratify CEDAW all the more troubling. We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. (The others are Iran, Sudan, Somalia, and three small Pacific Islands.) The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

CEDAW, unquestionably, embodies American values. It seeks to end violence against women and trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous, stable societies. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

Sincerely,
Francine LeFrak
President and Founder
Same Sky
www.samesky.com



Center for Battered Women's Legal Services
110 Wall Street, 11th Floor
New York, NY 10005-3198
tel 212.349.6009 fax 212.566.0344
www.sanctuaryforfamilies.org

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Senators of the 111th Congress
United States Capitol Building
East Capitol Circle
Washington, DC 20004

Dear Senators of the 111th Congress:

I write to you on behalf of my organization, Sanctuary for Families, as well as the millions of women and girls living in the United States. Sanctuary for Families is the largest nonprofit in New York State that is dedicated exclusively to serving domestic violence victims and their children. Each year, we help thousands of victims and their children through clinical, legal, shelter, and many other services. For this reason, we urge that the Senate ratifies the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW).

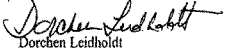
CEDAW is a landmark international agreement that affirms principles of fundamental human rights and equality for women around the world. Its practical blueprint for progress has helped millions of women around the world, and with the United States' signature, promises to help millions more.

Women's rights are human rights, and the United States has long been a global leader in both fields. To enhance our role as a leader in the international community, the United States must sign on to CEDAW. By doing so, we will be able to engage with the 186 other countries all over the world that have pledged their support for women's rights by signing this treaty. In fact, only seven other U.N. countries have yet to sign on to CEDAW – the United States is currently sharing company with countries such as Iran, Somalia, and Sudan. As a signing member of CEDAW, we can move to the forefront of the movement to protect women's rights worldwide.

CEDAW will allow the United States to further its goals of combating gender-based violence and discrimination, both locally and abroad. CEDAW provides direction to address domestic violence issues, fight sex trafficking at its source and protect its survivors, expand employment opportunities for women and secure them equal pay, and ensure that girls receive the education they need to be leaders in the world. These

problems are as real in the United States today as they are anywhere else in the world. For these reasons, the Senate must ratify CEDAW now.

Sincerely,



Dorchen Leidholdt
Center for Battered Women's Legal Services
Sanctuary for Families
110 Wall Street, 11th Floor
New York, NY 10005-3817

MARY KAY HENRY
International President

ELISEO MEDINA
International Secretary-Treasurer

MITCH ACKERMAN
Executive Vice President

GERRY HUDSON
Executive Vice President

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Executive Vice President

TOM WOODRUFF
Executive Vice President

SERVICE EMPLOYEES
INTERNATIONAL UNION
CTW, CLC

1800 Massachusetts Ave NW
Washington, D.C. 20036

202.730.7000
TDD: 202.730.7481
www.SEIU.org

Written Testimony on U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Mary Kay Henry
President
Service Employees International Union
November 15, 2010

On behalf of the 2.2 million members of the Service Employees International Union, and their families, I would like to express support for U.S. ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). SEIU is an organization united by the belief in the dignity and worth of workers and the services they provide and is dedicated to improving the lives of workers and their families while creating a more just and humane society.

SEIU is proud to represent women doing crucial work in hospitals, social agencies, office buildings, schools and in a multitude of places throughout our communities around the country. In recent years, women have flocked to become members and key leaders in unions at an even higher rate than they have joined the workforce. More than 45% of unionized workers are women, with women projected to be in the majority of unionized workers by 2020.[i] While women on average make only 78 cents for every dollar men earn, union women make on average 11% more than women who are not in unions.[ii]

Our fight for equality and justice extends itself to all workers, both near and far. When speaking with cafeteria workers, home health aides, and janitors around the country who are choosing to form a union, I have heard countless stories of what low wages and discrimination mean for women who are struggling to keep their families afloat. Poverty wages for working mothers directly translates to hunger, hardship and tough choices for their families. Recently, I have heard from food Service workers employed by multinational food service giant, Sodexo, who relate their struggles to make ends meet while employed at a company with billion dollar contracts with our own government. Workers report that this same company's practices include required pregnancy tests as a condition of employment and accusations of harassment and detainment of female employees who try to exercise their basic Human Right to form a union.

Every woman deserves to know that she will be treated equally. Ratifying CEDAW is a key step in giving women in the U.S. and around the world the confidence that the U.S. government is committed to opposing inequality and the worst manifestations of discrimination. Additionally, we believe our lawmakers should not award contracts to companies who violate the tenants of dignity, respect and justice we, as American's, value. I applaud Chairman

Durbin and the U.S. Senate Committee of the Judiciary for convening a hearing on this important subject and urge actions and oversight to follow your just actions.

Several SEIU members were proud to join President Obama at the White House when he signed the Lily Ledbetter Fair Pay Act of 2009. We look forward to being able to tell our members and our partners around the world that the U.S. government is taking another crucial step in committing to uphold women's equality in the U.S. and around the world by joining 186 countries in ratifying CEDAW.

---

[1] Center for Economic and Policy Research: "The Changing Face of Labor, 1983-2008." Available at www.cepr.net.
[8] Center for Economic and Policy Research: "Unions and Upward Mobility for Women Workers." Available at www.cepr.net.

The Senate Judiciary Subcommittee on Human Rights and the Law
Hearing, November 18, 2010
On
The Convention on the Elimination of All Forms of Discrimination Against Women

Statement for the Record
By Jill Sheffield
Founder and President, Women Deliver

Mr. Chairman, members of the Subcommittee: I am pleased to submit this statement in strong support of U.S. ratification of CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women.

Women Deliver is a global advocacy organization that brings together voices from around the world to call for action against the deaths of women in pregnancy and childbirth. At our ground-breaking conference in 2007, we mobilized existing networks, non-governmental organizations, international agencies, government ministries and legislators from more than 100 countries to generate political commitment and investment in women, because it pays. Two decades of research and field work have achieved impressive results in reducing the appalling global toll from maternal death, but more than 350,000 women still die each year trying to give life. This is more than one death every 90 seconds. Four million newborns also die annually, largely because of the same pregnancy and childbirth complications.

This is an unacceptable denial of women's rights and human rights. It devastates families and weakens the communities and the developing nations where most such deaths occur. U.S. government studies say the death of these women and newborns costs the world $15 billion in lost productivity every year. But we know what to do to save these lives, and U.S. ratification of CEDAW would help us do it.

CEDAW ratification would strengthen the United States as a global leader in standing up for women and girls. Many studies have shown that greater equality and opportunities for women are critical for U.S. national security and economic interests worldwide, bringing democratization, stabilization and purchasing power. A woman's right to stay alive during childbirth certainly qualifies as an urgent need in any country, yet many governments neglect to make the necessary investments: in access to family planning, reproductive health care, transportation, trained medical personnel and midwives, and emergency care in case of complications. CEDAW offers a practical blueprint that each country can use to compare its progress for women and girls in these fields and others to the progress in other countries.

In country after country where CEDAW has been ratified, women's advocates have been able to critique their status with comparative analyses using CEDAW terms of reference, and then to call upon their governments to live up to CEDAW terms. Kuwaiti women won the right to vote; Bangladesh expanded access to primary school for girls; Morocco and Kenya ended forced marriage and child marriage and moved to ensure

inheritance rights for women; Afghanistan enshrined women's equality under the law in its 2004 constitution. And where ratifying countries continue to treat women as second-class citizens, CEDAW stands as a constant reminder of what real equality looks like.

Ratifying CEDAW would also lead to greater equality and quality of life for girls and women within the United States. The U.S. is ranked behind 50 other countries in a United Nations list of lifetime risk of maternal deaths. Women continue to earn less than men for comparable work, and domestic violence remains the leading cause of injury to U.S. women between the ages of 15 and 44. While CEDAW would not in itself automatically change U.S. laws, it would provide a guide and a framework for examining these issues and developing much-needed solutions.

The fact that the United States has not yet ratified the treaty is a global embarrassment. The other six holdout countries include Syria, Sudan, Iran and three small Pacific Island nations. It undermines our credibility in pressing Afghanistan, for example, to live up to its CEDAW commitments, because women's opponents there can and do argue that the United States can't be serious about women's rights because it has not ratified CEDAW itself.

Our failure to ratify this treaty is, in short, a huge impediment to the global struggle for women's rights, because if the leader of the free world has chosen not to sign on to CEDAW, the rights it affirms can be discounted as somehow frivolous or not legitimate.

The United States is too important to this struggle for women's lives to let this situation continue. I urge the Committee and the full Senate to act as soon as possible to ratify CEDAW. This will hearten women who are working to save women's lives worldwide and will continue America's proud bipartisan tradition as the world leader in promoting and protecting human rights for all.

Thank you.

The Senate Judiciary Subcommittee on Human Rights and the Law
Hearing on Women's Rights are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
November 18, 2010

Statement for the Record
By Eleanor Smeal
President, Feminist Majority Foundation

I am honored by this opportunity to express the strong support of the Feminist Majority Foundation for Senate ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

The Feminist Majority Foundation was founded in 1987 and based its name on the fact that in a 1986 Gallup/Newsweek poll a majority of American women, especially young women, self-identified as feminists. Most men, especially young men, also view themselves as supporters of the women's rights movement. Simply put, feminist are people who advocate or support the policy or practice of political, economic and social equality for women. We believe feminists – who are women and men– are the majority in America.

Today the Feminist Majority Foundation has college groups affiliated or chartered with it on some 400 campuses in 43 states and the District of Columbia. We support programs that develop young women as leaders in every area, especially in public leadership, law, business, medicine, academia, sports and new communications technology. We are dedicated to women's equality, reproductive health and non-violence, using research and action to empower women economically, socially and politically. We work from a global perspective that includes the goal of achieving civil and human rights for all people.

U.S. ratification of the CEDAW treaty would be a major step in this direction. Worldwide, women are struggling to secure equality and to achieve their full human rights. As the landmark international agreement for human rights and women's equality, CEDAW holds up a blueprint that decision-makers in every country can use to measure their progress for women and girls. Where CEDAW has been ratified, women's groups have used the treaty to encourage their governments to change discriminatory laws and policies.

After such efforts, Kuwait gave women the right to vote. Morocco and Jordan lifted "reservations" they had applied to CEDAW terms. Bangladesh broadened women's access to education and job training; Kenya ended forced marriage and guaranteed inheritance rights to women.

In Afghanistan CEDAW has been especially important. The Feminist Majority Foundation has had a Campaign for Afghan Women and Girls since 1997, first to end gender apartheid and then, after the fall of the Taliban, to help Afghan women and girls. Women's organizations and women leaders have told FMF repeatedly that CEDAW has been essential in their drive to achieve full rights and freedom from violence and discrimination. One such effort led the government to approve a law targeting violence against women and

declaring for the first time that rape is a crime. Another drive won revisions to the country's Sharia law on families to allow women custody of children and to leave the house without a male relative's permission.

These actions are critically important in Afghanistan. The U.S. effort to create a civil society there is premised on our certain knowledge that equal rights for women are fundamental to Afghanistan's national security and economic growth. Yet some in Afghanistan question whether the United States is serious in its call for women's rights because it has not even ratified CEDAW.

This stark fact that the United States has failed to ratify CEDAW compromises U.S. credibility worldwide as a leader in both human rights and women's rights. Peace in Afghanistan should not be at women's expense and their rights must not be bargained away, and U.S. ratification of CEDAW would strengthen our arguments to that effect. The treaty has been ratified by 186 of the 193 member nations of the United Nations. The other six holdouts places the United States with strange bedfellows of Iran, Sudan, and Syria as well as the three small Pacific Island nations of Palau, Tonga and Nauru.

It is more than time for the United States to end this embarrassing situation and assume its rightful place as a global leader for women by ratifying CEDAW. It has long promised to do so: it is a signatory to the concluding documents of several gatherings that called for ratification, including the UN Conference on Human Rights in 1993, the Fourth World Conference on Women in 1995, and the Vienna/Helsinki agreements of the Organization on Security and Cooperation in Europe (OSCE). The Senate Foreign Relations Committee approved CEDAW in 2002, and the Obama administration has put it among its top ratification priorities. The time to act is now.

U.S. ratification of CEDAW would not only strengthen the United States as a global leader in defending the human rights of women and girls, it would strengthen our own claims of equal treatment for women at home. The Inter-Parliamentary Union ranks the United States # 73 among countries of the world in legislative representation for women and the World Economic Forum ranks United States #19 in the overall degree of gender gap in status between men and women. Our levels of violence against women and girls remain unacceptably high, while laws to fight it are advancing one at a time in Congress, city by city, state by state. CEDAW would supply a universal standard by which new legislative proposals could be measured and women's status improved.

The American public strongly supports the principles and values CEDAW affirms, including education, equality, fairness and basic rights. Similar agreements on race relations, torture and genocide were ratified under Presidents Reagan, Bush and Clinton. CEDAW terms are fully consistent with U.S. laws; the treaty would require no additional spending.

CEDAW ratification provides a framework upon which women worldwide can measure their own status against the global standard of equality. It is long past time for the United States to affirm that standard for U.S. women, for women in Afghanistan and for women worldwide. I urge you to approve CEDAW without delay.
Thank you.

UNITED CHURCH OF CHRIST

Justice and Witness Ministries

November 15, 2010

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The United Church of Christ (Justice and Witness Ministries) is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women [CEDAW].

The United Church of Christ (UCC), whose predecessor bodies include the Congregationalists who came to this country seeking freedom from religious coercion and freedom of thought, has long engaged in the struggle for women's rights. In 1960s, the UCC, through it policy setting body the General Synod, affirmed the Universal Declaration of Human Rights, which includes rights for women, and equal opportunity for women. In the 1970-80s, we called for the ratification of the Equal Rights Amendment, called for an end to violence against women, supported equal access for all women to the full range of reproductive health services, declared renewed support for the United Nations, and called for economic justice for women who are poor.

The United Church of Christ has also called for awareness of and an end to the practice of female genital mutilation and of human trafficking, participated in forums and programs with women from around the world seeking justice for women, advocated for the safety of women in conflict zones and during recovery from disasters and for funding for international family planning, and recognizes that the full participation of women in peace-building processes is essential for lasting peace. Through our partner churches across the globe, the United Church of Christ has developed educational and economic opportunities for women and girls who are, in many parts of the world, the core of family and community stability.

Discrimination against women is a form of human rights violation and CEDAW is one vehicle for pushing for justice for women and girls.

The United States has long been recognized as a leading voice for women's rights and human rights, which makes our failure to ratify CEDAW all the more troubling. We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. (The others are Iran, Sudan, Somalia, and three small Pacific Islands.) The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

God is still speaking,

COLLEGIUM OF OFFICERS
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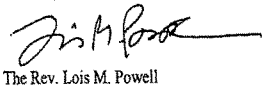
GENERAL MINISTER AND PRESIDENT
Edith A. Guffey
ASSOCIATE GENERAL MINISTER
M. Linda Jaramillo
JUSTICE AND WITNESS MINISTRIES
Stephen L. Sterner
LOCAL CHURCH MINISTRIES
Cally Rogers-Witte
WIDER CHURCH MINISTRIES

700 Prospect Avenue East, Cleveland, Ohio 44115-1100 | Ph. 866.822.8224 | ucc.org

CEDAW, unquestionably, embodies American values. It seeks to end violence against women and trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous, stable societies. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

Sincerely,



The Rev. Lois M. Powell
Executive for Administration and Women's Justice
Justice and Witness Ministries, United Church of Christ
powelll@ucc.org

UNITED NATIONS ASSOCIATION of the UNITED STATES OF AMERICA
LINN COUNTY CHAPTER
P.O. Box 725
Cedar Rapids, Iowa 52406

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The Linn County Chapter of UNA-USA is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women (CEDAW).

Our organization has as its purpose to distribute as widely as possible information about the work of the United Nations and its Specialized Agencies, to recommend and support those policies that will help to make the United States membership in the United Nations effective, to study those means by which the United Nations may be further developed to meet the needs of an ever changing world, and to encourage interest in the United Nations among youth.

In accordance with this mission we strongly support U.S. involvement in achieving the 8 UN Millennium Development Goals by 2015. Goal number 3, promoting gender equality and empowering women, and goal number 5, improving maternal health, would be substantially supported and advanced by the ratification of CEDAW. Furthermore, achievement of Goal 1, reducing by half the proportion of individuals suffering hunger and extreme poverty, cannot be achieved while ignoring the marginalization of women.

The U.S. has long been recognized as a leading voice for women's rights and human rights, which makes our failure to ratify CEDAW all the more troubling, and inexplicable. We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. (The others are Iran, Sudan, Somalia, and three small Pacific Islands. These are not countries we think of as our peers.) The United States absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

CEDAW, unquestionably, embodies American values. It seeks to end violence against women in trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous, stable societies. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world.

The Senate should vote to ratify CEDAW now.

Sincerely,

Ellen J. Fisher

Ellen J. Fisher, President
Linn County Chapter UNA-USA

November 17, 2010

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

US National Committee for UNIFEM (part of UN Women) is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women [CEDAW].

The US National Committee for UNIFEM (UNIFEM-USNC) is one of 18 national committees that support the mission of UNIFEM (United Nations Development Fund for Women, part of UN Women). Chartered in 1983, UNIFEM-USNC is committed to expanding support and raising funds within the United States for UNIFEM. Through the help of our Board of Directors, Advisory Council, local chapters and members, we help support UNIFEM projects that span 100 countries around the globe. UNIFEM-USNC has chapters in states throughout the US including New York, Florida, and California.

The United States has long been recognized as a leading voice for women's rights and human rights, which makes our failure to ratify CEDAW all the more troubling. We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. (The others are Iran, Sudan, Somalia, and three small Pacific Islands.) The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

CEDAW, unquestionably, embodies American values. It seeks to end violence against women and trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous, stable societies. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

Sincerely,

Carol M. Pottat-Buchanan

President, US National Committee for UNIFEM (part of UN Women)

2345 Crystal Drive • Suite 301 • Arlington, VA 22202
703.236.1535 • info@unifem-usnc.org • www.unifem-usnc.org

November 17, 2010

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The Southern CA chapter of the US Committee for UNIFEM (UNIFEM-USNC) is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women (CEDAW).

As one of eleven UNIFEM-USNC chapters across the United States, the Southern CA chapter works to foster financial, political, and public support for both UNIFEM and legislation regarding global women's issues. For the past five years, the SoCal chapter has participated in an annual local letter-writing event in which it asks participants to write to both California senators and the chairman of the Senate Foreign Relations Committee, urging their support for CEDAW.

The United States has long been recognized as a leading voice for women's rights and human rights, which makes our failure to ratify CEDAW all the more troubling. We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. (The others are Iran, Sudan, Somalia, and three small Pacific Islands.) The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

CEDAW, unquestionably, embodies American values. It seeks to end violence against women and trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous, stable societies. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

Sincerely,
The Southern California Chapter of the US Committee for UNIFEM:
CeCe Sloan, President
Kim Salter, Vice President
Lucy V. Parker, Board Member
Patricia Bracho, Board Member
Maggie Forster Schmitz, National Board Member

UNITARIAN UNIVERSALIST CHURCH OF ANNAPOLIS
UNITED NATIONS GLOBAL JUSTICE COMMITTEE
WOMEN'S RIGHTS WORLDWIDE INITATIVE

333 Dubois Road, Annapolis, MD 21401
410-266-8044 410-266-6910 (fax)
www.uuca-md.org info@uuca-md.org

November 18, 2010

Via Hand Delivery

Honorable Benjamin L. Cardin
United States Senate
509 Hart Senate Office Building
Washington, DC 20510

RE: Our Strong Support for US Ratification of Convention on Elimination of all Forms of Discrimination Against Women (CEDAW)

Dear Senator Cardin:

The Unitarian Universalist Church of Annapolis has an ongoing Women's Rights Worldwide initiative to improve the lives of women. As part of this we have highlighted the ways in which women do not participate equally in the areas of livelihood, education, health and safety, and political participation. We have lamented the fact that the United States is one of a very few nations (and the only first world country) that has failed to ratify the Convention on Elimination of all Forms of Discrimination Against Women.

As part of our initiative we have facilitated the establishment of a women's rights NGO on Negros Island in the Philippines and helped a rice farming village establish a social business enabling women to produce garments for export. Our experiences there have strengthened our strong support for this Convention. We have also seen how ratification of CEDAW by the Philippine Government is helping improve the lives of women and families.

Our church also is an integral part of the Unitarian Universalist United Nations Office and the International Convocation of Unitarian Universalist Women. Both organizations have identified the ratification of CEDAW by the US as a main goal.

We were excited to learn you were on the Subcommittee on Human Rights and the Law of the Judiciary Committee and that the Subcommittee is holding a hearing on this

matter. We look forward to seeing the US ratifying this treaty we have supported for so many decades.

Thank you for consistently being a champion for the rights of women.

Sincerely yours,

Betty McGarvie Crowley, Chair
UN Global Justice Committee
823 Boatswain Way
Annapolis, MD 21401

Christine Nielsen, PhD.
1588 Keswick Place
Annapolis, MD 21401

Phyllis Marsh
2002 Phillips Terr. #6
Annapolis, MD 21401

UNITARIAN UNIVERSALIST UNITED NATIONS OFFICE

November 16, 2010

Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

As a member of the CEDAW Task Force, a broad-based, diverse coalition coordinated by the Leadership Conference for Civil and Human Rights and made up of over 160 organizations, we submit this statement in strong support of the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW). Our organizations have come together to increase the visibility of CEDAW and to build a greater understanding among policymakers and the public about the need, importance and impact of the United States' ratification of CEDAW. We thank the Senate Judiciary Subcommittee on Human Rights and the Law for convening this hearing and turning its attention to CEDAW.

CEDAW is a landmark international agreement that affirms principles of fundamental human rights and equality for women around the world. Recognizing that women's right are human rights, it seeks to end sex trafficking and violence against women, prohibit forced marriage and child marriage, expand girls' access to education, ensure women's right to vote, help families by fighting maternal mortality, and end workplace discrimination against women. By providing a practical blueprint for achieving progress for women and girls, it has helped millions of women around the world.

In countries that have ratified CEDAW, women and their advocates have partnered with their governments to improve the status of women and girls. As a result, laws and policies have changed to create greater opportunity and security for women and their families. For example, Mexico responded to an epidemic of violence against women by passing the Mexican General Law on Women's Access to a Life Free from Violence in 2007, which draws on CEDAW and today has been adopted by all of Mexico's 32 states. In 2009 the High Court of Bangladesh, relying in part on CEDAW, for the first time issued guidelines to prohibit sexual harassment in the workplace. Women in Kuwait won the right to vote for the first time in 2005 immediately after the CEDAW reporting process brought international attention to Kuwaiti women's disenfranchisement. And in 2009, the Philippines passed a comprehensive women's rights law that relied heavily from CEDAW provisions. These are only a few examples of the way that CEDAW has led ratifying nations to take steps to improve the lives of women.

The United States is one of only seven countries in the world that has not ratified CEDAW. It's in unlikely company. The others are Iran, Sudan, Somalia, and three small Pacific Island nations. Ratification of CEDAW would not only continue America's proud bipartisan tradition of promoting and protecting human rights, it is in America's own best interests. Empowerment of women leads to more prosperous, stable, peaceful societies the world over. By ratifying CEDAW, the United States would strengthen its global leadership in standing up for the rights of

 777 United Nations Plaza 7G, New York, NY 10017
www.uu-uno.org, 212-986-5165, BKnotts@uu-uno.org

women and girls, promote poverty reduction and economic development, and enhance political stability internationally.

CEDAW stands for and advances values that the American public strongly supports, including equality, fairness, and access to education for all. Ratifying CEDAW would be an important affirmation of these values and an impetus for the United States to recommit itself to continuing to improve the status of women and girls not only abroad, but also at home. CEDAW serves as a catalyst for countries to increase awareness of gender disparities, engage in a serious and sustained analysis of where more efforts are needed, and consider new strategies for moving forward. In this way, it would provide an additional tool for the United States to address domestic violence, combat the increasing problem of human trafficking, improve educational opportunities for women -- particularly in critical fields such as math and science, expand employment opportunities, achieve equal pay, and promote women's health.

The United States has long been a world leader in championing human rights and women's rights. Ratification of CEDAW would enhance and forward this leadership, to the benefit of women and girls around the world. It is our profound hope that this hearing is an important step toward a renewed commitment to ratification of CEDAW by the United States.

The Unitarian Universalist United Nations Office strongly recommends the early signing and ratification of CEDAW. In many respects the United States stands for the equality of women and most U.S. law makes it illegal to discriminate based on gender. Therefore, there is every reason for the United States to join most of the rest of the world in ratifying CEDAW.

Sincerely,

Bruce Knotts
Executive Director

2|Page 777 United Nations Plaza 7G, New York, NY 10017
www.uu-uno.org, 212-986-5165, BKnotts@uu-uno.org

UNITED FAMILIES
INTERNATIONAL

Testimony of

United Families International

Before the
United States Senate
Committee on the Judiciary
Subcommittee on Human Rights and the Law

"Women's Rights Are Human Rights"
U.S. Ratification of the
Convention on the Elimination of All Forms of Discrimination against Women

PO Box 2630 – Gilbert, AZ 85299 · Phone: 480.632.5450 Toll Free: 877.435.7834 · Fax: 480.892.4417 www.unitedfamilies.org

Mr. Chairman and members of the subcommittee,

It is our pleasure to present for the record the official position of United Families International (UFI). United Families International is a 501(c)(3) non-profit educational organization devoted to maintaining and strengthening the family as the fundamental unit of society. By strengthening the family, the basic building block of society, communities, states and provinces, and nations are strengthened. UFI is not affiliated with any governments, religious organizations or political parties.

United Families International is devoted to maintaining and strengthening the family. By strengthening the family, communities, states, and nations are strengthened. We strengthen the family by promoting:

> **Family:** respect for existing law, political structure, religion and cultural norms that preserve the family.
>
> **Marriage:** respect for marriage between man and women founded on chastity before marriage and fidelity in marriage.
>
> **Life:** respect for the sanctity of human life including unborn children, the aged, and the innocent.
>
> **Parents:** respect for the right and obligation of parents to love protect, provide for and teach their children.
>
> **Sovereignty:** respect for the sovereign rights of each individual nation as we work in the world community to protect the common good of individual families.

The United States and CEDAW

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) was signed by President Jimmy Carter on December 18, 1979, but never ratified by the Senate as required under the U.S. Constitution. During the past 30 + years, regardless of which party controlled either the Senate or the White House (or both), the U.S. Senate has declined to ratify this treaty because its provisions run contrary to fundamental American notions of family, motherhood, religion, and sovereignty.

Why the U.S. should not ratify CEDAW:

1. CEDAW is a threat to US sovereignty and interferes with state's rights.
2. CEDAW is a tool for gender engineering
3. CEDAW allows advocacy groups to change policies against the will of the voters.

4. CEDAW allows for radical ideology, such as legalizing prostitution and requiring homosexual rights policies
5. CEDAW pushes unjust affirmative action and comparable worth programs
6. CEDAW undermines parental rights
7. CEDAW attacks motherhood and the traditional roles of men and women
8. CEDAW seeks to force a worldwide right to abortion.

Much has been made of the fact that by not ratifying CEDAW, the U.S. joins the ranks of human rights violators such as Somalia, Iran and Sudan. Yet, there is little mention of the UN member states who have signed CEDAW now being in the company of nations who continue to violate human rights and systematically abuse women, such states as:

- North Korea, which starves and oppresses its women and girls
- Saudi Arabia, which systematically treats women as second class citizens
- China, which forcibly aborts its women and persecutes religious people
- Cuba, which kills women who flee the country and jails dissidents
- Libya, which practices female genital mutilation and murders political opponents.

America stands second to none in its protection – and advancement of – the rights of women. The United States does not need to verify nor attempt to improve its civil liberties through CEDAW. The United States provides aid and development support to the women in virtually every country of the world. America's actions do more to help women around the world than other countries' signatures on a treaty. Treaties should not be ratified for dubious symbolic purposes or for a supposed "show of solidarity" with other women.

Does CEDAW actually provide help to women worldwide

The treatment of women in some areas of the world is tragic and reprehensible. But contrary to the claims of CEDAW proponents, CEDAW has no power to protect these women from gross abuse and give them their much needed and sought after rights. CEDAW has no enforcement mechanisms that can stop rogue regimes like the Taliban from abusing women, or stop women from being stoned in Nigeria, or the women of India or Thailand from being sold as sex slaves.

CEDAW is off-target. When women of developing countries need clean water and medical care, CEDAW gives them voluntary prostitution and gender studies. When they need basic necessities and essential freedoms, wealthy and privileged nations export to them a leftist agenda of abortion rights, promotion of homosexuality, androgyny, wage and salary fixing disguised as comparable worth, and other radical ideas about equality and sexual freedom. Not CEDAW, but advances in technology and medicine, as well as general cultural progress and modernity can be thanked for human rights gains of women to date.

The ineffectiveness of CEDAW has not gone unnoticed by nations. A report to the UN Secretary General notes that 30 percent of state parties to the convention chose not to participate in the country review process. "As of 15 August 2009, 56 state parties had a total of 102 overdue reports, including 20 initial reports...[some of these have] been overdue for more than five years." The report indicates that some reports have been overdue for more than a decade. (CEDAW/C/2009/II/4)

The widely touted and heavily promoted CEDAW Optional Protocol has proven to be ineffective as well. The Optional Protocol has 98 member states and it was created as a means to allow individual citizens to submit complaints about their government directly to the CEDAW committee. The above-mentioned Secretary General report indicates that the Optional Protocol has gained little credibility among the public. It notes that "few communications have been submitted" and those that were submitted during the 2008-2009 period were discarded as being unsubstantiated.

Advancing the cause of women in the U.S.

The case for CEDAW advancing the U.S. international interest is dubious at best. Domestically, ratification of CEDAW is not needed to end gender discrimination nor advance women's rights. "The United States has long stood for the principles of equal justice, the rule of law, respect for women, and the defense of human dignity," acknowledged Ambassador-at-Large for Global Women's Issues, Melanne Verveer, during her *pro*-CEDAW testimony to the Senate Judiciary Committee on November 18, 2010.

In addition to the U.S. Constitution, there is a large body of law promoting and protecting women's rights and preventing discrimination on the basis of sex. Some of these include:

- The Equal Pay Act of 1963
- The Civil Rights of 1964 (Title VII)
- The Education Amendments of 1972 (Title IX)
- The Violence against Women Act of 1994 (and various revisions and additions)
- The Lilly Ledbetter Fair Pay Act of 2009

These and other pieces of anti-discrimination legislation touch upon most major areas of women's lives. It is difficult to ascertain where CEDAW could make any substantive contribution to the rights already accorded to U.S. women. In addition, all U.S. legislation is subject to the democratic process allowing for variance in culture and conflicts associated with women's rights issues to be resolved.

CEDAW's definition of discrimination is any distinction between men and women. Article 1 defines "*discrimination*" as "*any distinction...on the basis of sex,*" in "*any field*" [emphasis

added]. Who is to decide what represents full equality between men and women? What about natural differences between men and women?
Article 2 requires countries to eliminate *"all discrimination against women,"* not just by government, but also *"by any person, organization, or enterprise."* Any field? Any person? Any organization? How about the Boy Scouts, the NFL, Navy Seals, or religious organizations? Article 5 requires countries to *"modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of...all...practices which are based on...stereotyped roles for men and women."* CEDAW requires the use of government power against organizations, religion and even thought, calling for an unprecedented intrusive government.

Why do proponents of CEDAW go to such great lengths to promote this treaty if it were purely political symbolism to show solidarity with the women of the world? Perhaps advocates of this treaty intend to use the CEDAW and its interpretations dreamed up by the CEDAW Committee, to formulate legislation and challenge existing laws.

Impact on Sovereignty

The CEDAW treaty is full of linguistic sinkholes. The approach is to couch the feminist agenda in language of human rights then assert the ascendancy of human rights over the sovereign rights of nations. Just as the United States Constitution overrides national and state legislatures, international human rights, in theory at least, override the rights of sovereign nations to determine their own laws and to be governed by the democratic will of their peoples.

With CEDAW, the federal government is obliged to take over areas that are left to states, i.e., family law, property law, education law, parental rights, abortion regulations, etc., when they conflict with the policies of CEDAW. Few Americans would approve of the Senate turning over these affairs of the individual states to an international tribunal, which is exactly what would happen if CEDAW were ratified.

The practice of inventing new "rights" raises serious questions about the CEDAW Committee's good faith in interpreting CEDAW, and about the legitimacy of a committee of "experts" imposing these new rights on sovereign governments, when they know that these governments would never have agreed to a treaty/document expressly containing them.

The American Bar Association (ABA) seems to understand the value of CEDAW in overriding national sovereignty. The ABA has produced a document to score countries that have ratified CEDAW. *The CEDAW Assessment Tool* is clearly meant to train activists on how to implement CEDAW within countries. Two questions that the *Assessment Tool* asks are: "Is CEDAW directly applied and given effect in courts as part of national law?" And, "What training

programs exist to educate judges and other legal professionals about CEDAW's precedence over national law?"

Mechanisms to protect U.S. sovereignty

There are some who assert that U.S. sovereignty can be protect by "Reservations," "Understandings," and "Declarations." The U.S. has filed four reservations to CEDAW stating that the U.S. is not obligated to any of the following: Assigning women to all units of military service, mandating paid maternity leave (Article 11-2b), legislating equality in the private sector (Article 2,3,5), and ensuring comparable worth.

As legal expert Richard Wilkins, has stated "It is impossible to determine in advance all areas where CEDAW's insistent emphasis on elimination of "stereotypes" will conflict with U.S. statutory and constitutional law. By the time the U.S. puts together enough RUDs (Reservations, Understandings, and Declarations) to protect U.S. laws and sovereignty from CEDAW, there will be nothing left to ratify but the treaty's title."

The above, however, may be a moot point because Article 28 of CEDAW simply declares that reservations: *"incompatible with the object purpose of the present convention...shall not be permitted."* It would be up to the CEDAW Committee to decide if a reservation was "incompatible" and thus null and void.

Proponents of CEDAW are fond of stating that the treaty is not "self-executing," thus legislation would need to be passed in order to implement any of the treaty's obligations. That is little comfort to Americans when they understand that should CEDAW or any of its provisions attain the status of Customary Law (a decision that can be made by a single federal court) the Senate's declaration that CEDAW is not "self-executing" becomes meaningless.

Conclusion

The Convention on the Elimination of Discrimination against Women is flawed and the Senate should not ratify. CEDAW requires government intrusion into in all areas, no matter how private, consensual, or even sacred, if there is a distinction made on the basis of sex, or if any culture perpetuates "stereotypes." The U.S. should not be seduced or browbeat by the notion that "if you don't support CEDAW, you don't support women's rights." At its best, CEDAW is unnecessary. At its worst, CEDAW unravels America's families and forces women to model themselves after global feminists' ideal image. The U.S. should not lend its prestige, nor subject its citizens, to CEDAW.

Representative Examples of CEDAW Committee Concluding Observations and Recommendations

CEDAW's Assault on National Sovereignty

- May 14, 1998, the CEDAW Committee "commends the Government on the fact that the Convention has been incorporated into the national laws of Croatia and may be invoked before the courts by any citizen."
- February 4, 1999, the CEDAW Committee criticized Columbia "that there has been no systematic development of training programmes for government, State or court officials or for police forces responsible for the implementation of the rules and procedures relating to compliance with the law and the implementation of the Convention... The Committee recommends that the Government consider strengthening the role of the National Office for Equality for Women, by means of a national law raising its status to that of an autonomous body with all the requisite powers and resources to be able to exercise more effective influence in Colombian society."
- February 1, 1999, the CEDAW Committee told Greece it "notes with concern that, notwithstanding the availability of legal remedies to seek redress for discrimination and the fact that some court cases have been filed to challenge discrimination, very few women avail themselves of this right and are often reluctant to do so. The Committee recommends that the Government develop programmes to raise awareness of the constitutional remedy among women and women's groups so that individual acts of discrimination will be consistently challenged and so that the Constitution will have an impact on government action and policy and on the private sector."
- June 23, 2000, the CEDAW Committee told Romania "while welcoming the fact that in accordance with article 20 of the Constitution, the Convention is integrated into domestic legislation and takes precedence over such legislation, [it] is concerned that there is a lack of familiarity among the judiciary about the opportunities created by article 20 of the Constitution for the application of the Convention in domestic judicial decision-making...The Committee encourages the Government to ensure that law school curricula and continuing judicial education include the Convention and its applicability at the domestic level."
- February 2, 2000, the CEDAW Committee urged the German government "to refer directly to the Convention in its legislative, policy and programmatic initiatives since the Convention is legally binding and such use would increase awareness of the international commitments entered into by the State party."
- January 28, 2002, the CEDAW Committee told Russia it "welcomes the fact that the provisions of international treaties, and in particular of the Convention, are a component part of the State's legal system and can be directly invoked in domestic courts."
- January 30, 2002, the CEDAW Committee "notes with satisfaction that the Convention is incorporated into Estonian law and its precedence over conflicting national legislation... While welcoming the fact that, in accordance with articles 3 and 123 of the Constitution, the Convention is integrated into domestic legislation and takes precedence over such legislation the Committee is concerned that there is still a lack of familiarity among the judiciary, law enforcement agents and women themselves about the opportunities for the application of the Convention in domestic decision-making."

- January 30, 2002, the CEDAW Committee told Estonia "to ensure that law school curricula and continuing judicial education include the Convention and its applicability at the domestic level. It also recommends that awareness-raising campaigns addressed to women be undertaken to allow them to avail themselves of the legal remedies that assist them. It invites the Government to provide, in its next report, information about complaints filed in courts based on the Convention, as well as about any court decisions that referred to the Convention."
- January 23, 2002, the CEDAW Committee told Portugal it was "concerned at the apparent lack of legal actions or court decisions where the Convention and/or Constitution have been used to support claims by women facing discrimination.
- June 11, 2007, to Sierra Leone, "The Committee is concerned that, although Sierra Leone ratified the convention in 1988, the convention still has not been domesticated as part of Sierra Leone law." The Committee later "urges Sierra Leone to take all appropriate measures and without delay, to repeal Section 27 (4) (d) of the constitution in order to guarantee equal rights of men and women in line with article 2 (a) of the Convention."
- August 14, 2009, the CEDAW Committee gives this directive to Lao, "The Committee further calls on state party to explicitly provide in its constitution or other appropriate legislation that the provisions of international human rights agreements, in particular the convention, are directly applicable and prevail over conflicting legislation."

CEDAW's Assault on American Culture and Values

The CEDAW Committee holds that "voluntary prostitution" is a woman's right.

Prostitution:

- February 3, 1999, the CEDAW Committee said that it was "concerned that prostitution...is illegal in China" and it "recommends the decriminalization of prostitution in China."
- February 1, 1999, the CEDAW Committee told Liechtenstein it "recommends that a review be made of the law relating to prostitution to ensure that prostitutes are not penalized."
- July 31, 2001, the CEDAW Committee told Sweden "to evaluate the effect of the current policy of criminalizing the purchase of sexual services...."

According to the committee, all "social constructs," including homosexual and transsexual, should have equal standing in society and law.

Homosexuality:

- May 14, 1998, the CEDAW Committee requests information from Mexico "on whether homosexuality is penalized in the criminal code."
- January 27, 1999, the CEDAW Committee told Kyrgyzstan it "recommends that lesbianism be reconceptualized as a sexual orientation and that penalties for its practice be abolished."

- January 29, 2002, the CEDAW Committee told Trinidad and Tobago to "consider a revision of any laws which provide punishment for sexual relations between women in order to eliminate this discrimination against women."

Eliminating the Role of Mother:

CEDAW discourages policies that protect motherhood and encourages government-sponsored day care for children in their formative years in order to liberate women from the role of mother.

- January 23, 1997, the CEDAW Committee criticized Slovenia because less than 30 per cent of children under three years of age and slightly more than half of all children between three and six were in formal day care, and that the remaining children, while cared for by family members and other private individuals might miss out on educational and social opportunities offered in formal day-care institutions. (A/52/38/Rev.1, paras.104, 114 Slovenia)
- January 23, 1997, the CEDAW Committee told Slovenia "it was alarmed...that failure to find such employment might confine women to the role of homemaker."
- May 14, 1998, the CEDAW committee observed: "Having emerged from the restrictions of a totalitarian state, where full employment of women and institutional care-taking of children has been emphasized, The Czech Republic's current policies directed at women and family overemphasize motherhood and family roles for women... The Committee also notes with concern the increase in over-protective measures for pregnancy and motherhood ... It also notes that the cultural glorification of women's family roles could exacerbate the negative impact of economic rationalization policies on women."
- February 3, 1999, the CEDAW Committee criticized China "that the Government's approach to the implementation of the Convention has an apparent focus on the protection of women rather than on their empowerment."
- July 1, 1999, the CEDAW Committee criticized Georgia for "the persistence of a patriarchal culture, the prevalence of stereotyped roles of women in Government policies in the family and in public life based on patterns of behaviour and attitudes that overemphasize the role of women as mothers. It also notes with concern that the report itself promotes the role of man as breadwinner."
- July 1, 1999, the CEDAW Committee criticized Ireland's Constitution for "promoting a stereotypical view of the role of women in the home and as mothers." It lamented "the persistence of the emphasis on the role of women as mothers and caregivers tends to perpetuate sex role stereotypes and constitutes a serious impediment to the full implementation of the Convention."
- January 21, 2000, complained to Luxembourg about its "stereotypical attitudes that tend to portray men as heads of households and breadwinners, and women primarily as mothers and homemakers."
- January 31, 2000 The CEDAW Committee levels criticism at Belarus regarding Mother's Day: "The Committee expresses its concern that the country's legislation, in particular with regard to women's role in the labour market, appears to be overly protective of women as mothers and thus creates further obstacles to women's participation in the labour market. The Committee is concerned by the continuing prevalence of sex-role stereotypes, as also exemplified by the reintroduction of such symbols as a Mothers' Day and a Mothers' Award, which it sees as encouraging women's traditional roles. It is also concerned whether the introduction of human rights and gender education aimed at countering such stereotyping is being effectively implemented."

- June 15, 2000, the CEDAW Committee told Austria that "persisting cultural stereotypes of women as homemakers and care givers constitute an impediment to the full implementation of the Convention."
- July 31, 2001, the CEDAW Committee told Netherlands to "improve the conditions for working women so as to enable them to choose full-time, rather than part-time, employment in which they are currently over-represented."
- February 2, 2001, the CEDAW Committee told Egypt "that article 11 of the Egyptian Constitution, which states that the State shall enable a woman to reconcile her duties towards her family with her work in society and guarantee her equality with men in the sphere of political, social, cultural and economic life, appears to entrench the woman's primary role as mother and homemaker."

CEDAW's Assault on Education

The goal, says the treaty is to *"modify the social and cultural patterns of conduct of men and women with a view of achieving the elimination of...all...practices which are based on ...stereotyped roles for men and women.* (Article 5A). According to the Committee, one way we should do this is through nationwide re-education, or as CEDAW puts it, *"the revision of textbooks and school programs and the adaptation of teaching methods."(Article 10C)*

Promotion of "Gender Studies:"

- February 1, 1999, the CEDAW Committee urged Greece "to establish degree-granting women's studies programmes to provide academic support to political and practical changes aimed at creating a non-patriarchal society."
- July 1, 1999, the CEDAW Committee told Ireland to report on "what extent gender and women's studies courses are integrated into the curricula of conventional disciplines in tertiary education."
- June 15, 2000, the CEDAW Committee called upon Austria "to integrate gender studies and feminist research in university curricula and research programmes."

Indoctrination of children:

- January 27, 1997, the CEDAW Committee told Denmark "The gender and culture course, which is currently optional in pre-university curricula, should be made mandatory in secondary education."
- August 12, 1997, the CEDAW Committee told Italy it "deemed it essential that textbooks and teaching material be reviewed and revised to reflect the non-stereotypical roles of men and women."
- February 1, 1999, the CEDAW Committee told Greece to "conduct a comprehensive review of all educational curricula at the primary, secondary and tertiary levels with a view to eliminating remaining discriminatory aspects, remedying the stereotypical portrayal of women and girls..."
- February 2, 2001, the CEDAW Committee criticized Uzbekistan for "the lack of targeted educational programmes, revision of curricula and textbooks, and mass media campaigns to eliminate those stereotypes" of "traditional attitudes towards women...reflected in the lack of sharing of responsibility by men for household and family duties."

- July 31, 2001, the CEDAW Committee told Viet Nam to "take urgent and wide-ranging measures, including targeted educational programmes, the revision of curricula and textbooks, and mass media campaigns, to overcome traditional stereotypes regarding the role of women and men in the society."
- July 31, 2001, the CEDAW Committee told Sweden to "strengthen its efforts to eliminate gender stereotypes in educational curricula and consistently integrate awareness and understanding of gender equality in teacher training. Given the clear correlation between the choice of field of study and placement in the labour market, the Committee recommends that the Government increase its efforts towards ending gender segregation in students' choice of field of education and encourage both women and men to choose non-traditional fields of education."
- January 29, 2002, the CEDAW Committee urged Trinidad and Tobago "to implement curriculum reform and the revision of textbooks in order to combat traditional attitudes towards women..."
- January 30, 2002, the CEDAW Committee told Estonia "to design and implement comprehensive programmes in the educational system and to encourage the mass media to promote cultural changes with regard to the roles and tasks attributed to women and men, as required by article 5 of the Convention. It recommends that legislation be enacted and policies adopted to cover not only the prohibition of discrimination against women but also of the more subtle utilization of and support for traditional sex role stereotypes in the family, in employment, in politics and in society...to review and reform the curricula and textbooks in order to combat the traditional attitudes towards women..."
- November 14, 2008, the CEDAW Committee expresses concern to Kyrgyzstan that only children in primary education are receiving a "gender focus" and recommends that Kyrgyzstan "take all necessary measure to analyse all existing manuals and curricular from a gender perspective, and to systematically review all manuals and curricula in particular in respect to secondary education."

Mandatory sex education:

- February 2, 2001, the CEDAW Committee urged Uzbekistan "to maintain free access to basic health care and to improve its family planning and reproductive health policy... It encourages the Government to promote sex education during the compulsory school years."
- January 28, 2002, the CEDAW Committee to Russia "also urges the Government to include sex education in the school curriculum."
- January 30, 2002, the CEDAW Committee urged Estonia "to introduce programmes of sexual education for both girls and boys as a regular part of the school curriculum."
- January 29, 2002, the CEDAW Committee told Trinidad and Tobago to "introduce appropriate policies and programmes for sex education and family planning education."

CEDAW's Assault on Employment and the Political Process

Quotas:

- January 23, 1997, the CEDAW Committee, after Slovenia reported, "there were clear differences in what women and men preferred to study," told the country to "make systemic efforts to ensure that women students are encouraged to enter diverse disciplines so as to overcome the clustering of female students in certain disciplines

at schools and universities. Such measures could include special counseling and gender-specific temporary measures with numerical goals and timetables."

- January 27, 1997, the CEDAW Committee reprimanded Denmark for "the removal of quotas by political parties. Although the participation of women in politics was at a higher level than in other countries, Denmark had yet to reach gender parity in the political sphere."
- August 12, 1997, the CEDAW Committee told Italy to implement "specific affirmative actions targeted to numerical goals and quotas, in particular in those areas such as political and decision-making positions of public life."
- May 14, 1998, the CEDAW Committee told Croatia "It encourages specific affirmative actions targeted to numerical goals and quotas, in particular in those areas such as political and decision-making positions in public life where women's de facto equality has not been improving at the desired pace.
- February 3, 1999, the CEDAW Committee told Hong Kong (China) to "study the experience of other countries in using quotas, timetables for achieving specified goals and databases on women candidates, with a view to applying them in Hong Kong."
- July 1, 1999, the CEDAW Committee told Georgia it "recommends the review of the negative attitudes towards such concepts and provisions such as, for example, temporary special measures, including quotas in the areas of political participation and in employment."
- June 15, 2000, the CEDAW Committee told Austria to consider "the use of federal funding for political parties as an incentive for the increased representation of women in Parliament, as well as the application of quotas and numerical goals and measurable targets aimed at increasing women's political participation."
- February 2, 2001, the CEDAW Committee told Egypt "to increase the number of women at all levels of decision-making, including in government and Parliament. It urges the Government to implement temporary special measures, such as numerical goals and quotas connected to time frames, in accordance with article 4, paragraph 1, of the Convention, in order to increase the representation of women at decision-making levels in all areas."
- July 31, 2001, the CEDAW Committee commended Guyana "on the mandatory representation of 33 1/3 per cent women on the lists of all political parties contesting the general elections and regional elections. ..."
- July 31, 2001, The CEDAW Committee "urges the Government of Singapore to enhance its efforts to increase women's representation in politics and decision-making through a gender-sensitive application of the meritocracy principle and by taking measures to guarantee the equal opportunity of women to participate in these areas. Such measures may include the imposition of minimum quotas for women political candidates."
- January 30, 2002, the CEDAW Committee told Estonia to "introduce temporary special measures in the educational, professional and political fields, including through encouragement to pursue disciplines and areas of work and of political intervention in which one sex is underrepresented. Such provisions should be designed with measurable goals, targets or quotas and time lines to allow their effective monitoring."
- November 14, 2008, the CEDAW Committee expresses concern that Kyrgyzstan has not been "achieving better representation of women in posts of responsibility in public life and decision-making at all levels, in education, [and] in the participation in economic life, etc." The committee asks Kyrgyzstan to remedy this "through the allocation of resources and the creation of incentives, targeted recruitment and the setting of time bound goals and quotas..."

CEDAW's Assault on Religion

The CEDAW Committee has taken the position that one of the "most significant factors inhibiting women's ability to participate in public life [has] been the cultural framework of values and religious beliefs." (General Recommendation 23, 16th Session, Article 7, A/52/38/Rev.1.) "Neither traditional, religious or cultural practice nor incompatible domestic laws and policies can justify violations of the Convention. The Committee also remains convinced that reservations to article 16, whether lodged for national, traditional, religious or cultural reasons, are incompatible with the Convention and therefore impermissible and should be reviewed and modified or withdrawn." (UN Division For the Advancement of Women)

- April 12, 1994, the CEDAW Committee told Libya "the interpretation of the Koran had to be reviewed in the light of the provisions of the Convention..." Libya was also urged to "proceed to an interpretation of the [Sharia] that was permissible and did not block the advancement of women."
- May 14, 1998, the CEDAW Committee told Croatia it "expresses concern that there is evidence that church-related organizations adversely influence the Government's policies concerning women and thereby impede full implementation of the Convention."
- November 11, 1998, to Norway, the Committee "was especially concerned with provisions in the Norwegian legislation to exempt certain religious communities from compliance with the equal rights law" and therefore "asked the Norwegian Government to amend the Norwegian Equal Status Act to eliminate exceptions based on religion."
- July 1, 1999, the CEDAW Committee criticized Ireland for "the influence of the Church ...in attitudes and stereotypes but also in official state policy."
- February 3, 1999, the CEDAW Committee noted "with concern that China has entered seven reservations and declarations in respect of the provisions of the Convention as applied to Hong Kong. Of particular concern is the reservation exempting 'the affairs of religious denominations or orders' from the scope of the Convention."

CEDAW's Assault on the Family

CEDAW seeks to fundamentally alter the family-- the very structure that has forever served as the basis of human civilization. The preamble to CEDAW claims *"a change in the traditional role of men as well as the role of women in society and in the family* [emphasis added*] is needed to achieve full equality between men and women."*

- January 23, 1997, the CEDAW Committee recommended to Slovenia "the adoption of parental leave legislation in which part of the leave must be taken by the father."
- July 1, 1999, the CEDAW Committee urged Ireland "to ensure that they create incentives and opportunities for women and men to share, equally, paid work outside the home and unpaid family work. In particular, the Committee recommends that such regulations and policies be accompanied by awareness-raising and educational effort aimed at changing attitudes concerning women's traditional roles and responsibilities for child and family care."

- February 2, 2000, the CEDAW Committee urged Germany "to consider the introduction of non-transferable parental leave for fathers to increase the number of men that share responsibility for childcare and child-rearing. It urges the Government to improve the availability of care places for school-age children to facilitate women's re-entry in the labour market."
- July 31, 2001, the CEDAW Committee criticized Singapore, "While the Committee recognizes the importance of the family as the basic social unit, it expresses concern that the concept of Asian values regarding the family, including that of the husband having the legal status of head of household, might be interpreted so as to perpetuate stereotyped gender roles in the family and reinforce discrimination against women."
- January 28, 2002, the CEDAW Committee told Uruguay to eliminate "legal provisions that still exist, particularly in the Civil Code in matters relating to the family, and to bring Uruguayan legislation into line with the Convention."

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November 18, 2010

U.S. Senate Committee on the Judiciary
Subcommittee on Human Rights and the Law
224 Dirksen Senate Office Building
Washington, DC 20510

Honorable Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The United States International Council on Disabilities, a nonprofit membership organization with a mission to direct U.S. foreign policy and foreign assistance programs to include the rights and concerns of people with disabilities and to bridge the American disability community with the global disability movement, is pleased to submit this statement to support the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

In too many countries, fewer girls than boys attend school, fewer women than men participate in the legislative process, and women still struggle for economic equity. These challenges are further compounded for women and girls with disabilities. Women and girls with disabilities are more often the victims of educational and employment discrimination, domestic violence, and rape as a weapon of war. According to the United Nations Development Program (UNDP), the literacy rate for people with disabilities is 3%, with the literacy rate for women and girls with disabilities as low as 1%.[1] In Europe, North America and Australia, over half of women with disabilities have experienced physical abuse, compared to one-third of non-disabled women.[2] The intersection of gender and disability-related discrimination twice marginalizes and twice excludes women and girls with disabilities from full participation or even basic recognition in society. CEDAW adds an important tool to the legal arsenal to raise the visibility of women and girls with disabilities and thereby erode the systemic and attitudinal barriers we encounter.

The United States has long been recognized as a leading voice for human rights, and our role in the recognition and promotion of disability and women's rights at home has been historic. Our passage of disability rights laws, for instance, catalyzed countries around the world to enact similar laws, and our leadership on human rights inspires others to follow suit. Our failure to ratify landmark human rights treaties such as CEDAW is especially troubling when we are often in the company of only a few "rogue" states that have not ratified. In the case of CEDAW, the U.S. joins only six countries that have not ratified the treaty: Iran, Sudan, Somalia, and three small Pacific Islands. The United States' absence from this global consensus undermines both American ideals of

[1] USAID Women in Development. Available at http://www.usaid.gov/our_work/cross-cutting_programs/ wid/ gender/wwd_statistics.html. Last visited 11/16/2010.
[2] United Nations Secretary General's Campaign. Available at http://www.un.org/en/women/endviolence/pdf/ VAW.pdf. Last visited 11/16/2010.

1012 14th Street, NW, Suite 105, Washington, D.C. 20005
Telephone: 202-347-0102 Fax: 202-347-0351 www.usicd.org

United States International Council on Disabilities

opportunity and equality and our own position as a global leader in standing up for human rights and human dignity for all. Our ratification of major international human rights agreements such as CEDAW recommits us to living our values at home and lending our global voice and leadership to the benefit of women and girls around the world, especially those with disabilities who remain largely invisible.

The marginalization of 50% of the world's population, and the exclusion of women and girls with disabilities, reflects a world that will not progress. Ratification of CEDAW would reinforce the United States' unequivocal commitment to all women's progress at home and around the world and highlight the importance of ensuring non-discrimination and equal opportunities for women and girls with disabilities. The Senate should vote to continue cultivating a culture of human rights at home and abroad, and thereby support CEDAW ratification.

On behalf of the Council,

Marca Bristo, President
U.S. International Council on Disabilities

1012 14th Street, NW, Suite 105, Washington, D.C. 20005
Telephone: 202-347-0102 Fax: 202-347-0351 www.usicd.org

November 10, 2010

Senator Durbin, Ranking Member Coburn, and Members of the Subcommittee:

Our organization, U.S. Women Connect, strongly supports U.S. ratification of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) without further delay. We are grateful to the Senate Judiciary Subcommittee on Human Rights and the Law for holding a hearing on this international bill of rights for women.

CEDAW spells out what constitutes discrimination against women and girls and serves as a valuable tool for women and their governments to strengthen laws to protect the human rights of women. Women who live in countries which have ratified CEDAW have used the treaty to obtain equal access to education for girls, to enhance women's participation in governance and decision-making, to combat violence against women, and to make trafficking in women and girls illegal.

The United States has traditionally been a world leader in upholding human rights. However, our country is now one of only 7 countries, along with Iran, Somalia, Sudan, Nauru, Palau and Tonga, that have not yet ratified CEDAW. The U.S. is the only industrialized and the only Western Hemisphere country that has not yet ratified, which compromises our credibility as a world leader in human rights and puts us outside the accepted norms of our peers.

There is strong support for U.S. ratification of CEDAW among American voters. More than 160 non-governmental organizations have formally endorsed ratification, along with a number of American cities and state legislatures. The U.S. made commitments at the 1993 U.N. Conference on Human Rights in Vienna, and again at the 1995 U.N. Fourth World Conference on Women in Beijing, to ratify CEDAW before the year 2000. Our country needs to honor its commitments and reclaim its status as a global champion of the human rights of women and girls.

Ratification of CEDAW would allow the United States to again lead by example and speak with integrity and moral authority in defense of the human righs of women and girls everywhere. U.S. Women Connect urges quick action to add the United States to the list of 186 countries around the world that have already ratified CEDAW.

Sincerely,
Alice Dahle
Iowa State Coordinator and USWC CEDAW Chair
e-mail: adahle@fastermac.net
phone: (319)364-4999

ALABAMA: Alabama State Coordinator: Tracey Owens
Alabama Alternate: Ashley Rabun

ALASKA: Barbara Belknap

ARIZONA: Pam Grissom
Arizona Alternate: Nettie Silleck

CALIFORNIA: Marilyn Fowler
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MAINE: Beth Edmonds

MASSACHUSETTS: Jackie Jenkins -Scott

MINNESOTA: Bonnie Watkins

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CALL FOR UNITED STATES RATIFICATION OF CEDAW

US Women and Cuba Collaboration | womenandcuba.org

In league with a multitude of progressive organizations, the US Women and Cuba Collaboration calls for the long overdue ratification by the US Senate of CEDAW, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. Since its adoption by the UN General Assembly in 1979, the world has for the first time an international treaty that recognizes discrimination against women as a human rights violation, a treaty that has been signed and ratified by a majority of the countries of the world. The US is one of only eight countries—as of August 2009—that have failed to ratify CEDAW (in the company of Iran, Nauru, Palau, Qatar, Somalia, Sudan and Tonga). President Carter signed CEDAW in 1980, so the US is the only country to have signed, but not ratified, the treaty.

The US Women and Cuba Collaboration is committed to work in global alliances that advance the status of women everywhere, and CEDAW is a critical tool—locally, nationally, globally—for building inclusive and progressive women's movements, including networks for justice, real security and women's rights. Crucially, CEDAW addresses women's rights in both public and private spheres, and it challenges nations to engage gender analysis as necessary to creating just and equitable public policies. Because the US has not ratified this treaty, the standing and the voices of US citizens working for justice in this nation are compromised in the global arena. US ratification will make a powerful statement about US commitment to improving the situation of women nationally and internationally.

No RUDs: We call for a "clean" CEDAW, not a version amended by the US that is compromised by "reservations, understandings and declarations." President Obama supports CEDAW, but he gave the treaty to the Department of Justice for review to decide whether to attach conditions before it goes to the Senate (as the Jesse Helms-led Senate Foreign Relations Committee had done in the past). We believe that RUDs are not compatible with the mandate of equality in CEDAW. Like other human rights treaties ratified by the US, CEDAW includes a declaration that the treaty is non-self-executing, meaning that specific legislation is required to implement its vision. Subsequent legislation is the place to work out issues raised by proposed RUDs; RUDs within the treaty are unacceptable and contrary to its nature.

Immediate US ratification of CEDAW matters because:

1. The treaty will address injustices to women and their human rights and can set parameters to solidify and increase progress in gender equity for women and girls in the US and globally.
2. The treaty will help the United States measure progress toward goals such as ending sexual harassment and violence, assuring equality in schools and the workplace, and improving maternity leave and child care.
3. US ratification of CEDAW will improve the status of women in the US, and as well it will improve the status of the treaty itself because of the standing the US has as a world superpower.
4. With ratification, US credibility globally will be enhanced when it speaks as a leader in human rights; the US will have a voice in CEDAW committee proceedings to stand up for the rights of women globally.
5. Being a signatory to the treaty will facilitate partnership-building among nations, and the US will be in a better position to share best practices. The US has compromised standing to ask other nations to live up to treaty goals until we ratify the treaty.
6. Ratification will give lie to groundless fears about the treaty that are based upon false assumptions. For instance, the treaty does not promote abortion (even the State Department has formally acknowledged that CEDAW is "abortion neutral.") Ratifying CEDAW involves making reports on compliance with the treaty, but it does not require the US to change its laws. Many US laws are already consistent with CEDAW.
7. The work of women's equality in the US is not finished and ratification will encourage the US to further improve strategies to reduce discrimination against women using a set of international standards asking it to take affirmative steps of its choosing to ensure all US women can fully participate in society.

Sources and Resources:

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womenstreaty.org/actionkit.pdf
amnestyusa.org/women/cedaw

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t r u t h o u t | Perspective

Tanya Doriss, "Crib Sheet: UN Convention on Ending Discrimination Against Women" *(Copyright © The Nation)*

Betsy Reed, "A 'Clean' CEDAW" *(Copyright © The Nation)*

Working Group for Ratification of CEDAW
womenstreaty.org

Jane A. Van Buren, Executive Director
Women Helping Battered Women, Inc.
Testimony prepared for the Committee on the Judiciary
United States Senate
Testifying on the Critical Importance of Maintaining the VAWA Transitional Housing Program
Wednesday, November 17, 2010

Senator Leahy, Senator Sessions and distinguished members of the Committee. My name is Jane Van Buren and I am the Executive Director of Women Helping Battered Women in Burlington Vermont. Thank you for the opportunity to talk about the importance of the Violence Against Women Act, in particular the funds available to victims of domestic and sexual violence for transitional housing.

Current data from homeless providers in Vermont demonstrate that homelessness is a growing problem in our small rural state. A statewide point in time count in January of 2010 revealed a 22% increase in homeless individuals seeking services during a 24 hour period when compared to January of 2008. Furthermore, the average length of shelter stay has increased 162%, from 13 days in 2000 to 34 days in 2009[1].

Society's general presumption about homelessness is that it is caused by substance abuse or mental illness. While many people who are homeless struggle with these issues, the actual causes of homelessness are a lack of affordable housing, a lack of support networks, and poverty[2]. Working to end homelessness will therefore require, among other things an increase in affordable housing and flexible resources to meet emergency and transitional needs in order to prevent homelessness.

Domestic violence has long been recognized as a leading contributing factor for homelessness and Women Helping Battered Women (WHBW) has seen an enormous growth in the number of homeless victims of domestic violence seeking emergency shelter. Last year alone we saw a 17% increase, from 158 adults seeking shelter to 186. This increase follows a trend that has been occurring over several years. The past three years have seen a 39% increase in the number of adults seeking emergency shelter as a result of domestic violence.

As a result of the trauma that they have endured, the need for homeless reduction strategies is even more pronounced for survivors of domestic violence, especially given the

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[1] Collins, M., Black-Plumeau, L., Deangelis, R., Mahnke, E., & Bailey, C. (2010). *Between a rock and a hard place: Housing and wages in Vermont.* Retrieved from http://www.vhfa.org/documents/housing-wages-2010.pdf
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economic abuse and resulting poverty that places victims of domestic violence alongside other "hard to house" populations. Given that the WHBW shelter and other shelters throughout the state are almost always operating at capacity, many in this hard to house population rely on emergency assistance from the State of Vermont to fund stays in hotel rooms, often utilizing the entirety of the benefit for which they are eligible.

Betsy has been living on a limited income since she lost the ability to work as a result of her advancing multiple sclerosis. After raising her son in rural Vermont Betsy chose to move to Burlington to access increased supportive services. After her move, Betsy developed a relationship with her neighbor, and eventually they moved in together. Everything was fine at first, but soon Betsy's partner started controlling her finances, taking advantage of her increasing immobility. He would leave for days on end, and threatened her that she was being watched and that if she left the house or contacted anyone he would find her. He also used Betsy's credit cards without her knowledge, charging huge sums that Betsy was then responsible for. He knew that Betsy would be concerned with maintaining her credit and would pay the high credit card debt, which would then force her into financial dependence on him for basic needs such as housing and food.

When WHBW first spoke with Betsy we let her know that she had some options for leaving her current situation and regaining independence. Our emergency shelter was full, which meant that we were able to access Vermont's Emergency Assistance Fund through the Department of Children and Families Economic Services Division and house Betsy in a local hotel. Betsy was eligible for 28 days in a hotel, at a cost of $68 per night to the state, during which time she would be required by the state to conduct a housing and job search. Given Betsy's extremely limited income, physical limitations and current debt situation, coupled with the high rental rates and low vacancy in Chittenden County, Vermont, we knew it would be a challenge for Betsy to find safe and sustainable housing in 28 days. In addition to this, most landlords require credit checks, and apartments require security deposits and first month's rent. The total amount due up front would be close to $1500 for even the smallest apartment, an amount Betsy couldn't even fathom coming up with.

We let Betsy know that she was eligible for rental assistance from WHBW, as part of our Transitional Housing Program. We worked with Betsy to find an accessible apartment and worked with the landlord to clarify the details of her damaged credit score. Betsy is currently living independently in her new apartment, working to reduce her debt and repair her credit. Betsy has been independent and free from violence for the past 4 months and is well on her way to a safe and sustainable housing and a life free from violence.

A modest 2-bedroom apartment in Vermont now costs $920 a month on average, which requires an hourly wage of $17.70 or an annual income of $36,800. At least 46% of Vermont's occupations have median wages below this threshold. Fortunately, transitional housing programs funded by VAWA offer a strong model in assisting domestic violence survivors in their move toward financial independence. As indicated, the major barriers to success for victims of domestic violence in Chittenden County are a lack of affordable housing, and a lack of flexible resources to meet emergency needs to prevent homelessness. Transitional housing program funds through VAWA help reduce these barriers and strengthen supportive services.

Our experience at WHBW and across the country is that without safe and secure housing survivors of domestic violence are less successful in securing employment, building credit and repairing their lives. Toward that end, WHBW and the Burlington Housing Authority (BHA) began collaboration in 2007 and developed Sophie's Place, an 11 unit transitional housing program specifically designed for survivors of domestic violence who are homeless. During their stay, which can last from 6-24 months, survivors benefit from the holistic supportive services offered at WHBW. With the assurance of stable housing, survivors are able to work intensively with WHBW on establishing and meeting financial goals such as finding a job, beginning a savings account, and repairing their credit history. When survivors leave Sophie's Place, they are issued a tenant-based Section 8 voucher. This unique program collaboration is effective and efficient because it first stabilizes housing in a cost effective manner, and then works to build on that success by providing domestic violence specific services to address barriers to financial independence. This is a sustainable solution to homelessness as a result of domestic violence.

Jane A. Van Buren, Executive Director
Women Helping Battered Women, Inc.
Testimony prepared for the Committee on the Judiciary
United States Senate
Testifying on the Critical Importance of Maintaining the VAWA Transitional Housing Program
Wednesday, November 17, 2010

Rachel came to WHBW's emergency shelter in Vermont from another state, fleeing an abusive relationship in which she was told "don't even try to get away from me or you will live to regret it." When Rachel arrived her behavior was erratic and she let our staff know that her husband had been keeping her from taking her medication for her bi-polar disorder. Without her medication, Rachel had fallen into a prolonged depression and had stopped taking care of herself and the household and eventually her child. The State removed the child from the home. This chain of events spurred Rachel to flee, vowing to regain custody of her daughter even if it meant placing herself in extreme personal danger.

In order for her to regain custody Rachel needed to stabilize her mental health and her housing. Fortunately, a two-bedroom apartment had recently opened up at Sophie's Place. After the initial settling in period, Rachel worked with Sophie's Place staff to gain employment and work on her custody case while maintaining stable mental health. After 5 months of stable housing and stable mental health, Rachel secured an excellent job at a university, and was able to regain custody of her daughter. Today they are living safely and happily at Sophie's Place. Rachel plans to move out of Sophie's Place in six months, creating an open apartment for someone else in need.

Although Sophie's Place has realized substantial success, it is limited to 11 units. In our first two years of operation, WHBW has had to turn away at least 80 applicants simply because of a lack of availability. Therefore, to increase the availability of transitional housing, WHBW has been able to access additional recovery act transitional housing program funds through VAWA and funds from the Vermont Agency of Human Services to support rental assistance in the community for victims of abuse. Now, in addition to Sophie's Place, WHBW works closely with survivors in our "scattered – site housing" to identify and address their financial goals and develop a positive rental history. Additionally, WHBW works to ensure that any barriers to receiving a Section 8 voucher (unpaid utility bills, unpaid debt to a housing authority etc.) are addressed. After a year of demonstrated rental success in the community, BHA will issue a

tenant based Section 8 voucher to these survivors as well thereby ensuring sustainability, and substantially decrease the risk that the survivor will return to homelessness.

Stable housing makes it much easier for survivors of domestic abuse to successfully access WHBW's empowerment-based, survivor-centered case work and our economic justice advocacy services that are the hallmark of our work. Survivors in transitional housing have access to economic literacy training, credit counseling and repair, debt management, advanced housing advocacy including homeownership counseling, and employment and training opportunities. Survivors have the opportunity to develop individualized plans to help them maintain their housing or move from homelessness into permanent housing. Transitional housing program funds make all of this possible and by reauthorizing VAWA and maintaining the funding for transitional housing services Congress has the unique opportunity to help victims secure housing, life-long financial independence and, thus, reduce their reliance on the State of Vermont's public programs.

Thank you.

The Senate Judiciary Subcommittee on Human Rights and the Law
Hearing on Women's Rights are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
November 18, 2010

Statement for the Record
By Donna P. Hall
President and Chief Executive Officer, Women Donors Network

I am pleased to have this opportunity to express my organization's strong support for Senate ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Women Donors Network is a community of some 150 women philanthropists from more than 30 states and other countries who are investing individually and together to bring about social and environmental change. We represent a broad spectrum of incomes, ages, religions and interests, and we are proud of the deep research and careful consideration that precede our decisions to support progressive organizations and causes at home and around the world. For example, we raised more than $1.5 million in less than six months for recovery work along the Gulf Coast in the wake of Hurricane Katrina and stimulated other organizations and foundations to join our efforts. Every year our members, individually and collectively, influence the distribution of well over $100 million.

Much of these resources go to support organizations of women who are struggling in countries worldwide to secure equality and to exercise their full human rights. CEDAW is a proven tool of great value to these oppressed women. In countries that have ratified CEDAW, women's groups use the treaty's blueprint to press for laws and practices their government should adopt in order to live up to the treaty terms. Kuwait extended the right to vote to women after such a campaign; Morocco and Jordan removed "reservations" they had applied to CEDAW terms; Bangladesh broadened women's access to education and job training; Kenya ended forced marriage and guaranteed inheritance rights to women – the list of CEDAW-based achievements is long and growing.

Women's supporters often argue that the rights CEDAW describes are universally accepted as critical to any country's national security and economic growth, and they cite as proof the powerful fact that CEDAW has been ratified by 186 of the United Nations' 193 member nations. Unfortunately, their opponents can reply that one of the seven holdout countries is the United States, and that therefore CEDAW must not really mean much. The other countries that have not ratified CEDAW include Iran, Somalia, Sudan and three small Pacific island nations (Tonga, Palau and Nauru). The U.S. presence on this list is a national

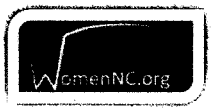
embarrassment and a contradiction of America's proud bipartisan tradition of promoting and protecting human rights.

U.S. ratification of CEDAW would greatly strengthen the United States as a global leader in defending the human rights of women and girls. The American public strongly supports the principles and values CEDAW affirms, including education, equality, fairness and basic rights. Similar agreements on race relations, torture and genocide were ratified under Presidents Reagan, Bush and Clinton. CEDAW terms are fully consistent with U.S. laws; the treaty would require no additional spending and no changes to the U.S. Constitution.

American women already enjoy greater status and rights than women do in many countries. CEDAW ratification would provide a scale upon which U.S. activists could measure their own status against the global standard of equality. It is long past time for the United States to affirm that standard for U.S. women and women worldwide. I urge you to approve CEDAW without delay.

Thank you.

WomenNC
North Carolina Committee for CEDAW/CSW
http://www.womennc.org



November 14, 2010

Honorable Dick Durbin
Chair, Senate Judiciary Subcommittee on Human Rights and the Law
United States Senate
Washington, D.C.

Dear Senator Durbin:

Our organization, WomenNC North Carolina for Ratification of CEDAW, strongly supports U.S. ratification of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) without further delay. We are grateful to the Senate Judiciary Subcommittee on Human Rights and the Law for holding a hearing on this international bill of rights for women.

CEDAW spells out what constitutes discrimination against women and girls and serves as a valuable tool for women and their governments to strengthen laws to protect the human rights of women. Women who live in countries which have ratified CEDAW have used the treaty to obtain equal access to education for girls, to enhance women's participation in governance and decision making, to combat violence against women, and to make trafficking in women and girls illegal.

We wish to make two points about CEDAW. 1) CEDAW does not commit the US federal government nor state governments to provide any services not mandated by the US Congress or the state legislatures (See Article 24 of the CEDAW treaty), and 2) US ratification of CEDAW will increase the negotiating leverage of US diplomats in both bilateral and multilateral negotiations on any subject related to human rights.

The United States has traditionally been a world leader in upholding human rights. However, our country is now one of only seven countries, along with Iran, Somalia, Sudan, Nauru, Palau and Tonga, that have not yet ratified CEDAW. The US is the only industrialized and the only Western Hemisphere country that has not yet ratified, which compromises our credibility as a world leader in human rights and puts us outside the accepted norms of our peers.

There is strong support for US ratification of CEDAW among American voters. In North Carolina alone, 2,000 signatures have been recorded in the past fifteen months. In 1991 the North Carolina House of Representatives passed a resolution to support the ratification of CEDAW. In addition, more than 160 non-governmental organizations have formally endorsed ratification. The US made commitments at the 1993 U.N. Conference on Human Rights in Vienna, and again at the 1995 U.N. Fourth World Conference on Women in Beijing, to ratify CEDAW before the year 2000. Our country needs to honor its commitments and reclaim its status as a global champion of the human rights of women and girls. Within the US, CEDAW would provide an additional tool for the United States to address domestic violence, combat the increasing problem of human trafficking, improve educational opportunities for women -- particularly in critical fields such as math and science, expand employment opportunities, achieve equal pay, and promote women's health.

Ratification of CEDAW would allow the United States to again lead by example and speak with integrity and moral authority in defense of the human rights of women and girls everywhere. WomenNC urges quick action to add the United States to the list of 186 countries around the world that have already ratified CEDAW.

Sincerely,

Beth Dehghan

Executive Director
406 Englewood Drive, Chapel Hill, NC 27514, Telephone 919-744-4778

November 15, 2010

Dear Chairman Durbin, Ranking Member Coburn, and Members of the U.S. Senate Committee on the Judiciary Subcommittee on Human Rights and the Law:

Women Thrive Worldwide is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women (CEDAW).

Women Thrive is a non-partisan coalition of more than sixty organizations that are committed to helping women lift themselves and their families out of poverty globally. Decades of experience have documented the benefits of investing in women – when women increase their incomes, their children are healthier, better fed, and more educated. CEDAW is an important tool to ensure that both women and men can contribute to their countries and economies – for the benefit of all.

The United States has long been recognized as a leading voice for women's rights and human rights. We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

CEDAW, unquestionably, embodies the best of American values. It seeks to end violence against women and trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that societies that enable both women and men to participate are more stable and prosperous. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

Sincerely,

Ritu Sharma

President

WOMEN'S CITY CLUB OF NEW YORK
307 SEVENTH AVENUE, SUITE 1403
NEW YORK, NY 10001
212.353.8070
WWW.WCCNY.ORG

November 15, 2010

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The Women's City Club of New York is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women [CEDAW].

For nearly 100 years, the Women's City Club of New York has advocated for policies that improve lives and promote responsive government. As a nonpartisan, nonprofit, multi-issue education and advocacy organization, we have supported fundamental principles of human rights and equality for women and girls such as those outlined in the Convention for the Elimination of all forms of Discrimination Against Women (CEDAW).

The United States has long been recognized as a leading voice for all human rights, which makes our failure to ratify CEDAW all the more troubling. We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. (The others are Iran, Sudan, Somalia, and three small Pacific Islands.) The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a world leader. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

CEDAW, unquestionably, embodies American values. It seeks to end violence against women and trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous, stable societies. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

Sincerely,

Ruth E. Acker
President

Marjorie Ives
Chair, Women's Issues Committee

November 15, 2010

Senator Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The Women's Intercultural Network (WIN) strongly supports U.S. ratification of the U.N. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) without further delay. We are grateful to the Senate Judiciary Subcommittee on Human Rights and the Law for holding a hearing on this international bill of rights for women and applaud the Senate Judiciary Committee for convening its first-ever hearing on the ratification of a human rights treaty.

WIN is an international non-profit organization based in San Francisco, California. It has special consultative status to the United Nations Economic and Social Council and links women and girls across cultures, globally and locally for collective action on common critical concerns. It has been building policy mechanisms on the ground and on the Internet since the United Nations 4th World Conference on Women, convened in Beijing, China, 1995. It works to implement the women's global platform for action at the grassroots level and to ensure that the voices of all women and girls are heard by providing venues and forums for their active participation in democracies and economies. WIN brought the Beijing Platform for Action (BPFA) home to the California grassroots for implementation by creating CAWA: the California Women's Agenda. CAWA was formed in 1996 as the first state-wide policy mechanism to implement the BPFA at the grassroots level. CAWA has grown to a million women network for action on the ground and on the Internet, with 25 counties or regions connected for advocacy, and with several hundred participating organizations. Throughout all of its activities since its founding, WIN has advocated for U.S. ratification of CEDAW as a matter of high priority.

CEDAW spells out what constitutes discrimination against women and girls and serves as a valuable tool for women and their governments to strengthen laws to protect the human rights of women. Women who live in countries that have ratified CEDAW have used the treaty to obtain equal access to education for girls, to enhance women's participation in governance and decision-making, to combat violence against women, improve health care for women and girls, improve women's lives at work, and to make trafficking in women and girls illegal.

The United States has long been recognized as a leading voice for women's rights, which makes our failure to ratify CEDAW all the more troubling. The United States played an important role in drafting CEDAW. However, it is now one of only 7 countries, along with Iran, Somalia, Sudan, Nauru, Palau and Tonga, that have not yet ratified CEDAW. The U.S. is the only industrialized and the only Western Hemisphere country that has not yet ratified, which compromises our credibility as a world leader in human rights and puts us outside the accepted norms of our peers. U.S. failure to ratify CEDAW undermines the powerful principle that human rights of women are universal across all cultures, nations, and religions, and worthy of being guaranteed through international human rights standards. The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own

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IT
Noam Szoke

1950 Hayes Street
Suite Two
San Francisco, CA
94117 USA
Ph 415-221-4841
Fax 415-373-3922
E-mail: win@win-cawa.org
Web: www.win-cawa.org
Weblog: winwomenspeak.wordpress.com/
Twitter: twitter.com/wincawa

position as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

The U.S. made commitments at the 1993 U.N. Conference on Human Rights in Vienna, again at the 1995 U.N. Fourth World Conference on Women in Beijing, and this year in March at the 15th Anniversary Celebration of the 1995 Beijing Conference at the United Nations, and, most recently, in November, in its National Report which it presented to the United Nations Human Rights Council as part of the Universal Periodic Review process. Our country needs to honor its commitments and reclaim its status as a global champion of the human rights of women and girls.

In conclusion, CEDAW, unquestionably, embodies American values. It seeks to end violence against women and trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous, stable societies. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world, and would allow the United States to again lead by example and speak with integrity and moral authority in defense of the human rights of women and girls everywhere. WIN urges quick action to add the United States to the list of 186 countries around the world that have already ratified CEDAW. The Senate should vote in favor of US ratification of CEDAW now.

Sincerely,

Julianne Cartwright Traylor

Julianne Cartwright Traylor
Member, Global Advisory Council
Women's Intercultural Network

Women's International League for Peace and Freedom
United States Section
565 Boylston St Boston, MA 02116
Tel: 617-266-0999 • Fax: 617-266-1644 • Email: wilpf@wilpf.org
Website: www.wilpf.org

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Jane Addams
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INTERNATIONAL OFFICE
Case Postale 28
1211 Geneva 20
Switzerland
41-22-919-70-80
41-22-919-70-81 (fax)
inforequest@wilpf.ch
www.wilpf.int.ch

Statement in Support of Ratification of the International Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

Submitted to the U.S. Senate Committee on the Judiciary
Subcommittee on Human Rights and the Law
Senator Dick Durbin, Chair
November 13, 2010

The Women's International League for Peace and Freedom (WILPF), U.S. Section commends the U.S. Government for the timely submission of its first Universal Periodic Report to the Human Rights Council and for its involvement of local and state governments in completing the report. The U.S. properly sent the highest level delegates to meet with the Council in Geneva for the review and was innovative in its attempts to make the review accessible and participatory for civil society groups in the U.S.

Recalling this demonstration of positive commitment to human rights, WILPF now calls upon the U.S. Senate to immediately ratify the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), which was signed on behalf of the United States in 1980. The U.S. is the only country to sign and not ratify this important women's human rights treaty.

As of today, 186 countries are state parties to the Convention. By inviting states to take affirmative measures, the CEDAW Convention charts an agenda for action to ensure women's rights to full participation in civic, political, economic, social, and cultural life, and to live free of gender-based violence in their private and public life, including in the context of armed conflict.

In line with these principles, the United States has affirmed Security Council Resolutions 1325 and 1820 on Women, Peace, Security, which both condemn gender and sexual violence in conflict and outline women's critical role in crafting and sustaining viable conflict prevention and resolution strategies to lasting peace. Neither goal can be achieved without a strong commitment to respecting and ensuring women's human rights to participate as equal partners in constructing and reconstructing society.

Like the Universal Declaration of Human Rights, the CEDAW Convention seeks to eliminate discrimination in order to protect human dignity and fulfill society's potential to provide for the well being of all people. Like the Convention on the Elimination of All Forms of Racial Discrimination (CERD), which the United States ratified in 1994, the CEDAW Convention aims to remedy inequality resulting from institutional policies and practices which either in effect or intentionally undercut equal enjoyment of human rights and fundamental freedoms. The CEDAW Convention is an essential addition to both documents, as it shines a much-needed spotlight on the human rights of women and girls everywhere.

The CEDAW Convention provides an internationally-recognized framework to assist the United States in engaging with other countries, such as Afghanistan and the Democratic Republic of Congo, but the United States will also benefit from implementing CEDAW's provisions domestically.

By immediately ratifying CEDAW the United States can show that it is serious about its commitment to the world's women and to constructive engagement with the governments of individual countries and through the United Nations.

STATEMENT OF THE WOMEN'S MEDIA CENTER IN SUPPORT OF RATIFICATION OF CEDAW

The Women's Media Center (WMC) applauds the decision of the Senate Judiciary Subcommittee on Human Rights and the Law for holding a hearing on the United States' Ratification of CEDAW (the Convention on the Elimination of All Forms of Discrimination Against Women). CEDAW is the only international human rights treaty to focus exclusively on the rights of women. It has been ratified by 186 of 193 countries worldwide. The United States is one of seven countries that have failed to ratify CEDAW, joined by countries such as Iran, Somalia, and Sudan. The treaty protects fundamental human rights, addressing violence against women, the right to vote, sex trafficking, and access to education, among other issues. *For the United States to remain a world leader on human rights issues, this critical treaty should be ratified.*

Note: WMC's President, Julie Burton, previously served as a Commissioner on the San Francisco Commission on the Status of Women, which was the first city in the US to adopt CEDAW and to create and implement its provisions in a number of its city departments.

Women's Missionary Society
African Methodist Episcopal Church
1134 Eleventh Street, N.W., Washington, D.C. 20001
202-371-8886 Fax 202-371-8820 E-mail: WMSAMEC@aol.com

Bishop James L. Davis
Chair, Commission
Global Witness and Ministry

Dr. Shirley Hopkins Davis
President

Rev. Dr. George F. Flowers
Executive Director
Global Witness and Ministry

November 15, 2010

Chairman Durbin, Ranking Member Coburn,
and Members of the Subcommittee:

As members of the CEDAW Task Force, a broad-based, diverse coalition coordinated by the Leadership Conference for Civil and Human Rights and made up of over 160 organizations, we submit this statement in strong support of the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW). Our organizations have come together to increase the visibility of CEDAW and to build a greater understanding among policymakers and the public about the need, importance and impact of the United States' ratification of CEDAW. We thank the Senate Judiciary Subcommittee on Human Rights and the Law for convening this hearing and turning its attention to CEDAW.

CEDAW is a landmark international agreement that affirms principles of fundamental human rights and equality for women around the world. Recognizing that women's right are human rights, it seeks to end sex trafficking and violence against women, prohibit forced marriage and child marriage, expand girls' access to education, ensure women's right to vote, help families by fighting maternal mortality, and end workplace discrimination against women. By providing a practical blueprint for achieving progress for women and girls, it has helped millions of women around the world.

In countries that have ratified CEDAW, women and their advocates have partnered with their governments to improve the status of women and girls. As a result, laws and policies have changed to create greater opportunity and security for women and their families. For example, Mexico responded to an epidemic of violence against women by passing the Mexican General Law on Women's Access to a Life Free from Violence in 2007, which draws on CEDAW and today has been adopted by all of Mexico's 32 states. In 2009 the High Court of Bangladesh, relying in part on CEDAW, for the first time issued guidelines to prohibit sexual harassment in the workplace. Women in Kuwait won the right to vote for the first time in 2005 immediately after the CEDAW reporting process brought international attention to Kuwaiti women's disenfranchisement. And in 2009, the Philippines passed a comprehensive women's rights law that relied heavily from CEDAW provisions. These are only a few examples of the way that CEDAW has led ratifying nations to take steps to improve the lives of women.

The United States is one of only seven countries in the world that has not ratified CEDAW. It's in unlikely company. The others are Iran, Sudan, Somalia, and three small Pacific Island nations. Ratification of CEDAW would not only continue America's proud bipartisan tradition of promoting and protecting human rights, it is in America's own best interests. Empowerment of women leads to more prosperous, stable, peaceful societies the world over. By ratifying CEDAW, the United States would strengthen its global leadership in standing up for the rights of women and girls, promote poverty reduction and economic development, and enhance political stability internationally.

CEDAW stands for and advances values that the American public strongly supports, including equality, fairness, and access to education for all. Ratifying CEDAW would be an important affirmation of these values and an impetus for the United States to recommit itself to continuing to improve the status of women and girls not only abroad, but also at home. CEDAW serves as a catalyst for countries to increase awareness of gender disparities, engage in a serious and sustained analysis of where more efforts are needed, and consider new strategies for moving forward. In this way, it would provide an additional tool for the United States to address domestic violence, combat the increasing problem of human trafficking, improve educational opportunities for women -- particularly in critical fields such as math and science, expand employment opportunities, achieve equal pay, and promote women's health.

The United States has long been a world leader in championing human rights and women's rights. Ratification of CEDAW would enhance and forward this leadership, to the benefit of women and girls around the world. It is our profound hope that this hearing is an important step toward a renewed commitment to ratification of CEDAW by the United States.

Very truly yours,

Shirley Hopkins Davis, President

Ms. Norma J. Cook
First Vice President

Dr. Bella G. Parker
Second Vice President

Mrs. Passion Musa
Third Vice President

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Non-Governmental Organization of the United Nations

The Woman's National Democratic Club
1526 New Hampshire Avenue, NW ∞ Washington, DC 20036 ∞ 202-232-7363

STATEMENT BY THE WOMAN'S NATIONAL DEMOCRATIC CLUB

ON U.S. RATIFICATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

AT A HEARING OF THE SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW, COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE

NOVEMBER 18, 2010

The Woman's National Democratic Club strongly supports CEDAW and urges its immediate ratification by the United States.

The Woman's National Democratic Club (WNDC) was founded in 1922, two years after the 19th amendment was added to the Constitution and was the first meeting place for democratic women in Washington, D.C. WNDC has a long history of supporting the "Treaty for the Rights of Women" (officially the Convention on the Elimination of all Forms of Discrimination Against Women) since its inception in the United Nations in 1979 and signing by President Jimmy Carter in 1980. Despite is adoption by 186 countries, 7 countries have not yet done so: the United States, Iran, Nauru, Palau, Somalia, Sudan, and Tonga.

It is disgraceful and long overdue that the United States has not yet passed this United Nations Treaty, which happens to reflect our philosophy above that of the many countries who have signed on. When President Obama created the White House Council on Women and Girls, he emphasized how important it is for us "to ensure that our daughters and granddaughters have no limits on their dreams, no obstacles to their achievements – and that they have opportunities their mothers and grandmothers and great grandmothers never dreamed of."

Now is the time for the United States to redouble its efforts by supporting mothers and grandchildren all over the world. We know that CEDAW has improved the quality of life for women in other countries. For example, Australia, Brazil, Morocco, South Africa and Uganda have incorporated provisions in the CEDAW treaty into their constitutions and domestic legal codes. Additionally, Egypt, Jordan, Nicaragua, and Pakistan have all seen significant increases in literacy rates after improving access to education for girls and women.

Ratifying CEDAW will be beneficial to the United States in many ways, but most importantly, it will make our country a more effective leader in helping women around the world regarding their health, education, employment, maternal and child mortality, female genital mutilation and poverty.

Women's rights are human rights. We at the Woman's National Democratic Club implore the Senate to stand unequivocally with women of the world by approving CEDAW this session. It is the right thing to do and the right time to do it.

Testimony of Wendy Wright
President of Concerned Women for America

For the

United States Senate Committee on the Judiciary
Subcommittee on Human Rights and the Law
on

"Women's Rights Are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)"

The United States has rightfully declined to ratify the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The United States has solidified legal protections and cultural advances for women in the U.S. and extended aid, protection, and opportunities for women in other countries without being subject to CEDAW or its committee of "gender experts." The ideological basis and framework of CEDAW are antithetical to our Constitutional system and American values. The U.S. should not lend our credibility, or risk our freedoms, to a fundamentally flawed treaty.

If the U.S. ratifies CEDAW, we would be in the company of countries that rank among the most persistent discriminators against women. This treaty provides cover for countries that allow and perpetuate abuse against women and a means for them to divert attention from their records. Ratifying CEDAW will not convince those that systemically discriminate women to mend their ways, particularly since most abusers are vehemently anti-American.

The desperate plight of women in other countries deserves attention. Impoverished women in developing nations are deprived of basic needs, education, and voting and property rights. Americans — through government, religious groups, and private associations — utilize and develop means to help women throughout the world. The U.S. has done more to promote human and civil rights, education, and economic development for women than CEDAW could accomplish because CEDAW denies the nature of women, the need for families, and the proper role of government.

After thirty years, CEDAW has not significantly improved the standing or conditions of women in the countries that need it most — yet, if adopted, it would deny women basic freedoms and rights in America. Americans can respond with confidence on why our country has not — and should not — ratify CEDAW.

CEDAW is contrary to America's constitutional system
CEDAW's sweeping language covers nations' laws, culture, political systems, schooling, family

life, personal relationships, and professional choices. Its all-encompassing scope is contrary to the U.S. Constitution's limits on government and respect for state governments to handle matters such as family law. CEDAW — especially how it has been interpreted by the CEDAW Committee — also violates our Constitutional rights of freedom of religion and association.

Ironically, this "women's rights" treaty would limit American women's freedom. Ratifying CEDAW would subject American women to the supervision of a U.N. committee. It would infringe on liberties established since the founding of our country which created the framework that allowed America to flourish.

The U.S. already provides legal protection for women
The U.S. Constitution already covers women, and this is dramatically illustrated by the 14th Amendment. *Buckley v Valeo* stated that, "The term 'person' in the Fourteenth Amendment has never been limited to men, and fully protects women against denials of 'equal protection.'"

Notable among federal statutes, Title VII of the Civil Rights Act of 1964 protects women from discrimination.

If discrimination occurs, women have recourse to state and federal courts, commissions, and a culture of shame. Recently, a court ruled that the world's largest private employer, Wal-Mart, could be sued for discrimination by female employees. Even the most powerful man in the country, the president of the United States, is accountable and can be sued for sexually harassing women.

Women flee ***to*** the U.S. when they face horrific discrimination. In many cases, the U.S. is the asylum for women systemically discriminated against in countries that have adopted CEDAW.

The U.S. has done more to help women internationally than CEDAW has accomplished
The U.S. exerts international influence, spends billions of dollars, and provides innumerable resources — government and private — to advance women's well-being and rights around the world. Development programs, micro-credit loans, building schools, providing teachers and curriculum specifically for girls, democracy promotion — in a myriad of ways, America nurtures the status of women and girls.

In the 1990s, it was universally known that one of the most intractable abuser of women's rights was the Taliban in Afghanistan, a country that had signed CEDAW. The legal advances, access to education, and political promise that Afghan women experience today is thanks to America's military, resources, and commitment. America's actions do more to help women around the world than the symbolism of ratifying this irreparably flawed treaty.

In 2010, Secretary of State Clinton announced the "Secretary's International Fund for Women and Girls." It is a public-private venture "to meet the critical needs of women and girls around the world." While it remains to be seen what it accomplishes, its existence proves that the U.S. does not need to ratify CEDAW to prove its commitment to helping women around the world.

Direct action by the U.S. is far more effective and does far more to prove our moral leadership than diluting our influence and values through the U.N. One example is the difference between how U.N. officials dealt with heinous sex crimes committed by U.N. peacekeepers and how the U.S. tackles the appalling crime of modern-day slavery. U.N. peacekeepers and aid workers raped women and children — in the most notorious cases exploiting desperate refugees by selling food for sex — with impunity. In contrast, the U.S. addressed trafficking domestically and internationally by passing and enforcing the Trafficking Victims Protection Act. It penalizes perpetrators and foreign countries that fail to address trafficking. These enforcement measures carry more weight against abusers and governments that allow trafficking than U.N. treaties or statements.

America's commitment to women's equality is already established. The U.S. "stands with the women of the world" by promoting human dignity, training to establish just legal, judicial, and political systems, and providing aid for education and medical care. The top-down approach of a U.N. treaty does not persuade dictators and tyrants, the source of oppression against women.

Advocates for CEDAW argue that ratification will advance America's foreign policy and national security. Yet America's opponents and enemies who perpetuate systemic and inhumane discrimination against women, who treat women in practice and law as sub-human, will not repent merely because the U.S. signs a women's treaty. This simplistic view reveals a deep misunderstanding of the entrenched ideology of America's opponents and the underlying belief systems that subjugate women.

CEDAW Imposes Gender Feminist Views

Women in the U.S. are free to decide their profession, education, education for their children, political representation — or run for office themselves. Women are free to negotiate their roles as wives, mothers, and caregivers. Yet CEDAW would infringe on all these freedoms, and more, if the U.S. were subject to the irrational views of the "gender experts" on the CEDAW Committee.

CEDAW was crafted during the turbulent times of the 1970s. Feminists from the developed world gained control of the document, alienating feminists from the developing world where women are most in need of rights — women who faced violence, enslavement, and less-than-human status. These women complained of Westerners "denigrating woman's maternal role" and weakening marriage.

This same divide exists today between gender feminists — whose views are reflected in CEDAW and its committee members — and social feminists, who expect the same rights as men *and* value the unique traits of women and the noble role of mothers.

CEDAW does not reflect the views of the majority of American women. In addition, the CEDAW Committee, which oversees implementation of the Convention, makes the treaty even more repulsive to Americans. CEDAW Part V (Articles 17-22) creates a Committee of 23 "gender experts" to oversee the implementation of CEDAW. This places the well-being of American women and families at the mercy of foreign opinions. This committee includes representatives from China (which forcibly aborts women) and Cuba (which murders women

who attempt to escape the island). Other representatives on the committee have been from North Korea and Saudi Arabia.

In fact, the CEDAW Committee has made the best case for why the U.S. should not ratify CEDAW. Ratifying CEDAW would lend the United States' prestige and credibility not only to the treaty, but also to the CEDAW Committee's opinions.

It told China to decriminalize prostitution, which degrades women as objects to be bought and sold, and destroys the health and marriages of women whose husbands buy prostituted women.

It criticized Ireland for the Catholic Church's influence on attitudes and state policy. It told Italy to revise school textbooks to reflect non-stereotypical gender roles.

Singapore, which reported that its system is based on merit, was told to impose "minimum quotas for women political candidates." It told Austria to increase women's appointments to academic posts. Slovenia reported, "There were clear differences in what women and men preferred to study." The Committee told the country to institute quotas to limit women's choices of what field they may study.

If political, educational, or professional slots are filled based on sex, it reduces respect for women who actually qualify based on merit. It reduces the ability of women to vote for or hire the candidate of their choice, and harms the wives of men who lose positions to women who are not as qualified.

The Committee has pressured countries to provide abortions which, more than half the time due to sex selection, kill unborn girls and can cause serious and sometimes fatal medical and psychological damage to women. It criticized Slovenia because an insufficient number of infants and toddlers were in government daycare, revealing their prejudice that no woman should choose to raise her own children. Ironically, it would be fine for women to work in daycare institutions raising *other women's* children. It criticized Belarus for celebrating Mother's Day and told Armenia to "combat the traditional stereotype of women in the noble role of mother."

The Committee opines on issues that Americans — and not an unaccountable, unrepresentative U.N. committee — should decide for themselves.

CEDAW would detrimentally impact families

CEDAW forbids recognizing the wonderful differences between men and women, even in the most personal relationships — family, marriage, and religious. CEDAW defines discrimination as "any distinction, exclusion or restriction … on the basis of sex," in "any … field." This would invite an avalanche of frivolous lawsuits in the United States.

Articles 5 and 16 affirm that in family matters, "the interests of the children shall be paramount." This superficial statement places children in the hands of "experts" who follow the latest fads or believe governments can raise children better than parents.

CEDAW requires that textbooks and teaching methods comply with CEDAW. Single-sex schools are discouraged because their "perspective" on gender is not acceptable. Taxpayers are forced to pay the cost of "gender neutralizing" textbooks and school programs to conform to the CEDAW Committee's opinions.

The foundation of a healthy society is strong families, individual morality, and freedom. CEDAW and its Committee view all these as hindrances to women achieving equality.

How Advocates Plan to Implement CEDAW
Proponents argue that CEDAW is not self-executing. Activists are already planning ways to implement it.

CEDAW proponents intend to use the courts to implement CEDAW by bringing lawsuits challenging U.S. laws or policies. The CEDAW Committee pressures governments to train judges and legal professionals on the treaty.

The American Bar Association (ABA) produced a document to score countries that have ratified CEDAW. *The CEDAW Assessment Tool* is clearly meant to train activists in how to implement CEDAW within countries. Two of the questions it asks are: "Is CEDAW directly applied and given effect in courts as part of national law?" And, "What training programs exist to educate judges and other legal professionals about CEDAW's precedence over national law?"

Other CEDAW proponents look to the international arena to force compliance with the treaty. A publication by The Women's Caucus for Gender Justice explains "the creation of the world's first permanent criminal court," (the International Criminal Court) provides "an opportunity to codify as international law … many of the strategic objectives outlined and committed to by Governments in [such documents as CEDAW and the Beijing] Platform for Action."

Legal authorities debate whether these kinds of lawsuits — in national and international courts — would be successful. Yet, as Americans have seen too often, all it takes is a zealous judge with bizarre interpretations to impose social agendas that would never be voted in by citizens. Proponents argue that CEDAW won't affect women in the U.S. However, would CEDAW advocates go to such lengths to ratify the treaty if it were ineffective or purely political symbolism? Julia Ernst, an attorney who organized a "Rally for CEDAW" at the American Bar Association's national convention in 2002, stated she believed ratifying CEDAW would have no affect on U.S. citizens.

But Julia was also a plaintiff in a lawsuit against President George W. Bush. She sought to overturn the Mexico City Policy, which bans U.S. funding of international organizations that commit or promote abortions. The suit argued that, under customary international law, the Mexico City Policy was illegal and the United States is required to fund organizations engaged in abortion advocacy. (The suit was dismissed.)

A privilege of our American system is that we decide our laws and who will represent us. Advocates of CEDAW intend to use the treaty, and its interpretations dreamed up by the CEDAW Committee, to formulate legislation as regulations, and challenge existing laws.

Rulings from a U.N. body, consisting of people from foreign countries and cultures, will be relied upon to attempt to direct the policies, culture, and laws of America.

Joining Abusive Nations
Advocates for CEDAW make the strange assertion that by not ratifying it, the United States is in the company of other countries that have not ratified it, such as Iran and Sudan.

But if the United States ratifies CEDAW, it would put us in the company of:

- Saudi Arabia, which denies women the right to vote, to drive, to be elected to political office, and requires women of all ages to have a male guardian.
- China, which forcibly aborts women and persecutes religious people.
- Cuba, which kills women who flee the country and jails dissidents.
- Libya, which practices female genital mutilation and murders political opponents.

Nine out of the 14 countries identified by the U.S. State Department in 2008 as having the worst records on sexual trafficking of women and girls have ratified CEDAW.

If the United States ratified CEDAW, it would cause other countries to obey it, say its advocates. But this is a wish with no foundation or evidence to back it up. The countries that are the worst abusers of women are also anti-American, rejecting our values and standards.

Ironically, ratifying CEDAW would condemn women in America and around the world to destructive social policies that devastate the foundation for stable societies — motherhood, marriage, and family. The treaty is used by the Committee to promote the very ideology that leads to a loss of freedom, such as redistributing wealth, and quotas on how many women and men can be in certain academic programs, professions, or elected offices.

CEDAW will be used in the United States to harm our democratic system, national sovereignty, families, and religious institutions. But in the countries that truly need reform to bring dignity to women, it has done too little.

Dictators and totalitarian regimes will sign treaties with no intention of honoring them. Yet it allows them to have a representative sitting on U.N. committees in judgment over other countries.

Answering Advocates Arguments
CEDAW advocate Eleanor Smeal argued, "The word 'abortion' is not in CEDAW," in an attempt to dismiss pro-lifers' concerns that the convention would be used to promote abortion. The word "abortion" is also not in the U.S. Constitution, yet judges and radical feminists claim it's implicitly there. The CEDAW Committee and others have done the same by telling countries they are obligated under CEDAW to provide abortion and force doctors and hospitals to commit abortions.

Melanne Verveer, Ambassador-at-Large for Global Women's Issues, testified to this committee that the U.S. needs to ratify CEDAW to gain moral leadership and to dismiss abusing countries'

excuse for perpetuating discrimination against women. Former diplomat Harold Koh testified to the Senate Foreign Relations Committee in 2002 that he was "embarrassed" when delegates from other countries accused the United States of having no authority to speak on human rights since we have not ratified CEDAW.

With all due respect, the embarrassment is that America's diplomats are incapable of enthusiastically citing America's rich achievements in promoting women and human rights.

The United States has done more to promote human rights — within its borders and in other countries — than any other country in the history of the world. The United States has provided aid and developmental support to virtually every country of the world. We have sent our soldiers into harm's way to protect countries from regimes that persecute its people as well as threaten the security of others.

Advocates claim the U.S. could influence CEDAW's rulings if it has a representative on the Committee. The Committee has 23 members, with representatives elected from among the company of nations that adopt CEDAW. Yet, even if the United States ratifies CEDAW, there is no guarantee we will have a seat on the Committee.

Representation is restricted to reflect "equitable geographical distribution ... [and] different forms of civilization as well as the principal legal systems." Countries gain moral equivalence by signing CEDAW. At any time, the United States may not get elected onto the Committee. If an American representative were on the Committee, she would be one voice out of 23.

The U.S. vigorously provides protection for women from discrimination and promotes respect for women worldwide. Ratifying CEDAW would not be a harmless act. It would deny Americans our freedoms and be used to promote an extreme worldview that is rejected by women worldwide.

Under the guise of "eliminating discrimination against women," CEDAW would limit Americans' freedom to make personal, professional, and political decisions — such as family duties, parental rights, religious exercise, education, employment, and political representation. Government agents and an unaccountable U.N. Committee would be free to impose a radical vision of restructuring society according to "gender experts."

America's Founding Fathers trusted that the U.S. would not adopt a treaty that violates our Constitution. CEDAW is a direct threat to the hard-fought American right of self-determination. It would radically alter the U.S. by handing over the right of "we the people" to decide our laws and culture — even family decisions — to a U.N. committee of foreign representatives.

The United States should not give our prestige, nor subject its citizens, to CEDAW.

The Senate Judiciary Subcommittee on Human Rights and the Law Hearing on Women's Rights are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
November 18, 2010

Statement for the Record
By Dr. Sakena Yacoobi,
Founder and Executive Director, Afghan Institute of Learning

Thank you for this opportunity to provide a statement in support of U.S. ratification of CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women.

Afghanistan ratified CEDAW in 2003. With that decision, a variety of laws and institutions have been put into place to help ensure that women's basic human rights are protected and promoted. While the continued instability, violence, as well as cultural and religious traditions of Afghan society, pose significant challenges, there is a growing recognition and acceptance of women's basic human rights and the ratification of CEDAW has greatly helped in this area.

As the U.N. Division for the Advancement of Women's (DAW) *2009 World Survey on the Role of Women in Development* states, "Legislative change has to be accompanied by advocacy and training for all key stakeholders to ensure full implementation." I am proud to say that my organization, the Afghan Institute of Learning (AIL), is working diligently to provide that crucial accompaniment. Through human rights, gender, peace, democracy, and leadership training for women and men throughout the country, AIL is helping Afghanistan honor its commitment to Afghan women and the international community. This training is having a transformative impact, not only on the lives of the people who participate in the training but on their family dynamics and their communities through increased civic engagement. AIL's capacity-building workshops are complimented by the provision of basic services for women and girls, including fast-track education programs that allow students to make up for lost time during the Taliban regime. AIL also provides vocational training that has improved women's status in their families and communities by enabling them to contribute to the household economically. AIL and other Afghan NGOs and CBOs are able to undertake the risky work of promoting women's empowerment with the knowledge that they are holding up a set of rights that are broadly recognized around the world. If we could point to the United States' agreement on these issues with its ratification of CEDAW, how much more traction would we gain on these efforts?

DAW's *2009 World Survey on the Role of Women in Development* also remarks on the growing evidence that women bring unique priorities and perspectives, and a critical set of skills and capabilities to decision-making that are more responsive to

the needs of all groups. My own work provides thousands of testaments to this idea. As women's participation grows (both *out* to take on a variety of different roles in society and *up* to reach higher positions of official leadership) many benefits will emerge that not only improve the lives of women but also improve society as a whole. In fact, women's absence from key decision-making deprives communities and nations of untold possible solutions to obstinate ills such as violence and injustice.

At the recent Kabul Conference, Dr. Sima Samar, Chair of the Afghanistan Independent Human Rights Commission stated, "It is our belief and motto that without human rights, as a milestone for people's trust, neither development is achieved, nor peace and stability is maintained." Women's rights are human rights and with a full understanding and capacity to exercise those rights, women will help lead the way to peace and stability.

In her speech commemorating the 10th anniversary of U.N. Security Council Resolution 1325 on Women, Peace and Security, Secretary of State, Hilary Clinton stated, "Including women in the work of peace advances our national security interests, promotes political stability, economic growth, and respect for human rights and fundamental freedoms. Just as in the economic sphere, we cannot exclude the talents of half the population, neither when it comes to matters of life and death can we afford to ignore, marginalize, and dismiss the very direct contributions that women can and have made." These words are heartening to women in Afghanistan who are eager to take up their shared responsibilities. Even more heartening would be the ratification by the United States of CEDAW.

The United States is vital to the struggle for human rights and women's rights in Afghanistan and around the world. I urge the Committee and the full Senate to act without further delay to ratify CEDAW.

Thank you.

One example of the positive impact CEDAW could have in addressing violence against women within our country is seen in San Francisco. In 1998, San Francisco adopted a Municipal Ordinance based on CEDAW. Pursuant to that Ordinance, local agencies and departments undertook program and policy reviews. Based on its review, the Department of Public Works improved city lighting because it recognized that good streetlights were important to prevent violence against women, who are particularly vulnerable to sexual assault. This change was so simple, yet so important to the lives and safety of women and girls. Ratifying CEDAW would assist similar anti-violence efforts within our own country, providing a safer society for our women and children.

Today, 186 countries have ratified CEDAW. The U.S. is one of only seven UN member countries including Iran, Somalia, Sudan, and three small Pacific Island nations (Nauru, Palau, and Tonga) that have not ratified the treaty. Given Congress has a history of ratifying treaties that improve the lives of women and girls, it is the hope of the YWCA that this hearing will be an important step in rectifying this situation.

On many occasions, Congress has acted in a bipartisan fashion to recognize the value of international agreements that address human rights issues and improve the lives of women, girls, and people of color. Under the leadership of Presidents Reagan, Bush, and Clinton, the U.S. ratified treaties on genocide, torture, race, and civil and political rights. Ratifying CEDAW would continue our country's proud bipartisan tradition of promoting and protecting human rights. It will also further strengthen the U.S as a global leader in promoting the rights of women, because countries have a stronger political and diplomatic voice in advancing women's rights if they have also signed and ratified CEDAW.

The YWCA strongly supports ratification of CEDAW ***now***. As a national and international organization, we know that women in the United States, and throughout the world, need the United States to ratify CEDAW. Ratifying CEDAW would affirm that the U.S. understands that women's rights are human rights and sends a strong signal that the United States firmly supports promoting the safety, health, and well-being of women and girls worldwide. Dr. Dorothy I. Height, a legend in civil rights, women's rights and human rights as well as a former YWCA leader once stated, "Ratifying CEDAW remains among the unfinished business of the Civil Rights movement." It is time to heed her call.

On behalf of YWCA local associations nationwide and the many women and children we serve, we thank you for your continued commitment and work to improve the lives of women and girls. And we thank you for the opportunity to submit testimony on this important issue.

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[i] International Center for Research on Women (2010), *Recognizing Rights in Progress, The Global Impact of the Convention of the Elimination of All Forms of Discrimination Against Women*, available at http://www.icrw.org/files/publications/Recognizing-Rights-Promoting-Progress-CEDAW.pdf

[ii] Governments that have ratified CEDAW submit reports to the CEDAW Committee on the status of women in their country. *Non-governmental organizations* can also write and submit to the CEDAW Committee their own reports, called shadow reports, on the status of women in their country. The shadow report emphasizes critical issues that women face and which the government has downplayed or failed to highlight in their own CEDAW report. Lambert, Caroline. (2008). CEDAW: Women's Tool for Change. *Common Cause, March 2008*(137). Retrieved from http://www.worldywca.org/Resources/Common-Concern/March-2008-CEDAW-Women-s-tool-for-change. Information on Afghan shadow report from the International Center for Research on Women (2010), *Recognizing Rights in Progress, The Global Impact of the Convention of the Elimination of All Forms of Discrimination Against Women*. Retrieved from http://www.icrw.org/files/publications/Recognizing-Rights-Promoting-Progress-CEDAW.pdf

P. O Box 1473
LaSalle, IL 61301
November 15, 2010

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

The 34 members of the Zonta Club of the LaSalle-Peru Area wish to express their strong support for the Convention for the Elimination of Discrimination Against Women (CEDAW).

Zonta's mission is to advance the status of women worldwide. The CEDAW document perfectly aligns with this goal by recognizing that women's rights are human rights. It goes on to seek the end of sex trafficking and violence against women, prohibit forced marriage and child marriage, expand girls' access to education, ensure women's right to vote, help families by fighting maternal mortality, and end workplace discrimination against women. These are issues the Zonta Club of LaSalle-Peru has been working on since its founding in 1924.

Women in the United States enjoy many of these rights. We urge the United States to ratify CEDAW so that women around the world may also have them. Empowerment of women leads to more prosperous, stable, peaceful societies the world over.

Ratifying CEDAW will make the U.S. a more effective leader in helping women at home and around the world. In this age of globalization, the fate of our nation is more closely intertwined with that of the rest of the world than ever before. The United States can enhance our longstanding role as a global leader for women's rights and human rights if we engage with the community of nations that has ratified CEDAW.

Let us use CEDAW to help end domestic violence, improve the status of education for girls, and to end pay discrimination. We believe these are values that the American people support.

We urge a prompt ratification of the CEDAW document.

Sincerely,

Ann Maxwell-Weisbrod, President
Zonta Club of LaSalle-Peru Area

Senator Richard J Durbin
Chairman of the Senate Subcommittee on Human Rights and the Law

The Zonta Club of Madison Wisconsin strongly supports the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW). Our Club has worked tirelessly for years to help raise the status of women both locally and internationally.

CEDAW would provide an additional tool for addressing the problems that girls and women still face in the U.S. While women in the U.S. enjoy opportunities and status that are not available to many women in other parts of the world, few would dispute that more progress is warranted. For example:

1 *Domestic violence*: The federal Violence Against Women Act ("VAWA"), originally passed in 1994, has enhanced the investigation and prosecution of perpetrators of violence against women, and provided multi-faceted services for victims of family violence and sexual assaults. In addition, all of the fifty states and the District of Columbia have their own laws outlawing violence against women, including domestic abuse, and provide a range of protections and services to battered women. However, domestic violence remains a serious problem in the U.S., with an average of four women per day murdered and 5.5 million women per year physically assaulted or raped by intimate partners. Shannan Catalono et al., Female Victims of Violence (Bureau of Justice Statistics 2009) *available at* http://bjs.ojp.usdoj.gov/content/pub/pdf/fvv.pdf. CEDAW's commitment to ending violence against women would reinforce our efforts.

2 *Trafficking*: The U.S. has taken a strong stand against trafficking with the enactment of the Trafficking Victims Protection Act, which provides stiff penalties for traffickers, assists and protects victims, and commits funding to anti-trafficking efforts in the U.S. and abroad... Nevertheless, some estimates suggest that there may be 20,000 women, men, and children trafficked into the U.S. each year, who are forced to labor under slavery-like conditions. CEDAW ratification would serve to strengthen the existing U.S. commitment to preventing the trafficking of women and children, and providing services and access to justice to trafficking victims attempting to rebuild their lives.

3 *Pay Discrimination*: Women are now half of the workforce in the U.S., but women working full-time today earn, on average, only 77 cents for every dollar paid to men. This is especially harmful given that women are the primary breadwinners in nearly 4 in 10 families. CEDAW recognizes that ending discrimination against women in the workplace includes fair pay for their work. Ratification of CEDAW would encourage efforts to close this gap.

4 *School dropouts*: Girls are not denied access to education in the U.S. However, one in four high school girls in this country drops out before graduation, and those girls have an average annual income that is $9,100 below even the low wages earned by boys who drop out. CEDAW specifically calls for reducing girls'dropout rates and for helping those who have left school, and its ratification would encourage the development of programs to address the dropout problem.

5 *Discrimination in Education.* CEDAW asks countries to provide equal rights for women in all aspects of education. In career and technical (previously known as vocational) education, girls in this country are still conspicuously absent from classes that prepare students for higher-paying, traditionally male occupations, such as electricians and automotive technicians. In higher education, women are only a small percentage of those studying and teaching physical and computer sciences and engineering. CEDAW would provide a stimulus for greater focus on these disparities and increased enforcement of antidiscrimination laws, and for efforts among educators and government officials to eliminate barriers and encourage girls and women to develop their interests in non-traditional areas.

Thank you for your support for CEDAW!

Tamara Hagen M.D.
President
Zonta Club of Madison Wisconsin

Member of Zonta International

November 15, 2010

The Honorable Richard Durbin, U.S. Senator
230 S. Dearborn Street, suite 3892
Chicago, IL 60604

RE: CEDAW

Dear Senator Durbin:

Thank you for adding CEDAW to the agenda of the upcoming Senate Judiciary Human Rights and the Law subcommittee hearing. I don't make a habit of writing to my politicians but in this case, I think it's important to ask for your support in getting CEDAW out of committee and ratified. Recent events involving the lack of basic human rights for women globally and their diminished "voice" in several instances have prompted me to write.

In ratifying CEDAW:

- The United States will join the 186 countries which have already pledged to further the rights of women. It's shameful that we are in the company of a few holdouts – notably, Iran, Somalia, Sudan and three Pacific Island nations in neglecting to ratify CEDAW.

- Our nation will recognize that women's rights are human rights, further affirming gender equality for women and girls.

- We enable practical worldwide goal-setting with respect to progress on behalf of women and girls.

In so many countries around the world, women have little or no access to education, health care, employment, to decision-making or even a safe environment. Theirs is a life of poverty, hunger, violence and vulnerability, all of which have the possibility of being transformed once CEDAW is ratified and put into action.

In so many aspects of this globalized era, the United States has taken a very decisive, leadership stance. That we are not among those countries which have ratified CEDAW is a mystery to me and a failing in maintaining our position as a world leader with vision. As the world becomes a smaller and more intimate stage, it is my personal hope that you can do something to remedy that failing and provide a measure of humanity for women and girls who count on our – your – support.

Respectfully,

Susan Barton

Susan Barton
3926 Grove Avenue
Stickney, IL 60402-4166

ZONTA INTERNATIONAL
1211 West 22nd Street, Suite 900
Oak Brook, IL 60523, USA
Phone: +1 (630) 928-1400
Fax: +1 (630) 928-1559
www.zonta.org

Dianne K. Curtis, President
ZONTA INTERNATIONAL
ZONTA INTERNATIONAL FOUNDATION
P.O. Box 2299, Canyon Country
CA 91386-2299, USA
Home: +1 661.309.9166
Business: +1 661.251.2100 ex 3122
Fax: +1 661.251.0784
Email: dcurtis369@aol.com

Advancing the Status of Women Worldwide

15 November 2010

Dear Chairman Durbin, Ranking Member Coburn, and Members of the Senate Judiciary Subcommittee on Human Rights and the Law:

Zonta International is pleased to submit this statement in strong support of ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Established in 1919, Zonta International is a global organization of executives and professionals working together to advance the status of women worldwide through service and advocacy. More than 31,000 individuals are members of more than 1,200 Zonta clubs in 65 countries. Zonta International envisions a world in which women's rights are recognized as human rights and every woman is able to achieve her full potential. In such a world, every woman is literate and has access to education, health care, legal and economic resources on an equal basis with men. In such a world, no woman lives in fear of violence.

The Zonta International Foundation, the official charitable foundation of Zonta International, advances and sustains Zonta's global service and advocacy programs. Through the Foundation, Zonta International helps women and girls overcome gender barriers to educational and professional advancement; provides opportunities for women to earn higher wages and achieve economic independence; ensures that women and children have access to quality, affordable health care; and strives to end violence against women while helping survivors rebuild their lives.

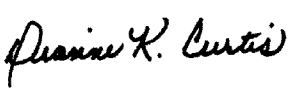
Zonta International has Consultative Status with the United Nations Economic and Social Council (ECOSOC), United Nations Children's Fund (UNICEF), United Nations Development Fund for Women (UNIFEM, part of UN Women), International Labor Organization (ILO) and Council of Europe. Zonta maintains operational relations with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and maintains representatives at United Nations sites in Geneva, New York, Paris and Vienna.

The United States has long been recognized as a leading voice for women's rights and human rights, which makes our failure to ratify CEDAW all the more troubling.

We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. (The others are Iran, Sudan, Somalia, and three small Pacific Islands.) The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a global leader advocating for the rights of women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

CEDAW, unquestionably, embodies American values. It seeks to end violence against women and human trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous, stable societies. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

Sincerely,



Dianne K. Curtis, President
Zonta International and Zonta International Foundation

DISTRICT 6 BOARD

GOVERNOR
Yvonne Vollman Chalfant
1465 Timber Ridge Ct
Kankakee, IL
H - 815.935.8573
W - 815.937.3084
governor@zontadistrict6.org

LT. GOVERNOR
Linda Hiltabrand
1825A Baker Ln
Peru, IL 61354
H – 815.223–9422
ltgovernor@zontadistrict6.org

TREASURER
Vicky Bladl
4722 E. Ridge Lane
Milton, WI 53563
H – 608.868.2920
B – 608.752.7408
treasurer@zontadistrict6.org

SECRETARY
Mary F. Baudino
4883 N 12000 W Rd
Custer Park, IL 60481-9005
H – 815.955.4066
B – 815.727.5675
secretary@zontadistrict6.org

PARLIAMENTARIAN
Phyllis Currins
1017 Liberty
Alton, IL 62002
H - 618-550-8846
parliamentarian@zontadistrict6.org

AREA 1 DIRECTOR
Lynn O'Shea
14N356 FrenchRd
Hampshire, IL 60410
H –847.683.4018
B –630.966.4001
area1@zontadistrict6.org

AREA 2 DIRECTOR
Sylvia Armstrong
8 Southwick Cr
Madison, WI 53717
H – 608.827.8648
area2@zontadistrict6.org

AREA 3 DIRECTOR
Mary Thomas George
601 Tremont
Lincoln, IL 62656
H – 217.871.2448
B – 217.735.3715
area3@zontadistrict6.org

AREA 4 DIRECTOR
Marlene Brant
508 S Maish Rd
Frankfort, IN 46041
H – 765.659.3605
area4@zontadistrict6.org

AREA 5 DIRECTOR
Gwen Hopkins
272 S Kennedy Dr
Bradley, IL 60915
H – 815.939.4509
B – 815.932.3700
area5@zontadistrict6.org

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Dear Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee:

Zonta International District 6 (Illinois, Indiana and Wisconsin) is pleased to submit this statement in strong support of ratification of the Convention for Elimination of All Forms of Discrimination Against Women [CEDAW].

Founded in 1919, Zonta International is a global organization of executives and professionals working together to advance the status of women worldwide through service and advocacy. With more than 31,000 members belonging to more than 1,200 Zonta Clubs in 66 countries nd geographic areas, Zontians all over the world volunteer their time, talents and support to local and international service projects, as well as scholarship programs aimed at fulfilling Zonta's mission and objectives.

The United States has long been recognized as a leading voice for women's rights and human rights, which makes our failure to ratify CEDAW all the more troubling. We are one of only seven countries in the world that have failed to ratify this landmark international human rights agreement. (The others are Iran, Sudan, Somalia, and three small Pacific Islands.) The United States' absence from this global consensus undermines both the ideals of opportunity and equality set out in CEDAW and our own position as a global leader standing up for women and girls. By ratifying CEDAW, we would strengthen our global voice to the benefit of women and girls around the world.

CEDAW, unquestionably, embodies American values. It seeks to end violence against women and trafficking, promote equal educational opportunity, improve women's health, end discrimination in the workplace, and encourage women's political participation. Most fundamentally, it recognizes that women's rights are human rights, and that societies that empower women are prosperous, stable societies. Ratification of CEDAW would reinforce the United States' unequivocal commitment to women's progress at home and around the world. The Senate should vote to ratify CEDAW now.

After the CEDAW Treaty is ratified by the United States, grassroots organizations and NGOs would be able to submit Shadow Reports to the UN CEDAW Committee during its periodic reviews. This opportunity to involve Americans directly is empowering and creates an opportunity for meaningful dialogue and discussion. Recommendations by the UN CEDAW Committee would also provide a blueprint for further improvements in the lives of women in the United States.

Sincerely,

Yvonne Vollman Chalfant, Governor, Zonta District 6