

**TREATY DOC. 96-53; CONVENTION ON THE ELIMI-  
NATION OF ALL FORMS OF DISCRIMINATION  
AGAINST WOMEN, ADOPTED BY THE U.N.  
GENERAL ASSEMBLY ON DECEMBER 18, 1979,  
AND SIGNED ON BEHALF OF THE UNITED  
STATES OF AMERICA ON JULY 17, 1980**

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**HEARING**

BEFORE THE

**COMMITTEE ON FOREIGN RELATIONS**

**UNITED STATES SENATE**

**ONE HUNDRED SEVENTH CONGRESS**

**SECOND SESSION**

—————  
JUNE 13, 2002  
—————

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**THURSDAY, JUNE 13, 2002**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:05 a.m. in room SD-419, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr., chairman of the committee, presiding.

Present: Senators Biden, Boxer, Feingold, Wellstone, Brownback, and Enzi.

The CHAIRMAN. The hearing will come to order, please. Today, the Committee on Foreign Relations is going to consider an important treaty designed to advance the rights of women around the world: The Convention on the Elimination of All Forms of Discrimination Against Women. Action on this treaty is long overdue. It was submitted by President Carter in 1980. Let me say that again. It was submitted by President Carter in 1980.

Eight years ago, in September 1994, the committee approved this treaty 13 to 5; so we are on record. I voted for this treaty, and others who were on this committee at the time, 13 of us, some of whom are still here, voted for this treaty in 1994.

Unfortunately, no action has been taken on the treaty since that date. At the outset, let me express my disappointment with the manner in which, and I have tried to be very, very cooperative with the Department with which this committee has had great relations and no substantive complaints with the Department of State, but I want to express my disappointment with the manner in which the administration has addressed this treaty. Its cooperation has been far from satisfactory, and this is not just carping. Let me explain why.

Last June, I became chairman—as my father would say, it is better to be lucky than good. After I became chairman, I wrote Secretary Powell to invite the State Department to submit its list—and would you close that door back there? I would ask the police to close the door in the back and keep the noise down. Thank you.

Last June, as I said, after I became chairman, I wrote Secretary Powell to invite the Department of State to submit its list of priorities for treaties pending in the Senate, restating the request made by Senator Helms 3 months earlier, which I might say for my colleagues from the House, this is one of the few things the Constitution does not have them do, treaties. It is a tradition of the Senate. It is a practice to ask each administration to do that. There is nothing abnormal about the request that was made. In my letter I indicated that I expected to convene a hearing on the Woman's Convention in the coming year.

Senator Boxer and I have been talking about this for several years, but because of the—and I do not say this critically. It is just an observation. Because of the strong opposition of the then-chairman of the committee, there was no likelihood we were going to get a hearing on the treaty, and so we had planned a half-a-dozen different ways to try to bring the treaty up on the floor even without a hearing, and we found that we ran into roadblocks that would make it virtually impossible to get it done, so I indicated that I expected to convene a hearing on the women's convention in the coming year, and that the Department would be asked to testify at the time.

In February of this year, in response to my letter, the Department submitted, and I quote, the administration's treaty priority list for the 107th Congress.

Now, the letter places treaties pending in the Senate in a number of categories. The letter I received from the Department, the letter indicated that the Bush administration supported the women's convention and placed that treaty in category III, a category of treaties which the administration believes, "are generally desirable and should be approved," not their highest priority. There are other treaties they have listed. There are several categories in the letter they have sent us, but in the letter they sent us in February saying, we believe this treaty is generally desirable and should be approved.

Heartened by that statement, in early March I wrote back to the Secretary of State and indicated the committee would hold a hearing after the Easter recess. I invited the Under Secretary of State for Global Affairs to appear at the hearing, scheduled for May 15. As the hearing date approached, the Department informed this committee that it was still discussing who would testify for the administration, so I postponed the hearing, fully expecting that, giving them the opportunity—they are for this treaty—to decide who it was who would best make the case for the administration for this treaty, so I postponed the hearing and rescheduled it for this week and issued a new written invitation to the Under Secretary for Global Affairs.

Despite this considerable advance warning—now, remember, this is right after Easter, and we rescheduled it for now. At the end of May the committee received a request for another delay in the hearing. The reason given, the Department of Justice had just begun a new review of the treaty. So at the end of May we are told, after being told in February they supported this treaty, that the Department of Justice was going to review the treaty.

Now, for years I was chairman of the Judiciary Committee. I can tell you how long it takes the Department of Justice to reach a decision on anything that is controversial. So, I fail to understand this new development. The committee was informed that the treaty priority letter had been subject to a thorough interagency review prior to its submission to the committee. I asked, I said, now look, you sent us this list at the beginning of the year. Was it just an accident that it got put on the list, no one vetted it? They said no, the whole letter we sent you listing all the treaties and our priorities had been subject to a thorough interagency review prior to its submission to this committee.

The sudden news that the Department of Justice has just initiated a review suggests that was either not the case, or something has intervened that I do not fully understand. More to the point, I am concerned by the casual attitude of the executive branch toward the treaty process and the legitimate request of this committee for testimony on a significant treaty pending before it.

I indicated last June—not this June, last June—that the committee would have a hearing in the coming year. I reiterated that notice in early March, when I told the State Department the treaty would be subject to a hearing this spring, and over this period never once was the committee informed that the Department of Justice had initiated, was planning to initiate, even thought about initiating a review of this treaty.

I should note that the State Department made a last-minute offer to send two mid-level officials, but inasmuch as their testimony would be incomplete until the Department of Justice had completed a review, I decided to proceed with this hearing today and to hear from the executive branch when it is fully prepared, and if it is not fully prepared, to move the treaty, period, with or without their input.

As of today, the position of the Bush administration, as reiterated in a letter dated June 4, is this. It believes the treaty is generally desirable and should be approved. That statement has not been rescinded, so I am assuming and proceeding as if the President of the United States supports us passing this treaty. The fact that it is reviewing the treaty and the committee's proposed resolution for ratification from 1994 to see if additional conditions should be recommended to the Senate, should be done quickly, because if it is not done, we are going to move, and you all know I say—I have five of my colleagues sitting before me here. You all know our legislative schedule. What are the prospects, if we were to bring up this treaty on the floor between now and the time we go out, even if—even if there were overwhelming support for it? Time is a-wasting.

The treaty on the rights of women is a landmark document. It sets forth the basic obligations to advance and protect equality for women. Most nations of the world, 169 of them in all, have become a party to this treaty. For the United States, the treaty will impose a minimal burden. The U.S. Constitution and existing Federal laws will satisfy the obligations of the treaty. The United States will need to enter a handful of reservations to a treaty where it is inconsistent with our Constitution or current Federal law, as we do

with nearly every treaty, but the United States will not need to enact any new laws to be in compliance with this treaty.

For the United States, the treaty can be a powerful tool to support women around the world who fight for equal rights. Our voice on women's rights will be enhanced by becoming a party to this treaty, because we will be empowered to call nations to account for their compliance with the treaty. Absent our membership, we cannot do that.

Similarly, the treaty is a powerful instrument for women to demand their rights under it. For example, after the Colombian Government ratified the treaty in 1981, women's groups across Colombia relied on the treaty to successfully fight for women's rights in Colombia's new constitution.

The importance of giving women an equal role in society cannot be understated. Secretary Powell said it as well as anyone in his statement on the International Women's Day:

It is not just popular opinion, but plain fact. Countries that treat women with dignity, that afford women a choice in how they live their lives, that give them equal access to essential services, give them an opportunity to contribute to public life, these are the countries that are the most stable, valuable, and capable of meeting the challenges of the new century.

Within the last decade, the United States has joined multilateral human rights treaties banning torture, promoting civil and political rights, banning racial discrimination. It is long past time we joined the rest of the world in dealing with this same fervor on the rights of women.

Now, let me just conclude by saying this. If we need any more graphic illustration of why this treaty is needed for women of the world, I just invite you to come back to Afghanistan with me. I invite you to come back to Afghanistan with me, stand there with the Minister for Women's Affairs, and observe that even after the liberation, the majority of women are still wearing burkas. Even after this, they are still worried about their future.

As I met with the Minister of Education and the Minister of Women's Affairs in a building with no heat in the middle of January, I believe, there were a group of women, about 50 or 60, standing out in a big anteroom waiting to see the Ministers. They were all former teachers, and they all had their burkas on, and I said why? Why? And the Minister of Women's Affairs asked the Minister of Education, whose office we were in, whether or not she could call in one of the women. The woman she called in spoke English. She said, Senator Biden wants to know why you are still wearing a burka, and she told me the following story, and I will be very brief.

She said she rode in on a bus—and by the way, an interesting incongruity, women with burkas in modern high heels. Seriously, you ought to go and see it. And she said in perfect English,

I rode in on the bus, and as I got off the bus from my home I had to walk two blocks to this building. As I crossed the street, a taxicab with five men pulled over off the road and up on the sidewalk and blocked my way be-



tween the sidewalk, the cab, and the wall, and the men jumped out and asked me why did I not have my burka on, and I just looked at them, and they said, “the Taliban may be gone, but the mujahedin is still here.” I now wear my burka.

If you women had not fought to make sure that in Bonn, this new Government, this Loya Jirga which is taking place in Afghanistan right now, included women, it would not happen. If we do not set an international standard, we are going to have this repeated time and again.

So, as I turn the gavel over—and it is not just ceremonial, it is real—to the woman in this place who has been the single strongest voice for women internationally, the person who has been the single strongest voice for women internationally as a member of this committee, and I want to make something clear. I do not want anybody to read my not chairing this as meaning that this committee does not view this as vital. The reason that the Senator from California is going to chair this is she has forgotten more about this than most people know. She cares more about it than anybody else in the Senate, and it should be viewed in the way it is intended. This is a symbolic gesture as well to indicate just how important this committee, speaking for myself and I think the majority of this committee, believes this treaty is.

So without any further ado, I am going to sit here somewhat silently, although I make no firm commitment, and turn the gavel over to my friend from California to run this hearing.

Senator BOXER [presiding]. Senator Biden, I am very moved and touched by your remarks. I hope this hearing will be very fair. It is very balanced, I say to my friends on the other side of the aisle who may not agree with us, and it means a great deal to me, not only that you are allowing me this honor of chairing the first hearing since 1994, but it says to me the fact that you are here and that you made as strong a statement as you did, that we could not be better served. It is, as you would say, a big deal. It is a big deal to me and to the members of this committee.

I would ask unanimous consent to put my entire statement in the record. Since I am now chair, I will give myself permission to do that, and I would like to summarize here so we can get to every Member and get to our panels.

I think there is no better time than right now to show our commitment to women by approving this treaty, CEDAW. Senator Biden, you touched on the reasons, and I am going to amplify on them a little bit. Afghanistan, we had no idea after 9/11 the road would lead there. The road did lead there, and it led to the liberation of the women of Afghanistan, or at least the first steps of their liberation.

Afghanistan showed us how cruelly women can be treated throughout the world. Under the Taliban, women were beaten for offenses like bearing their ankle or going outside to beg for food without a male escort, or for not wearing the suffocating burka, and the word suffocation is an important word, because the burka not only interfered with their ability to breathe—and if you have ever put a burka on, you know what I mean—but it suffocated their individuality.

Indeed, it suffocated their humanity, which is exactly the point. Women were forced to be made invisible, and clearly from Senator Biden's eye witness reports they still are. Their daughters are forced to go without an education, or without basic health care.

Right now, Afghanistan is in the midst of the process to form a new Government, given the past treatment of women and girls in their country, Afghanistan needs an international framework to look to in drafting the new laws of their nation. Clearly, CEDAW should be that guide, and the U.S. should be pushing Afghanistan to abide by the principles contained in the CEDAW treaty, which I might say are the very same principles that guide us in our laws.

I would like to place into the record, and I will do so, a letter sent to me yesterday by Dr. Sema Samar, a vice chair of the Afghan Interim Authority, and the Minister of Women's Affairs, who Senator Biden referred to. As pointed out by Dr. Samar, the U.S. cannot use CEDAW as a diplomatic tool for human rights because we have not ratified it. It is very important, she writes to us, to the women of Afghanistan, that we do this. I want to make clear to all colleagues we are speaking to the women of Afghanistan and the women of the world when we act on this treaty.

I would like to use the prerogative of the chair to ask two Afghan women who are here with us today to rise, Nasiba and Nafesia. Would they rise, please? Would you stand, please?

We want to welcome you. These two women work for the Minister of Women's Affairs, and they come here to show their strong support for this treaty. We also have women from Egypt and India here today, and I want to thank them. They also feel very strongly. Would they stand up, the women from Egypt and India? They were at a press conference.

Ladies and gentlemen of this committee, this is not a theoretical matter. This is a matter that impacts these women every single day of their lives. This treaty has been ratified by 169 countries since it was first adopted in 1979. The United States is one of the few not on the list. I want to point out to my colleagues, we are standing with non-ratifying countries like Syria, Iran, and Somalia. Syria, Iran, and Somalia. We cannot continue to stand with those nations. It is a disgrace, in my opinion. In my humble opinion it is time to move forward.

The CEDAW treaty is designed to overcome barriers to women's equality in the areas of legal rights, education, employment, health care, politics, and finance. It is a meaningful treaty. Senator Biden gave an example of Colombia. Let me give you one in Brazil. When Brazil reformed its constitution it used the treaty as a guide for including guarantees of human rights to women. In Costa Rica, the treaty was helpful in developing property rights and political participation for women.

Yet we know women all over the world are still suffering discrimination. Worldwide, 130 million women are victims of female genital mutilation, 2 million girls are sold into sexual slavery every year, and women are four times more vulnerable than men from dying from the HIV/AIDS virus. The disease is killing 1.3 million women a year, and yet women are being denied health care throughout the world.

So the committee did hold its last hearing in 1994, and it voted 13 to 5 to report it out, with one abstention. I was not on the committee then. I am so happy to be on it now. But despite this bipartisan vote, the treaty never came before the full Senate for consideration. Today's hearing is an effort to address this treaty from the point where we left off in 1994. We are using as a starting point the recommendations made by the Clinton administration and the understanding added by Senator Helms that says that nothing in the treaty shall be construed to reflect or create any right to abortion.

Is that a vote in the House?

Ms. WOOLSEY. I am going to miss the Journal.

Senator BOXER. If some of you want to go and come back, we will do that.

Ms. DAVIS. It is adoption of the rule, and then there is another vote after that.

Senator BOXER. Maybe you should go over at the end and vote on the one and the next.

I also understand there are concerns the CEDAW committee established by the treaty somehow interferes with the sovereignty of the United States. This is false, and I want to lay that right out there. The committee does say some controversial things that I do not agree with, but let it be clear the committee cannot in any way force any government to change its laws or adopt the opinions that they are expressing. If we have to clarify that, we will. We will take care of that problem. We do not want to be deterred.

It is also important to make clear that the ratification would not require the United States to change or adopt any laws. This is very important. Senator Biden addressed the fact that we do not have the Bush administration here, they are not ready, so I will put that in the record.

What I am trying to do is see if we can, with the agreement of the Minority, allow at least one or two of you to go forward before you need to leave, so I am going to put the rest of my statement into the record and say again what an honor this is, and Senator Enzi, would it be alright if we heard from, say, a pro and a con, and then take your testimony immediately following, since they have a vote? That would be nice, so why don't we take Lynn Woolsey, and then Hon. Jo Ann Davis, then they can run and do the vote. Go ahead, Lynn.

[The prepared statement of Senator Boxer follows:]

#### PREPARED STATEMENT OF SENATOR BARBARA BOXER

I want to thank Senator Biden for bringing us to this moment and for giving me the honor of chairing this hearing. It means a great deal to me.

There is no better time than now for the Senate to approve the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). We should be propelled forward because Afghanistan has shown us how cruelly women can be treated throughout the world.

The number of people outside of this hearing room shows the great interest in this Treaty. The young women who are here today demonstrate that the future in many ways is about them. They want to know we believe in them.

Under the Taliban, women were beaten for offenses like showing an ankle or for going outside to beg for food without a male escort. They were forced to wear the burka which suffocated their individuality and their humanity. Women were made to be invisible and their daughters forced to go without an education or basic health care.

Right now, Afghanistan is in the midst of the Loya Jirga process to form a new government. Given the past treatment of women and girls, Afghanistan needs an international framework to look to in drafting the new laws of their nation.

CEDAW should be that guide and the U.S. should be pushing Afghanistan to abide by the principles contained in the CEDAW treaty.

I want to place into the record a letter sent to me yesterday by Dr. Sima Samara—Vice Chair of the Afghan Interim Authority and Minister of Women Affairs. As pointed out by Dr. Samar, the U.S. cannot use CEDAW as a diplomatic tool for human rights because we have not ratified it—it is very important to the women of Afghanistan that we do so.

The treaty has been ratified by 169 countries since it was first adopted in 1979. The United States is one of the few who are not on this list. We are standing with non-ratifying countries like Syria, Iran and Somalia. In my opinion, this is a disgrace.

President Carter signed the CEDAW treaty in 1980. It is time to move forward. The CEDAW treaty is designed to overcome barriers to women's equality in the areas of legal rights, education, employment, health care, politics and finance. It is a meaningful treaty.

For example, when Brazil reformed its constitution, it used the treaty as a guide for including guarantees of human rights for women. In Costa Rica, the treaty was helpful in developing property rights and political participation for women.

Yet there is much more work to be done because women throughout the world are still suffering because of discrimination.

We know that 130 million women are victims worldwide of female genital mutilation, 2 million girls are sold into sexual slavery each year; and women are four times more vulnerable than men of dying from the HIV/AIDS virus. The disease kills 1.3 million women each year.

As I said before, the committee last held a hearing on the treaty in 1994, and voted 13–5 with one abstention to recommend ratification. Despite this bipartisan vote, the treaty has never come before the full Senate for consideration.

Today's hearing is an effort to address this treaty from the point where we left off in 1994. We are using as a starting point the recommendations made by the Clinton administration, and the understanding added by Senator Helms that says that nothing in the treaty shall be construed to reflect or create any right to abortion.

I also understand that there are concerns that the CEDAW committee established by the treaty somehow interferes with the sovereignty of the United States. This is false. The only requirement this treaty imposes on ratifying countries is to report progress and obstacles encountered in moving toward treaty standards. The committee, which I don't always agree with, cannot mandate government actions.

I want to be clear here: the committee has no enforcement powers. If we need to clarify this fact in the Resolution of Ratification, I think it is worth exploring.

It is also important to make clear that ratification of this treaty would not automatically require the United States to change or adopt any laws. Whenever the U.S. Constitution or laws conflict with the obligations of the treaty, U.S. laws will take precedence.

Unfortunately, we can not explore these issues with the Bush Administration today. The administration has said that this treaty is "generally desirable and should be approved." However, no senior State Department official was made available to testify today. Clearly they have dropped the ball on an issue that is very important—especially after the way women were treated in Afghanistan.

The U.S. effort to prevent another Afghanistan and to promote health and equality for women everywhere will be much more effective and credible if we join with other nations that support human rights and ratify this treaty without further delay.

I hope that the administration will join us in this view and work to ratify the treaty this year. And I really hope that the committee will report the treaty favorably to the full Senate as soon as possible.

[The letter from Dr. Samar referred to by Senator Boxer follows:]

MINISTRY OF WOMEN'S AFFAIRS,  
INTERIM ADMINISTRATION OF AFGHANISTAN,  
*June 12, 2002.*

HON. BARBARA BOXER,  
*U.S. Senate, Washington, DC.*

DEAR SENATOR BOXER: The leaders of my homeland of Afghanistan are convening once again in the traditional *Loya Jirga*, a long-awaited council whose delegates will

outline the way we will live in the future. In my capacity as Chairperson of the Human Rights Commission in Afghanistan, I am asking for the help of the United States in making sure that our new government guarantees full human rights for women. An urgent first step must be your ratification of the International CEDAW Treaty for the Rights of Women.

As the world knows, Afghan women were subjected to outrageous abuses under the previous Taliban government as well as oppression and violence throughout the last 23 years. For the first time in many years, there is a hope that the rights of women will be recognized and defended in this country. Now the *Loya Jirga* is considering parts of our 1964 Constitution as a model for the new government. It was broadly respectful of basic rights for women, but there is no guarantee the *Loya Jirga* will adopt those provisions. More models and more persuasion are needed. The CEDAW treaty is the most important international guide and set of standards on the human rights of women, which of course has never been ratified by Afghanistan.

I understand that the U.S. Senate is now considering whether the United States should join 169 other countries in ratifying the CEDAW treaty. I believe it will be important for me and other Afghan women if you do take this step. We will then be able to tell our countrymen that the United States, where women already have full legal rights, has just seen the need to ratify this treaty. This treaty will then truly be the international measure of the rights that any country should guarantee to its women. We will be able to refer to its terms and guidelines in public debates over what our laws should say. Your advisers to many of our leaders here will be able to cite its provisions in their recommendations. And perhaps we women will achieve full human rights for the first time in a generation.

Senator Boxer, on behalf of the women of my country, I urge you to do everything possible to see that the United States ratifies the CEDAW treaty. Members of the U.S. Senate will thus be able to say that they had a significant influence in freeing the women of Afghanistan. Thank you very much for your time and attention to my plea. Please keep in touch with me on your progress.

Sincerely,

DR. SIMA SAMAR,  
*Vice Chair and Minister of Women's Affairs.*

**STATEMENT OF HON. LYNN C. WOOLSEY, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.**

Ms. WOOLSEY. Thank you, Madam Chair. It is definitely an honor to be here today, and I thank you and I thank the members of the committee and Senator Biden for recognizing the importance of ratifying this important CEDAW initiative.

Out of the 22 years that the Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW, has been in existence, I have spent the last 9 years in the House pushing for the ratification of this incredibly important treaty. In fact, the first resolution that I introduced in the House was a resolution calling on the Senate to ratify CEDAW. That was in 1993, and I have re-introduced a resolution every Congress since.

In that time, we have subsequently gained cosponsors, bipartisan cosponsors, by the way, as well as support from all sectors of Congress, Republicans, Democrats, blue dogs, new Democrats. The resolution that I have introduced in the 107th Congress, House Resolution 18, currently has 119 bipartisan cosponsors. It is important to note that there is a groundswell of support for ratification, both here in the House and in the Senate and among the local governments and grassroots organizations.

At the end of the year, 16 States and 58 United States counties and cities, including Marin County, where Barbara Boxer lives, and the city of Santa Rosa, both in the district that I represent, and both of these communities and all of those States and cities have passed resolutions advocating U.S. ratification of CEDAW.

In 1999, CEDAW supporters, including the Church Women United and the United Methodist Women, delivered more than 10,000 individually handwritten letters to Senators urging ratification of the treaty. That is 10,000 individually handwritten letters. I am sure you all received yours. Some said thank you for already supporting it. Others said, please come with us. Needless to say, this has been a long battle for CEDAW supporters. That is why I am pleased to be here today to testify in support of CEDAW and thank again Senator Boxer for making this possible.

As part of our agenda to promote international human rights, we must recognize the importance of elevating the status of women. CEDAW is not about creating new rights, but about ensuring that women are able to exercise the same human rights as men. CEDAW establishes a universal definition of discrimination against women and provides international standards to discourage sex-based discrimination. These standards encourage equality in education, health care, employment, and all other arenas of public life.

Some opponents of CEDAW claim that—

Senator BOXER. Let me ask you a question. How do we want to proceed? Do you want to put the rest of the statement in the record and come back and finish? We can hear from Hon. Jo Ann Davis so we have some con on the record here. You can come back and finish. How do you want to proceed?

Ms. WOOLSEY. That would be fine with me. It is up to you.

Senator BOXER. Why don't you just collect your thoughts, finish the presentation, and we will call on you again when we come back.

Ms. WOOLSEY. What I would do, I will put my statement in the record.

I would like to echo what you said about what this means to women around the world, and what an embarrassment it is to our Nation to be with North Korea, Iran, and Afghanistan in the way we treat women in not supporting this. We do not treat women here that way, but they want to hear from us because of how we are.

[The prepared statement of Ms. Woolsey follows:]

PREPARED STATEMENT OF REPRESENTATIVE LYNN WOOLSEY

Madam Chair, it's an honor to be here today. I thank you and the Committee for recognizing the importance of holding this hearing.

Out of the 22 years that the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) has been in existence, I have spent the last nine in Congress, pushing for the ratification of this incredibly important treaty. In fact, the first resolution that I introduced in the House was a resolution calling on the Senate to ratify CEDAW. That was in 1993 and I have reintroduced the resolution every Congress since. In that time we've subsequently gained more cosponsors, as well as more support from *all* sectors of Congress: Republicans, Democrats, Blue Dogs, New Democrats. The resolution that I have introduced in the 107th Congress, H.Res. 18, currently has 119 bipartisan cosponsors.

It's important to note that there is a groundswell of support for ratification, both here in Congress and among the local governments and grassroots organizations. At the end of last year, sixteen states and 58 U.S. counties and cities, including Mann County and the city of Santa Rosa—both in the district that I represent—had passed resolutions advocating U.S. ratification of CEDAW. In 1999, CEDAW supporters, including the Church Women United and the United Methodist Women, delivered more than 10,000 individually hand-written letters to Senators urging ratification of the treaty. That's 10,000! Needless to say, this has been a long battle for

CEDAW supporters. That's why I am so pleased to be here today to testify in support of CEDAW, and thank Senator Boxer for making this possible.

As part of our agenda to promote international human rights, we must recognize the importance of elevating the status of women. CEDAW is not about creating new rights, but about ensuring that women are able to exercise the same human rights as men.

CEDAW establishes a universal definition of discrimination against women, and provides international standards to discourage sex-based discrimination. These standards encourage equality in education, health care, employment and all other arenas of public life.

Some opponents of CEDAW claim that ratification of CEDAW would mean that we would have to abolish "Mothers Day" because it singles women out based on their gender. But under CEDAW, discrimination is defined as any difference in treatment on the grounds of gender, which intentionally or unintentionally disadvantages women, and prevents a society from recognizing a woman's rights in both the domestic and public arenas. So I am here to tell you that under this definition of discrimination, we don't have to get rid of "mothers' day," or any other day that is designated to celebrate women.

This comprehensive U.N. treaty serves as a powerful tool for all women as they fight against discrimination. CEDAW has led to substantial improvements for women's lives in countries including Japan, Brazil, Sri Lanka and Zambia. In fact, when Brazil redrafted its constitution, it used CEDAW as a framework for articulating human rights for Brazilian women. Their constitution now contains provisions on gender equality, gender-based violence, and equality of rights within marriage, family planning, and employment. These provisions parallel those contained in CEDAW.

To date, 169 countries have ratified CEDAW. However, as we all know, the U.S. is not one of these countries. In fact, the U.S. is the only industrialized nation that has not ratified CEDAW, a distinction that places us in the company of countries like North Korea, Iran and Afghanistan. The decision to abandon this unfavorable distinction is long overdue.

If we truly want to be regarded as a world leader and champion of human rights, we must teach by example and ratify CEDAW. We must also learn from example. The Taliban rule in Afghanistan was an illustration of how systematic violations against women sanctioned by governing authorities can lead to broader danger and instability. Clearly, a country cannot become stable and democratic if half its population remains oppressed.

As the U.S. works to help Afghanistan rebuild, we are presented with a shameful irony: while we are trying to teach the Afghan people that women must be an equal part of a post-Taliban democracy, we contradict ourselves by refusing to ratify the one international treaty that ensures the rights of all women. This is leading by example.

Women remain grossly under represented at the international level, and in some areas, they are not represented at all. The globalization of today's world makes the equal participation of women at the international level increasingly important. The inclusion of women in all areas of global affairs will make a difference in the policy and decisionmaking processes.

Women around the world are depending on the U.S. to show support for CEDAW because U.S. support will strengthen CEDAW's purpose and enhance its credibility. While countries that have ratified may not all fully comply with CEDAW, U.S. ratification puts us in a position where we can push for fuller compliance.

The time has come for the U.S. to join the other 169 nations that have committed themselves to safeguarding basic human rights and ending gender discrimination by ratifying CEDAW. Today's Senate hearing is a major step in that direction.

Thank you.

Senator BOXER. Well, we thank you very much for your great leadership on this from day 1 that you got into the Congress.

Congresswoman Davis.

**STATEMENT OF HON. JO ANN DAVIS, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.**

Ms. DAVIS. Thank you, Madam Chairman, members of the committee. Thank you for the opportunity to testify on the ratification of the Convention on the Elimination of all forms of Discrimination Against Women, or CEDAW. As you know, CEDAW requires par-

ticipating countries to take appropriate measures to eliminate discrimination against women in all facets of life. The convention also creates a committee to monitor the implementation of CEDAW, composed of representatives of 23 other countries. It is the work product of this implementing committee that I want to focus my testimony upon today, for no matter how laudable the goals of this CEDAW treaty may be, the attempted application of the principles of the convention by the committee has led to profoundly disturbing results, which do not advance the condition of women worldwide.

The committee has the responsibility for overseeing the implementation of the convention by reviewing reports submitted by participating countries. The committee then makes recommendations based upon the reports and responses to committee questioning. While this may initially appear rather benign, these recommendations exert a great deal of informal pressure upon countries that depend upon United Nations funding of human aid programs and the CEDAW committee has made some startling conclusions in implementing the treaty.

For instance, although the treaty specifically states that countries shall take measures to suppress the trafficking and exploitation of women, the CEDAW committee has actually called upon China to decriminalize prostitution, rationalizing that it is often the result of poverty. Similarly, it commended Greece for decriminalizing prostitution and providing a regulatory structure, and urged Germany to legitimize prostitution through labor and social law.

Members of the committee, this is simply inexcusable. Prostitution is inherently demeaning and degrading to women, and in no way promotes sexual equality. It in fact robs women of their dignity, spreads disease and death, and leads to a downward spiral of exploitation and the cheapening of human life. The committee has also criticized a country for the reintroduction of Mother's Day, arguing that it reinforces sexual stereotypes.

I believe that there are gender distinctions we should celebrate, and motherhood is one of them. I am proud to be the mother of two children, and I want to emphatically state that the celebration of motherhood does not demean women in any way.

Madam Chairman, it would be an understatement to say that these types of edicts, and these are only examples, do not promote confidence in the CEDAW committee. Since 1981, the U.S. Senate has had the opportunity to review how CEDAW has worked in practice, rather than theory, and there are no compelling reasons for our Nation to become a party to this pact.

Some may argue that if we do not ratify the treaty, then we will not have a place at the table in how CEDAW continues to be implemented. However, Madam Chairman, the committee is made up of representatives from 23 countries, many with very dubious human rights records of their own, giving any even well-intentioned efforts at reform by the United States little chance of success, were there even to be an American representative on that committee. In fact, to ratify the treaty I believe would send the implicit message throughout the world that the United States was endorsing the work of the CEDAW committee, and that is inexcusable.



Congress also needs to remember that we are a sovereign Nation with a representative democracy sufficient to address issues of gender discrimination and equality in our city councils, State legislatures, and Congress. In the United States, women's voices can be and they are heard, and we enjoy unparalleled opportunities and freedoms in this great country, and I might say that the women in Afghanistan that are enjoying their freedom now was because of our foot soldiers on the ground, and not the treaty.

Our country should enter treaties to promote its interests abroad, be it trade or defense-related, to name a couple. We should not become a party to a treaty full of broad and vague language that has been so recklessly interpreted in the past and only has the potential for more abuse in the future, nor should we be eager to have our laws and social structures pronounced upon by an international committee made up in part by representatives of nations with notoriously poor human rights records.

Madam Chairman, the United States is capable of addressing gender issues in its own free and democratic institutions, and becoming a party to this treaty would in no way further that end. At this time of war, and with such pressing security issues facing our Nation, I urge the Senate not to take up this ill-considered initiative, and I thank you, Madam Chairman.

Senator BOXER. Thank you very much, and just on your way out, and I am looking forward to having you all back if I can, I want to read for the record what the committee said about prostitution, OK. You said they called for legalization. They said, given the HIV/AIDS pandemic, the committee recommends that due attention be paid to health services for women in prostitution. The Government is also urged to take measures for the rehabilitation and reintegration of prostitutes into society, and the decriminalization of prostitution. It did not call for the legalization.

But I do want to make a point as a mother and a grandmother and a United States Senator from the largest state, I love Mother's Day, and this committee is not going to change my view on that, and clearly, as I said at the beginning, let us not change the subject from the treaty to the committee. The committee has no impact on any Government, it is clearly stated, and we will address this in our statements as we go forward.

Ms. DAVIS. If I might make a comment, Madam Chairman, we have to address the committee at the same time we address the treaty. I mean, we have to when we are considering becoming a part of that treaty, because the committee has had a great impact, and I did not say legalize prostitution, I said decriminalize.

Senator BOXER. Well, I would just make the point that we put it in the record that they talked about the sad case of these women getting HIV/AIDS. I just wanted to point out that we will deal with the committee. That is what I said in my opening statement. Just as Senator Helms dealt with abortion, we will deal with the issue of the committee when we talk about our statements and our comments and our reservations, so I really appreciate your bringing up the committee, because it fits into my opening statement, and I thank you very, very much.

Ms. Millender-McDonald, do you want to do your statement now?

**STATEMENT OF HON. JUANITA MILLENDER-McDONALD, U.S.  
HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.**

Ms. MILLENDER-McDONALD. I really have an extended statement. I would not want to water it down by doing it quickly. I would like to come back, but I certainly want to say how much I appreciate this committee having us come before it and want to applaud Congresswoman Lynn Woolsey for her tenacious commitment to this particular treaty.

Now, please give me some thoughts. Can I come back to speak on this, because there are two votes.

Senator BOXER. Yes. We will hold open until you return. we will have the other panelists. Senators from the Republican side will now speak to their heart's content, as long as they wish. As Congresswomen come in it is my intention to call on them even if we need to interrupt another panelist.

Ms. MILLENDER-McDONALD. Thank you, Madam Chair.

Senator BOXER. Senator, which of you would like to begin? Senator Enzi, thank you.

Senator ENZI. Thank you, Madam Chairman. As we have heard and will hear today, accounts of the history and status of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women, or CEDAW, the title itself promotes the right thing on behalf of women, and I sense that all of us here today share that view. Indeed, the name of this treaty draws good people to want to do good things, but ultimately it is not about the name.

What matters for us here is what is inside the convention. We find an assortment of measures both radical and ill-defined that belie its name, so for 22 years there has wisely been a lid on the Pandora's box, but from time to time curiosity takes control, as is the case today, but curiosity asks many questions, such as, how can we still be interested in the CEDAW agenda decades after the Carter White House sent it to the Hill, after Democrat administrations and Democrat-controlled Senates let it languish for 22 years?

The answer, in short, is that efforts to ratify CEDAW have been sustained by the politics of symbolism. Indeed, the convention addresses an important symbolic principle, one that the United States has supported in other anti-discrimination treaties throughout the 20th century. I suppose that the best intentions were at work when CEDAW was initiated at the United Nations during the Carter administration, but its elaboration was flawed. Perhaps U.N. group-think, the twists and turns of finding agreement, any agreement, is what torpedoed an otherwise useful effort, or perhaps extreme agendas came to dominate the outcome. This can happen in the U.N. setting, as we were reminded last autumn when the U.N. World Conference Against Racism, held in Durban, nearly fell victim to the type of hatred and stereotyping it was supposed to repair.

The big point is that CEDAW's advocates claim to be taking the moral high ground when actually they want to stand 6 feet on top of buried values, values that recognize and appreciate the diversity of people, be they man or woman, boy or girl. Meanwhile, the convention has not made any difference in eliminating discrimination

against women. Rather, it serves as a facade for continuing atrocities.

For example, its most admiring signatory countries do not adhere to the letter of CEDAW. China's Government practices forced abortion and sterilization. In Afghanistan, women were oppressed by a series of governments until liberation by U.S. and allied forces. France refuses unconditional extradition to U.S. fugitives who murder American women and girls. Germany, who signed, declines to return abducted American girls to their American parents. Iraq kills its own women and girls with chemical weapons. In Saudi Arabia, religious police let 14 girls die in a fire, rather than allow male rescuers to enter their burning school, and North Korea starves and oppresses its women and girls.

I do not want the United States' prestige to suffer by association with this group of anti-women rogues, and so I subscribe to the views that the ratification of CEDAW is not in the interest of the United States. Now, we will hear testimony as to its merits and demerits, but I am compelled to state that CEDAW would supersede U.S. Federal, and State law, surrendering American domestic matters to the norm setting of the international community. On this point, given its broad definition of discrimination, potentially it could tempt frivolous lawsuits in the United States.

So even if you believe that our country could get something useful out of CEDAW for civil rights at home, or that it would not bargain away any of its sovereignty, why should the United States lend its power and prestige to this misshaped convention? Why give cover to signatory States that continue to discriminate severely against women? Why try to breathe life into an agenda of stale goods whose expired shelf life makes them unhealthy for the United States and the international community?

Despite the fact that for years a democratically controlled Senate and the Clinton White House did not advance its ratification, which is also unlikely in the foreseeable future, CEDAW is in front of us again. So today, therefore, we must revisit these themes that have rightly given the Senate cause to contain its curiosity on this Pandora's box. We will learn a lot, we will advance a principle, but we have to be very careful of a treaty that is written this way.

Senator BOXER. Thank you, Senator.

Senator Brownback.

Senator BROWNBACK. Thank you, Madam Chairman, and I want to state at the outset I appreciate the hearing. I appreciate you hosting and holding the hearing. I have had the opportunity to work with the chairman on a number of vital women's issues over the years, something I am very proud of. In fact, our collaboration recently won the favorable attention of Ms. Magazine, which the chairperson noted to me, and something we have joked about may never happen again, at least not for me. It may for you, but perhaps not for me, but it has been a pleasure to be able to work with you.

Senator BOXER. Well, you have a chance today to get back in.

Senator BROWNBACK. We will see. We worked together on Afghan women about 4 years ago, putting forward a resolution calling on the United States and the U.N. to condemn what was taking place in Afghanistan toward women, and I think it was a helpful issue

that we brought forward at that time, and I am pleased we did that then, and pleased to see the Afghan women here today. I am looking forward to hearing the testimony, to hearing about the treaty, and the thoughts that people want to put forward. I want to have a good, candid discussion and dialog on the issue. I want to keep an open mind on it and hear what people have to say.

I would note one thing before turning the microphone over and then being able to hear witnesses. I think it really is actions that count more than the words. Afghanistan was a signatory in 1980 to CEDAW, and look what took place there. It is the actions I think that are the important thing, and I realize there is criticism of the Bush administration on this, but it is the actions that count, the actions of our putting forward troops, putting forward an aggressive effort, putting forward a push, an aggressive effort to see that women were involved in the Afghanistan cabinet. I worked with the chairperson on that issue as well.

The actions are the ones that matter to the women around the world, and I think the Bush administration has taken very strong actions here to liberate women and to provide opportunities. Afghanistan signed CEDAW, and yet what are its actions? I think that is what speaks far louder, and I hope that the United States continues to take a very active role, regardless of views on the treaty, and there are differing opinions on it in pursuit of the rights of women throughout the world, everywhere in the world, including Islamic portions of the world that we aggressively and strongly push for those rights of women.

I have traveled to many countries in the world, and I have seen a number of places, Madam Chairman, that women do not have significant rights or opportunities, many oppressed by their government to not have rights or opportunities, and it is the failings of those countries. I think the United States has a unique position and obligation to press for those rights for women throughout the world and aggressively to do so. It is the actions. It is the actions that count much more than the words, and I look forward to us continuing to be very strong in our actions in the support of women throughout the world.

Senator BOXER. Thank you so very much, Senator.

What we are going to do is to take a little break right after I make some comments regarding Senator Enzi's remarks, but before he leaves I want to make a couple of remarks, then we will take a little break. If in 5 minutes we do not have our Congresswomen back, we will go to the next panel and then we will bring them in.

Senator BROWNBACK. Madam Chairman, can I ask, why don't we bring up that next panel, because with two votes it is going to take them awhile.

Senator BOXER. That is what I said we would do.

Senator BROWNBACK. Rather than a break, why don't we just go.

Senator BOXER. I will make the decision. I think we are going to wait 5 minutes and then we are going to go, because I am trying not to disrupt the flow here, but here is what I wanted to say to Senator Enzi. The answer to the charge that the Democrats let this languish is this. In 1988 and 1990 the committee held hearings, this committee. It did not proceed because neither the Reagan nor Bush administrations, Bush I, supported CEDAW, and as you

know we do need the President to sign it. The Senate did move it forward under President Clinton in the 103d Congress, but it was blocked in the full Senate. It was reported out favorably.

Now, this administration wrote to us and told us that the treaty should be approved, so we are moving forward on that basis, but what I want to say, Senator Enzi, is when you say—and I will be glad to yield to you when I finish—from time to time curiosity takes hold when we look at the treaty, let me just say that my interest in the treaty is not that I am curious about it at all. I am not curious about it. I am very anxious to see it ratified in this, the greatest Nation in the world, and I want to see women have rights, so it is not about curiosity.

Second, he says the treaty is symbolic, and I want to point out a few specifics. In Colombia, it was not symbolic when the courts ruled in 1992 that the absence of legal recourse then available to a female victim of domestic violence violated her human right to life and personal security. The State now ensures protection for all women. In Uganda it was not symbolic when the State and cities created programs to campaign against domestic violence using State funds for the purpose that is cited in CEDAW. In Costa Rica, the courts are authorized to order an abusive spouse to leave the home and to continue providing economic support, and CEDAW played a big role there. In promoting girls' education in even Switzerland, and Slovenia, and Pakistan, which has a long way to go, and India, when they made progress CEDAW was cited. In improving health care in many countries, Australia, Israel, the Philippines, Argentina, Mexico, and Australia, CEDAW was cited. Improving women's lives at work, CEDAW was cited in many countries, ensuring legal rights in Tanzania, Zambia, Uganda, Botswana, so on the ground it is not a symbolic thing.

Now, in our country, because we are the leader, it is not going to force any changes in the laws, I would agree with you there, that is clear, but what we are hearing from our Afghan women friends and from others is, if the United States does ratify this, it gives us moral authority when we go around to other countries and ask them to please respect the rights of women. It is a pretty simple thing, I think, and so I just wanted to put my disagreements with you into the record, and I would be glad to yield to you for as much time as you might have to respond.

Senator ENZI. Madam Chairman, I do not want to take up time from Senator Feingold, but I do have additional comments I would like to put in the record that I did not include in that, places where the idea of the treaty has failed, places where the committee has absolutely gone against at least the principle of the treaty, and places where the United States would be giving up some of its sovereignty if it were to go into the treaty, and I think those are reasons why it has not been taken up.

If a treaty is taken up by the U.S. Senate and passes by the majority that is necessary to pass a treaty, I do not think there is much chance that a President who put that forward would be vetoing the treaty.

Senator BOXER. I am very delighted to see that we have been joined by Senator Russ Feingold, and we would recognize you to make an opening statement.

Senator FEINGOLD. I simply would like to put my statement—well, I will talk for 30 seconds. I would like to put my longer statement in the record. What I wanted to do is just commend you, Madam Chair, because I remember when you and I were the only Democratic Senators here at an attempt to bring this up a while back, and a group of our distinguished Congresswomen came here and sat in the audience and were concerned about this, and it was kind of a lonely time, and it is only because of your leadership. You are the driving force behind this. It is long overdue. I get very frequent contacts from people in my State that they want this done, and so I just want to commend you, and I am delighted that this is getting the leadership it needs.

[The prepared statement of Senator Feingold follows:]

PREPARED STATEMENT OF SENATOR RUSSELL FEINGOLD

I am pleased to be here today to consider the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Since my election to the Senate, I have called for the ratification of this important treaty, and I have been amazed and perplexed through the years that the United States has remained one of the few countries in the world that has not ratified this bedrock human rights document.

The commitment of the United States to the fundamental human rights of all women and girls cannot be questioned. Yet we have refused to join the primary international mechanism for promoting and protecting the rights of women and girls around the globe. We have had twenty-two years now to consider this ratification. I urge my colleagues to stop hesitating. Our hesitation is an embarrassment to this body and to the United States. We must ratify this treaty, and we must ratify it now. Our ratification stands to send an important message to the larger world about our commitment to the rights of women and girls, while lending additional support and momentum to the work of the body that administers CEDAW.

We all know that discrimination against women robs a country of the talents and productive resources of at least half of society. But it is important to reflect on this point. Think, if you will, of the development potential that is lost every day in so many developing countries, and of the vast potential that will continue to be lost so long as girls and young women face discrimination in accessing education, careers, economic credit, and participation in the political life of their country. Think, too, of the lives that are lost as a result of more violent patterns of discrimination. Think of the women and girls who are denied access to health care, or denied the right to make decisions about their care; think of those who face prosecutions or death for asserting their sexual or reproductive autonomy in defiance of fathers, husbands, or brothers; think of the endemic crisis of domestic violence, and the failure of so many governments and societies to address the epidemic. Women are literally dying because of persistent patterns of discrimination.

In recent months we have listened with horror and shock as the women of Afghanistan have emerged from their enforced seclusion to describe years of abuse. The world has witnessed few more egregious examples of institutionalized discrimination against women, but we must also recognize that women in many other societies are living equally restrictive lives. I can think of no better way for the United States to encourage governments around the world, including the new government in Afghanistan, to respect the rights of women than for us to ratify CEDAW.

I look forward to this hearing today, and I look forward to swift action to ratify this Convention. It is time for the United States to join the 169 other nations that have ratified CEDAW. And it is time for all of us to make a personal commitment to eliminating all forms of discrimination against women and girls worldwide.

Senator BOXER. I would commend you, Senator. It is an honor to serve with you on this committee.

I was given statements by Senator Dodd and Senator Nelson. I am going to place them in the record.

[The prepared statement of Senator Dodd follows:]

## PREPARED STATEMENT OF SENATOR CHRISTOPHER J. DODD

Good morning. I would like to welcome our witnesses to the committee, and thank them for coming here to testify on a topic that I believe to be of vital importance, the Convention to Eliminate All Forms of Discrimination Against Women. This hearing has been a long time coming, and, in my view, serves an important purpose. It is high time that the United States, as the only industrialized democracy that has not ratified CEDAW, make clear its policy toward this treaty and the broader issue of discrimination against women.

The United Nations Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW, is in essence a "Bill of Rights" for women worldwide. It is the first and only tool available to address women's political, cultural, economic, social, and family rights on a global level. When this treaty was drafted in 1979, it represented the initial step in the development of human rights language for women throughout the world.

Unfortunately, while the rest of the world has built upon the foundation of 1979, the United States lags woefully behind. As of May 2002, 169 countries have ratified CEDAW, yet the United States is among a small number of countries, including Afghanistan, Iran, and Sudan, that have not yet taken the important step of ratification. Negotiations on this convention were completed under the Carter Administration in 1980, and the treaty was formally transmitted to the Senate on November 12, 1980. Although the Senate has held many hearings on this treaty over the past few years, it has never been brought to the Senate floor for a vote. The United States made ratification of the Women's Convention by the year 2000 one of its public commitments at the U.N. Conference on Women in Beijing in 1995. It is now up to us to honor this commitment.

In my view, the United States must recognize the positive impact that the treaty can have internationally, and act accordingly to ratify this treaty as soon as possible. Already, CEDAW has promoted the development of citizenship rights in Botswana and Japan, inheritance rights in the United Republic of Tanzania, and has fostered political participation in Costa Rica. Domestic violence laws have been developed in countries such as Turkey, Nepal, South Africa and the Republic of Korea, as have anti-trafficking laws in the Ukraine and Moldova.

As long as the United States remains a part of the small minority of nations that has not ratified the treaty, the country's credibility as a world leader in human rights is grossly compromised. The United States has and must continue to set an example for other nations to follow. Without U.S. ratification, other nations may feel at liberty to ignore CEDAW's mandate and their responsibilities under it. The United States must continue in its quest for equality and send a message to the rest of the global community that discrimination against women must end.

On a domestic level, CEDAW ratification would promise positive implications for women in our nation. The treaty would encourage women and girls to pursue vocations in math and science through the recruitment of female workers, as well as the expansion of both private and public programs that boost participation in these fields that are currently dominated by men. In regard to sexual harassment, a pressing issue for the United States, the treaty encourages schools to adopt and enforce stronger sexual harassment policies.

Discrimination is an active force in employment even today. CEDAW seeks to eliminate any and all gaps that exist between the employment of men and women in the work force. Through the treaty's ratification, the United States would be forced to take necessary measures to introduce paid maternity leave without the loss of employment seniority, merit, or benefits. Twenty-two of the nations that have ratified the treaty have instituted laws and policies to promote equal opportunities for females in employment; the United States must follow suit, building on the success of the FMLA.

In our country, domestic violence is and has been an issue of nationwide concern. Only 44 percent of all rural counties have full-time prosecutors for violent crimes against women, and women in these areas do not even have sufficient legal representation to combat domestic violence if they choose to seek it. Ratification of the treaty would encourage the United States to provide more sufficient social and legal services.

CEDAW has great domestic and global implications. Rarely does this committee have the opportunity to consider actions that can affect so many people in all corners of the globe. Especially now, as the US seeks to encourage active participation of women in Afghanistan, we must finally step up to our leadership role in this debate. I thank Senator Boxer for holding this hearing today to encourage the Senate to do just that.

I would like to take this opportunity to thank our witnesses for coming, and especially recognize a distinguished scholar from my state of Connecticut. The Honorable Harold Hongju Koh, former Assistant Secretary of State for Human Rights and a Professor at Yale Law School, is with us today and I welcome him to the committee and thank him for his important contributions to our country and this dialogue.

I am hopeful that this hearing will further urge this committee toward the ratification of a treaty that is sorely needed and necessary for the advancement of our domestic and international community. The time for ratification of the CEDAW treaty is now.

[The prepared statement of Senator Nelson of Florida follows:]

STATEMENT FOR THE RECORD SUBMITTED BY SENATOR BILL NELSON OF FLORIDA

I would like to praise Chairman Biden for calling this hearing, as well as Senator Boxer for her leadership on this issue. The time for U.S. leadership to advance women's rights around the globe is now. We can take a significant step forward using the bully pulpit of our nation's position as the beacon of freedom, and as an advocate of human rights and equality when this committee reports, and the full Senate ratifies, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Treaty. Twenty-two years of inaction is inexcusable. It is time to put force and substance behind repeated U.S. calls for the advancement of women's rights in all parts of the world by ratifying CEDAW.

Senator BOXER. Senator Dodd says he hopes this hearing will further urge this committee toward the ratification of a treaty that is sorely needed and necessary for the advancement of our domestic and international community. He says the time for the ratification of the CEDAW treaty is now.

So what we are going to do at this point is take a 5-minute break and in 5 minutes if, in fact, the women have not returned, or at least one for the panel, we are going to go to the first two pro and con witnesses in the next panel, so for 5 minutes we will take a break. We stand in recess until 11:01.

[Recess.]

Senator BOXER. The committee will come to order. I see we have our Congresswomen back. We are most grateful for you moving so quickly, and then right after they are completed we will hear from our next panel, and we are going to lead it off with Hon. Jeane Kirkpatrick and then we will get to the rest of the panel, so why don't we continue where we left off.

Congresswoman Woolsey, would you like to add to your very eloquent statement that you made before, and I would ask the audience—we are going to move really quickly here. Yes, Congresswoman.

Ms. WOOLSEY. I am trying to find where I left off. OK, CEDAW. Thank you for doing this and being so patient with us. We have 2 hours now.

Senator BOXER. Well, I do not, though.

Ms. WOOLSEY. CEDAW establishes a universal definition of discrimination against women and provides international standards to discourage sex-based discrimination. These standards encourage equality in education, health care, employment, all other areas of public life. Some opponents of CEDAW claim that ratification would mean that we would have to abolish Mother's Day. That is sort of what we heard with one of the other witnesses, because it singles women out based on their gender, but under CEDAW discrimination is defined as any difference in treatment on the grounds of gender which intentionally or unintentionally disadvan-



tages women and prevents a society from recognizing a woman's rights in both the domestic and public arenas. I am here to tell you that under this definition of discrimination we will not have to get rid of Mother's Day or any other day that is designated to celebrate women.

This comprehensive treaty serves as a powerful tool for all women as they fight against discrimination. CEDAW has led to substantial improvements for women's lives in other countries, including Japan, Brazil, Sri Lanka, and Zambia. I am going to leave off here, because I have said in general that it is an embarrassment not to be part of this as the leading Nation in the world, and I yield to my other colleagues.

Senator BOXER. Thank you so much. We are going to ask Hon. Connie Morella now to address us.

**STATEMENT OF HON. CONSTANCE A. MORELLA, U.S. HOUSE  
OF REPRESENTATIVES, WASHINGTON, D.C.**

Ms. MORELLA. Thank you. Thank you, Madam Chair. I want to congratulate you for holding this long overdue hearing on the Convention on the Elimination of all Forms of Discrimination Against Women. I am pleased to join my colleagues, Congresswoman Woolsey, Congresswoman Maloney, and Congresswoman Millender-McDonald—

Senator BOXER. Would you pull the microphone up?

Ms. MORELLA [continuing].—I certainly shall. I join them in strong support of its full ratification. I thank you for allowing us this opportunity to speak for many Members in the House of Representatives who feel as strongly as we do.

Madam Chair, as you know, the Senate has already agreed to the ratification of several important human rights treaties, including the Genocide Convention, the Convention Against Torture, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Racial Discrimination. CEDAW established a worldwide commitment to combat discrimination against women and girls, yet the United States has neglected our responsibility to participate. While 169 countries of the world have ratified or acceded to CEDAW, and the United States is among a small minority of countries, including Afghanistan, North Korea, Iran, and Sudan which have not.

Previous administrations have proposed a small number of reservations, understandings, and declarations to ensure that United States ratification fully complies with all constitutional requirements, including the rights of States and individuals. The legislatures of California, Iowa, Massachusetts, New Hampshire, New York, North Carolina, South Dakota, and Vermont have all endorsed United States ratification of CEDAW. Also, over 100 United States-based civic, legal, religious, educational, and environmental organizations, including many major national membership organizations, support ratification of CEDAW, and yet we have seen no Senate action since President Carter signed the treaty and submitted it to the Senate for its consent in 1980.

We did, of course, hear that this committee had passed it out in 1994. Our overdue ratification of CEDAW would allow the United States to finally nominate a representative to the CEDAW Over-

sight Committee. Our vocal support for the human rights of every individual. Our role as a world leader should mandate our support for CEDAW, and our lack of action, quite frankly, is nothing short of embarrassing.

The statistics surrounding the abuse and discrimination of women is staggering. Around the world at least one in every three women has been beaten, coerced into sex, or otherwise abused in her lifetime. Violence against women is one of the most common human rights violations, and it takes many forms: physical, sexual, and psychological. It cuts across most country's social groups and socioeconomic classes.

Violence against women can occur in every setting: homes, streets, schools, and places of work. Violence is a multidimensional issue that stems from women's subordinate status in society, women's economic dependence on men, and women's overall lack of power, as is the case most commonly in developing nations. In most societies around the world there are beliefs, norms, and social institutions that legitimize and perpetuate violence against women.

Women are particularly vulnerable to violence during times of political upheaval and economic instability. Although rape as a weapon of war has been internationally condemned, armies continue to use it in conflicts around the globe. For example, in 1992, as many as 20,000 women were raped in the first few months of the war in Bosnia-Herzegovina, and most recently we hear horrible accounts of women and girls being raped in Afghanistan as they try to return to their homes from refugee camps.

Violence prohibits many women from participating in the economy, being active in civic life, accessing educational opportunities, and obtaining health care. One out of every five healthy years of life are lost to women ages 15 to 44 as a result of violence. This loss of productivity impairs women's economic development and overall growth in their respective national economies.

War and violence have uprooted and displaced 35 million people worldwide from their homes; 80 percent of these refugees are women and children. They have little access to basic food, medical care, hygiene, and shelter. But women are not only victims, they are taking the initiative to reach across the conflict divide and foster peace. In Mali and Liberia women joined together to collect arms, in Northern Ireland, Catholic and Protestant women created joint community development projects; and yet, despite women's positive roles in fostering peace, they are excluded from most peace negotiations.

The United States should actively engage in ways to eliminate the brutality that women face around the world. One of the first and most basic steps is to adopt the objectives of CEDAW. We can also strengthen our support for programs that advocate for protective legislation, judicial accountability, and enforcement of existing laws relating to the prevention of violence against women and girls. We should also encourage the integration of violence intervention into all sectors of the United States' international development assistance, invest in a variety of intervention programs, strengthen women's economic opportunities in order to improve their options and their negotiating power outside of and within the home, and encourage communities to design response capabilities like health,

police, judicial, and social services to respect the autonomy and meet the needs of victims.

Madam Chair, thank you again for this opportunity to share our frustration for the 22 years of basic inactivity on CEDAW. I hope that this hearing will finally create some movement, some momentum on the Convention on the Elimination of all Forms of Discrimination Against Women. It is belated, but I think the time is now. I think this will be the beginning of that ratification by the Senate. I sincerely believe that its ratification will finally give the force of international law to our effort on behalf of women's rights, and also give us the credibility to be taken seriously on this issue when we advocate with foreign governments on behalf of human rights.

So I thank you, Madam Chair, and I thank Senator Brownback for being here also, and other members of the committee who have been here.

Senator BOXER. Thank you so much, Congresswoman.  
Congresswoman Maloney.

**STATEMENT OF HON. CAROLYN B. MALONEY, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.**

Ms. MALONEY. Thank you, Senator Boxer, Chairman Biden, other members of the committee. On behalf of the U.S. House of Representatives, and especially on behalf of the women Members and supporters of the rights of women worldwide, I commend you for holding this hearing on CEDAW, the treaty for the rights of women.

This hearing is an important step toward ratification of the treaty and a step toward equality for women worldwide. This hearing is long overdue, more than 22 years overdue. This week is an historic one for women. Here we are considering a step in which the United States would officially join the world community in supporting the rights of women. Meanwhile, across the globe in Kabul, Afghanistan, women are talking about and are taking part for the first time in the Loya Jirga, the assembly of leaders who will determine the future of that shattered country.

I hope that future will include ratification of the CEDAW treaty for the rights of women. I would hope that in the year 2002, both the United States and Afghanistan will join the 169 other countries that have already ratified the treaty for the rights of women. Let's face it, 169 countries cannot be wrong.

Why is the treaty for the rights of women so important? It is the bill of rights for women worldwide. It sets up standards for the treatment of women. It is a framework from which any country can build programs that can save women's lives and bring women into the economic mainstream of development. If we are serious about helping women in Afghanistan, we will ratify the CEDAW treaty. If we are serious about making sure that the Taliban's terrible actions against women will never, ever happen again anywhere, we will ratify the CEDAW treaty. If we are serious about saving women's lives, we will ratify the CEDAW treaty.

How does the treaty work? It outlines what equal treatment for women looks like in everyday life, in legal rights, education, health care, employment, politics, and finance. The United States is already among the world's leaders in rights for women, and ratifica-

tion would not require us to change a single one of our laws; but the situation is different in other countries. Too many women cannot speak out, out of fear of being beaten. Too many women are sold as sex slaves. Too many are raped as a weapon of war. Too many girls still cannot go to school, and too many women are not allowed even to inherit property.

In places like that, women and their governments have used the terms of the CEDAW treaty to set up primary school and health care programs for girls, for example, and to get women the right to vote and to inherit property. Organizations have used it for guidance in setting up programs to keep women from being beaten or killed by husbands in dowry disputes or to provide safe motherhood kits.

But the United States needs to ratify the treaty, too, in order to give strength to these movements. I have had the privilege of taking part in events worldwide related to implementing the CEDAW treaty. I was the congressional co-chair of our delegation to the Fourth World Conference on Women in Beijing, China, in 1995. I am a member of several groups of parliamentarians who represent hundreds of countries.

Often, I am asked, "Why hasn't the United States ratified CEDAW? Don't you know how important this treatment is for our country and around the world?" Senator Boxer, it is tremendously embarrassing as a Member of Congress to face these questions, especially when President and Mrs. Bush have spoken so forcefully about the need to help women in Afghanistan. I can only tell people that the reason we have delayed so long is that too many Senators have serious misunderstandings about what the treaty really does.

Let me now discuss some of these misunderstandings for one brief moment. Opponents of this treaty have called it a radical version of the Equal Rights Amendment. I have to say, I only wish that that were true. I wish this treaty did have the power to require Afghanistan and other countries to treat women fairly, but the truth is that it has no true enforcement mechanisms. Ratification requires no change in anyone's laws. The treaty's only power is the power of public opinion.

Critics say the treaty will let the United Nations meddle in U.S. family life, or that it will generate a flood of lawsuits. Not true. It authorizes nothing that is not already possible here.

Senator Helms, I believe, has said this treaty has, "a radical anti-family agenda, close quote, that denigrates motherhood and seeks to level out all distinctions between men and women." With respect, this is just not true, and I ask you to look carefully at the facts. The CEDAW committee's words on these matters have been twisted and taken out of context by treaty critics.

For example, the critics say the committee wants all children to be in day care rather than at home with their mothers. This is an extreme distortion of a remark the committee made about the situation in Slovenia, where only 30 percent of young children of working parents, fathers and mothers both working, were in day care. Only 30 percent were in day care. The committee noted that the other 70 percent were missing out on possible education while their mothers and fathers were at work. They were home alone.

Critics say the treaty would promote abortion because it endorses family planning and that is a code word for abortion, but family planning is no code word. President Bush supports family planning and the right of every couple to plan the number and spacing of their children. The CEDAW treaty has been certified as abortion-neutral by the State Department; Senator Helms led the way in making this explicit back in 1994, adding a formal understanding to the treaty that notes it does not guarantee any right to abortion.

In a number of cases, critics say the CEDAW committee came out against motherhood. In truth, the committee was lamenting stereotypes about women that some countries use to justify laws discriminating against them, or to let men avoid sharing family responsibilities. This was the case in Armenia and even in Denmark and Luxembourg.

The committee rightly said that honoring, “the noble role of the mother,” and setting up Mother’s Day, is no excuse for keeping pregnant women from working or denying women their job benefits. The vast majority of American women would agree with that. In fact, an overwhelming majority of American women and men support U.S. ratification of CEDAW, just as they support full human rights for women and men.

Already, 16 States and several dozen cities and counties have passed resolutions calling for ratification, including Los Angeles, Boston, and New York. It is not just women in other countries who would benefit if the United States ratifies this treaty. American women have many rights, but they still lag behind men in some important areas.

In January, my colleague, Representative John Dingell and I released a report from the General Accounting Office that compared the—

Senator BOXER. Congresswoman, could you wrap it up here, please?

Ms. MALONEY [continuing].—salaries of U.S. men and women in management, and it found that men’s pay remains higher than women’s in virtually every field, and that in seven fields the gap has actually gotten worse since 1995. Other studies have found that large majorities of American women think the glass ceiling is stronger than ever before. Men seem to think it is only women’s lack of experience that keeps them out of the executive suite, or that women prefer it that way. Women know better.

If we ratify the CEDAW treaty, none of these things would change overnight, and the treaty could not require any additional laws to change them, but it would be a signal that the U.S. Government is committed to promoting and protecting the equality of opportunity for its own citizens; it would set the stage for U.S. leadership, ensuring that women are fairly treated here and around the world. This action is long overdue.

In closing, I would just call for ratification and join you in recognizing and applauding the four women who have come here, two from Afghanistan, Nafisia, Nasiba, and Dr. Joji from India, and Azina from Egypt.

Senator BOXER. Thank you very much.  
Congresswoman McDonald.

Ms. MILLENDER-MCDONALD. Thank you, Madam Chair. It is good to see you in the seat. You have absolutely been tenacious on behalf of women in trying to pass this treaty. I also would like to thank my dear friend and colleague, Congresswoman Lynn Woolsey, who, too, has been tenacious and has had a commitment to passing CEDAW.

I speak for those young women who are outside of this door who are unable to come into this committee room today. We all know that 169 countries have ratified this treaty for the rights of women, and yet our own country, the United States, is the only industrialized western nation not on the list. Madam Chair, given our position in the world, by failing to endorse this treaty we are compromising our credibility as a world leader for human rights.

The treaty for the rights of women provides benchmarks against which countries can measure their domestic and foreign policies with regard to women. Our Government made a public commitment at the United Nations Conference on Women held in Beijing in September 1995, and at that time we said that we would ratify this treaty by the year 2000. Well, 2000 has come and gone, and we have yet to honor that promise.

The treaty is a tool that women around the world are using to fight the effects of discrimination. We all know the statistics. Women and children are the poorest groups of our societies. Increasingly, women and children are the primary victims of war. When we reflect on the desperate plight of Afghan women, which you have been in the lead on, they have been terrorized, tortured, and stripped of all human rights and human dignity under this Taliban law.

We realize that the United States must make every effort to prevent similar tragedies from occurring in other rogue States and nations. By ratifying this treaty, Americans would be adding a powerful voice to the ongoing fight against violence against women. However, if we fail to ratify the treaty we are sending a very different signal to the world. We need to be able to speak out loudly and strongly on the violence against women, and to be able to point to our country's signature on the treaty. Without our ratification, we are arguing from a position of weakness.

Because the United States is not a signatory, some Governments may feel free to ignore the treaty's mandate and their obligation under it. By ratifying the treaty, the United States will enforce and reinforce its commitment to the elimination of discrimination based on gender. In addition, by ratifying this treaty, the United States would gain international credibility and influence in three ways.

First, we would be adding our voice as the most powerful Nation in the world to the treaty for women's rights.

Second we would be entitled to wield even greater influence in the fight against violence and discrimination based on sex. This is because we would be entitled to nominate a United States' expert to be a member of this committee on this treaty. The committee is responsible for only monitoring the status and the treaty of women from countries that have ratified this treaty. They only try to make sure that we are in compliance.

A report based on the committee's observation is presented regularly to the United Nations. One function of the report is to reveal

human rights abuses and to encourage the countries where abuses have occurred to change their discriminatory laws. For instance, measures are being taken in many countries to stamp out the sexual exploitation and trafficking of women and girls. I met just yesterday with about 10 African women who are speaking about the trafficking, this horrific thing that happens to women in other countries and the exploitation of their children. This is real. This is real, committee members, and we are begging for this committee to ratify this treaty. A United States expert would bring to the committee and to the United Nations the knowledge, the experience and benefit of our own experience in combating discrimination against women.

The third advantage that the United States would gain from ratifying the women's treaty relates to women in our own country. While women in the United States can access legal protections against violent attackers, the fact is that incidents of violence remain high right here in our country. Every year, about 3 million women are physically abused by their husbands or boyfriends, and unfortunately this has been documented by the United States Department of Justice Study in 1998 and the Commonwealth Fund study in 1998. Ratification of the treaty for the rights of women would send a signal to perpetrators and victims alike that the United States is serious about eliminating violence at home as well as abroad.

Madam Chair and members of this committee, it is for this reason that I join my colleagues today asking you to support this resolution and to please pass it so that we women across this country and across the world can feel that we are helping in the elimination of discrimination.

Thank you, Madam Chair.

[The prepared statement of Ms. Millender-McDonald follows:]

PREPARED STATEMENT OF CONGRESSWOMAN JUANITA MILLENDER-MCDONALD

MADAM CHAIR: The United Nations Treaty for the Rights of Women—also known as CEDAW (the Convention on the Elimination of All Forms of Discrimination Against Women) provides a universal definition of discrimination against women. The Treaty for the Rights of Women provides benchmarks against which countries can measure their domestic and foreign policies with regard to women.

One hundred and sixty nine (169) countries have ratified the treaty but the United States is the only industrialized western nation not on the list. By failing to endorse the treaty, we compromise our credibility as a world leader for human rights. Our Government made a public commitment at the United Nation Conference on Women held in Beijing in September 1995. At that time, we said that we would ratify the treaty by the year 2000. The year 2000 has come and gone and we have not yet honored that promise.

The Convention is a tool that women around the world are using to fight the effects of discrimination. We all know the sad statistics—women and their children are the poorest group in all societies. Increasingly women and children are the primary victims of war. When we reflect on the desperate plight of Afghani women—terrorized, tortured and stripped of all human rights under Taliban rule—we realize that the United States must make every effort to prevent similar tragedies from occurring in other rogue states.

By ratifying the treaty, Americans would be adding a powerful voice to the ongoing fight against violence against women. However, if we fail to ratify the treaty, we are sending a very different signal to the world. We need to be able to speak out loudly and strongly against violence against women—and to be able to point to our country's signature on the treaty.

Without our ratification, we are arguing from a position of weakness. Because the United States is not a signatory, some governments may feel free to ignore the trea-

ty's mandate and their obligations under it. By ratifying the treaty, the United States will reinforce its commitment to eliminate discrimination based on gender.

In addition, by ratifying the treaty, the United States would gain international credibility and influence in three ways.

First, we would be adding our voice—as the most powerful nation in the world—to the treaty for Women's Rights.

Second, we would be entitled to wield even greater influence in the fight against violence and discrimination based on sex. This is because we would be entitled to nominate a United States expert to be a member of the Committee on the treaty (CEDAW). The committee is responsible for monitoring the status and treatment of women from countries that have ratified the treaty. A Report based on the committee's observations is presented regularly to the United Nations.

One function of the report is to reveal human rights abuses—and to encourage the countries where abuses have occurred—to change discriminatory laws. For instance, measures are being taken in many countries to stamp out the sexual exploitation and trafficking of women and girls. A United States expert would bring to the committee—and to the United Nations—the knowledge, experience and benefit of our own experience in combating discrimination against women.

The third advantage that the United States would gain from ratifying the Women's Treaty relates to women in our own country. While women in the United States can access legal protections against violent attackers, the fact is that incidents of violence remain high. Every year, about three million women are physically abused by their husband or boyfriend. (United States Department of Justice study in 1998 and a Commonwealth Fund study in 1998.) Ratification of the Treaty for the Rights of Women would send a signal to perpetrators and victims alike that the United States is serious about eliminating violence at home as well as abroad.

It is for these reasons that I support the Resolution that the Senate should consent to the ratification of the Treaty for the Rights of Women (CEDAW).

Thank you, Madam Chair.

Senator BOXER. Thank you very much. We want to thank the panel. It has been sort of a stop-and-go start, but we got you all in, and we are very happy. Have a good day. I want to also thank Hon. Jo Ann Davis who came with a con view on this treaty.

We are going to move very quickly to the second panel. We are going to lead it off with Hon. Jeane Kirkpatrick, who is against the treaty, and then go to Hon. Harold Hongju Koh, professor at Yale Law School, and I am going to ask the panelists if they could move quickly, because *tempus fugit*, and we need to move forward. Thank you.

Next will be Juliette McLennan, who is pro, then Kathryn Balmforth, who is con, then Christina Sommers, who is con, so the next panel will be three pro and three con. We are going to lead it off with Ambassador Kirkpatrick. I am going to ask her if she could take a seat right now, and ask the Congresswomen if they could allow that to occur, and we are going to start with Hon. Jeane Kirkpatrick, and I am going to ask the panelists to put your statement in the record.

If you want to read it, that is fine. We are going to let you know when 5 minutes is up, we will give you an additional minute, and I would ask all the other panelists to please join the other two if they would at this time, Juliette McLennan, Jane Smith, Ms. Balmforth, Dr. Sommers, if they will all join, and as soon as they are set up we are going to start.

Thank you all for your great patience, and we will be bringing you water, and we will start with you, Ambassador Kirkpatrick. We are very pleased you could come, take time out of your busy schedule. Please open.



**STATEMENT OF HON. JEANE KIRKPATRICK, SENIOR FELLOW  
AND DIRECTOR OF FOREIGN AND DEFENSE POLICY STUD-  
IES, AMERICAN ENTERPRISE INSTITUTE, FORMER PERMA-  
NENT REPRESENTATIVE TO THE UNITED NATIONS, WASH-  
INGTON, D.C.**

Ambassador KIRKPATRICK. Thank you very much, Senator Boxer.  
Senator BOXER. And let us pull the mike real close to you so ev-  
eryone can hear you.

Ambassador KIRKPATRICK. Thank you very much, Senator Boxer.  
Thank you for inviting me to testify today. I want to address three  
questions very briefly:

1. Is there significant discrimination in the world?
2. Will the passage of the convention on the elimination and dis-  
crimination solve the associated problems?
3. Will it help the women who need help most?

Finally, maybe we ought to say, what could we do that might?

The answer to the first question is, the widespread discrimina-  
tion in many societies, including most Third World societies, most  
societies in the world, the answer is yes, clearly, obviously in most  
societies. Many, if not most, girls and women have little control  
over their lives. Almost all women are denied equal rights, equal  
educational opportunity.

In many Third World countries, as you know, women can neither  
choose their husbands nor their marital status, nor control the size  
of their families. In many of these countries women are denied con-  
traception, access to contraception, even if it is widely available in  
their countries.

In a number of countries in Africa and the Middle East societies,  
women are trapped in early and polygamous marriages, denied  
education beyond elementary school, if that, and destined to live as  
dependents and paupers. Should they become widows, these are  
miserable circumstances. I can hardly bear to think about them.  
There are countries in which bride-burning is still a practice,  
widow-burning is still a practice. These are dreadful situations.

If one thing is clear, it is that there are no global standards  
agreed upon about what constitutes discrimination against women  
particularly. It is also true, of course, that most of the issues asso-  
ciated with women specifically, like marriage and child-bearing are  
dealt with casually if at all in most societies.

What I am going to address very briefly is, what could a conven-  
tion eliminating discrimination do for women who are trapped, for  
example, in the codes governing marriage? What could they do for  
that Nigerian woman that we read about not long ago who was  
sentenced to be stoned to death because she was thought to be  
guilty of adultery? I guess she was finally pardoned, or that sen-  
tence was suspended. Only at the very last moment, though.

This convention unfortunately is unable to have much effect. Be-  
cause I lived at the U.N. for 5 years I became extremely impressed  
with the emptiness of words. I would like very much to see women  
all over the world have all of the rights that are enumerated in  
CEDAW. I would like to see women all over the world have all of  
the rights enumerated in the Universal Declaration of Human  
Rights, I might say, too, and I believe that it is important, it is  
more important to do than to speak.

It would be very important, in my opinion, if we desire to make the U.N. a seat of improvement of the status of women, if the U.N. desired to make the U.N. the site of improvement and elimination of discrimination against women, they could begin with their own personnel policies which, though less discriminatory than they have been in past times, remain highly discriminatory. Very few women ever manage to make their way out of the lower ranks of U.N. personnel systems.

They could also systematically eliminate discrimination against women in each and every one of their international programs, refugee programs, development programs, health programs, where when I visited those programs and supported them, I saw with my own eyes the incredible discrimination against women in some of the refugee camps, above all in the Afghan refugee camps, actually, in the eighties. The U.S. and U.N. were both trying to respect traditional culture, which made paupers and beggars out of the women in the camps, and most of the people in the camps were women.

What really bothers me is the impression that people have that they have solved the problem because they have passed their U.N. treaty. The fact is, U.N. treaties read well and they act almost not at all. I mean, they simply do not lead to improvement and progress almost never, and unless and until there is implementation, then, of the treaties, and that is true for all the treaties, I might say, not just this treaty but all the treaties, and until there is implementation of the treaties—

Senator BROWNBACK. Madam Chairman, could she proceed?

Senator BOXER. I have not stopped anybody.

Senator BROWNBACK. I just wanted to make sure she has the ability to proceed. She is probably the most knowledgeable witness we will have here today and—

Senator BOXER. I think every single person here is extremely knowledgeable, and I did not intend to cut her off at all, and I said to all that the bell will go off in 5 minutes and then you can conclude as you wish.

Senator BROWNBACK. I am glad you did not intend to cut me off, either, but if she could just have that time to speak.

Senator BOXER. Let me just reiterate what I said at the beginning. We set the clock for 5 minutes because of the press of time. Everyone can take as much as they need to then conclude their remarks. The chair will permit that. Please proceed.

Ambassador KIRKPATRICK. I understand that, Madam Chairman, and I thank you for that. I just want to emphasize that I believe it is cynical, if I may, to pretend that ratifying the global treaty will transfer or transform the practices of discrimination against women in almost all the societies in the world. If we want to help women in the most oppressed societies, I think we should above all try to share the lessons that American women have learned from experience.

We should emphasize implementation of the Universal Declaration of Human Rights, because, Madam Chairman, one thing I am certain of, and that is that women never have their rights respected except in societies where men have rights respected. That is just a fact, and so I think maybe the focus needs to be on free-

dom and on democracy and on rule of law, and universal rights for everyone.

Thank you very much.

[The prepared statement of Ambassador Kirkpatrick follows:]

PREPARED STATEMENT OF HON. JEANE J. KIRKPATRICK

Thank you for inviting me to testify today. The rights and roles of women is a subject about which I have thought and written a good deal in the course of my life. I have lived through very significant changes in the opportunities and practices that determine the lives of women in the United States and elsewhere. My own life and experiences have been importantly affected by changes in attitudes and practices concerning women. So naturally I have been and remain interested in this subject.

At the time that I sought employment as a teacher of political science at the university level, it was still commonplace to encounter frank admission by some persons in authoritative positions in public university such as I encountered from one department chair: "We don't have any women in this department and, frankly, we like it that way." Fortunately I was able to identify a department whose members had more open minds on this matter.

When Ronald Reagan appointed me to serve as the U.S. Permanent Representative to the United Nations in his first Administration, I became the first woman ever to represent a major power or a Western Country in the United Nations; and the first woman to be "at the table" when major issues of foreign policy were decided.

As I said, there have been major increases in the opportunities available to women in my lifetime.

I desire to address three questions:

- (1) Is there significant discrimination against women in the world?
- (2) Will passage of the Convention on the Elimination of Discrimination solve the associated problems?
- (3) Would it help women who need help most?

There is widespread discrimination against women in many societies including most Third World societies. In many, if not most, of these societies, girls and women have little control over their lives. In many, women are denied equal, legal rights, and equal educational opportunity. In many Third World Countries women can neither choose their husbands, nor their marital status, nor control the size of their families. In many of these countries women are denied contraception even where it is available.

In a number of Africa's polygamous societies women are trapped into early marriages, denied education beyond elementary school, if that, and destined to live as a dependent or a pauper should they become widows.

As all women (and men) familiar with life on five continents understand, there are no global standards agreed upon by all concerning what constitutes discrimination against women. The patterns of relations between men and women, of distribution of roles, responsibilities, rights, resources, and obligations are as diverse as the laws and practices governing courtship, marriage, divorce, death, inheritance and so forth.

Issues of reproduction and education are more complex but equally or more resistant to regulation by global treaties. Views vary widely and deeply between cultures and civilizations concerning the education of girls as well as boys, of age at marriage, of childbearing, divorce, and distribution of responsibilities in a family.

What can a convention eliminating discrimination do for women trapped into Shari'a codes governing marriage, divorce and inheritance? I share CEDAW's desire to see ended any existing vestige of discrimination against women. I also believe U.S. law provides important defenses for U.S. women against workplace discrimination.

No U.N. body, no U.N. code can overhaul practices in, say, West Africa, where some farmers have four wives, and perhaps, a concubine or two. It may be that U.N. bodies can influence the age for marriage.

This convention will not help girls being sucked into polygamous marriages, nor left penniless by inheritance laws that give everything to the sons and/or the favorite wife or impose a sentence of death by stoning on an unfaithful wife or widow.

The establishment of universal norms and goals can be helpful if the norms are relevant, not if they are so remote from the lives and societies of these societies being considered. A treaty such as CEDAW describes an ideal society and reflects realities of life in no society. It reflects the author's aspiration of some women who

managed to get an education for all women: for education, employment, medical care, and a degree of control over their own lives.

If taken literally, this convention can only breed cynicism.

Should the United Nations desire to eliminate discrimination against women, they could and should begin with their own personnel policies which, though somewhat less discriminating than in the past, remain heavily biased against women in all policy levels.

The U.N. could and should systematically eliminate discrimination in its programs, its refugee programs, its development programs, its health programs, its education programs. It could undertake a crash program to provide education for girls in societies where there is none.

This convention cannot begin to guarantee American women what our Constitution, our laws, and practices provide us.

It is cynical to pretend that a global treaty can transform societies and governments that deny citizens all rights. If we want to help women in the most depressed societies, we should sharp the lessons American women have learned from experience.

Women have rights only in societies where men have rights. Freedom and democracy are what they both need.

Senator BOXER. Thank you very much. I want to say that Hon. Jeane Kirkpatrick is the senior fellow and director of foreign and defense studies at the American Enterprise Institute, and of course we all remember her as a former Permanent Representative to the United Nations. Every one of our witnesses brings tremendous credibility to this topic, and it is my pleasure now to introduce Hon. Harold Hongju Koh, who is a professor at Yale Law School, who is a former Assistant Secretary of State for Human Rights.

We welcome you, and again I will reiterate we have the 5-minute clock. When it turns red, just try to collect your thoughts and finish up.

**STATEMENT OF HON. HAROLD HONGJU KOH, PROFESSOR,  
YALE LAW SCHOOL, FORMER ASSISTANT SECRETARY OF  
STATE FOR HUMAN RIGHTS, NEW HAVEN, CT**

Mr. KOH. Let me commend you, Senators, for your action to move to ratify this long overdue convention, which I have studied and worked for both in an academic capacity and as Assistant Secretary of State. In his recent State of the Union Address, President Bush said, "America will always stand for the nonnegotiable demands of human dignity, the rule of law, limits on the powers of the State, and respect for women," among other things. There is no more fitting way for this administration and this Senate to answer that demand than by moving quickly to ratify this treaty.

Senator Boxer, I want to commend both you for your efforts to make these hearings a reality and Chairman Biden, as the principal author of the Violence Against Women Act, for your sustained efforts to secure a national commitment to end violence against women across the country.

My message today is that this commitment should not stop at the water's edge. Particularly after September 11, the U.S. cannot be a world leader in guaranteeing progress for human rights—whether in Afghanistan, in the United States, or around the world—unless it is also a party to this treaty on women's rights.

You have heard about the background and history of the CEDAW. Let me simply reinforce Ambassador Kirkpatrick's request that we implement the Universal Declaration of Human Rights. That is precisely what this treaty is designed to do. It says

in the Universal Declaration that everyone is entitled to the rights in the universal declaration “without distinction of any kind such as race, color, or sex,” and it was for that reason that they moved to the drafting and ratification of this treaty.

You have heard that at this moment our country is the only established industrialized democracy in the world that has not ratified the women’s rights treaty. That is a national disgrace for a country that views itself as a world leader on human rights.

So why should we ratify? For two reasons. First, ratification would make an important global statement regarding the seriousness of our commitment on these issues. Second, it would have a major impact on ensuring both the appearance and the reality that our national practices fully satisfy or exceed international standards.

Senator Brownback, you mentioned the things that occurred in Afghanistan when they had simply signed but not ratified CEDAW. Yet that is precisely the situation that we are now in. We have signed but not ratified CEDAW, and ratification is clearly the next step that we need to take. In response to Ambassador Kirkpatrick, I would say, it may well be that ratifying this treaty is not the whole answer, but it is certainly an important part of the answer.

You have heard about the provisions of the CEDAW. Let me say from my own experience at the State Department, where I supervised the production of annual country reports on human rights conditions worldwide, that a country’s ratification of CEDAW is one of the strongest indicators of the strength of its commitment to internalize the norm of gender equality into domestic law. For us, to obey the treaty’s provisions would not be burdensome, while countries with far less impressive records have, in fact, ratified the treaty, and these are countries we would never consider to be our equal on such matters.

From my time in the Government I can also say that our continuing failure to ratify the CEDAW has reduced our global standing; it has damaged our diplomatic relations, and it has hindered our ability to lead in the international human rights community. Nations that are otherwise our allies cannot understand why we have not taken this obvious step. Our European and Latin American allies in particular regularly question and criticize us for this both in public settings and in private diplomatic meetings. They have challenged our moral leadership on human rights, which is devastating after September 11; and perhaps most important, our exclusion from this treaty has provided anti-American diplomatic ammunition to countries who have exhibited far worse records on human rights generally and women’s rights in particular. So, to persist in nonratification, I think, would be extremely damaging.

Will ratification help? As a recent comprehensive world survey issued by the U.N. Development Fund for Women chronicles, numerous countries around the world who have ratified CEDAW have found that it has helped to empower them to change their constitutions, to pass new laws, and influence court decisions. It would have the same effect here. Most fundamentally, ratification would further our national interest. You do not have to take my word for it. Secretary Powell put it well earlier this year when he said, “the worldwide advancement of women’s issues is not only in keeping

with the deeply held values of the American people, it is strongly in our national interest as well.”

I have studied this treaty for many years. I have found nothing in it that even arguably jeopardizes our national interest. The provisions are entirely consistent with the letter and spirit of the Constitution, both State and Federal. The U.S. can and should accept virtually all of the obligations without qualification. It seems to me, in fact, that the various understandings and reservations that have been proposed in the past are too extensive. Only one of them, regarding free speech, I think, is advisable to preserve the integrity of the treaty.

I can address quickly some of the fallacies that have been circulated about the likely impact of ratification. First, that CEDAW supports abortion rights. This is flatly untrue. There is no provision in CEDAW that mandates abortion or contraception on demand. CEDAW does not create an international right to abortion. The treaty itself is neutral on abortion, allowing policies in this area to be set by signatory States. Its goal is to ensure equal access to family planning information for men and women alike. In fact, some countries where abortion is illegal, among them Ireland, Rwanda, and Burkino Faso, have ratified CEDAW.

Second, the claim that CEDAW would somehow undermine the American family by redefining gender roles. It contains no provisions that seek to regulate any constitutionally protected interest and, as you know, the U.S. Constitution limits the Government's power to interfere in family matters.

Third, some have falsely suggested the ratification of CEDAW would require decriminalization of prostitution. Again, Article 6 specifically states that countries shall take all appropriate matters to suppress forms of trafficking in women and exploitation of prostitution in women. Some have suggested that ratification would require a legalization of same-sex marriage. Whatever view you may hold about this practice, it is clearly not contained in the treaty, which requires only elimination of discrimination against men and women alike.

Senator BOXER. The red light and the yellow light got confused, so your time is up, if you could just wrap up.

Mr. KOH. Yes, Senator. In closing, let me say how much this means to every American. My mother came to this country from Korea, and is now a naturalized American citizen. My wife is an American-born citizen of Irish and British heritage, and my daughter, who will turn 16 years old in 10 days time, is a young American woman.

I cannot explain to my daughter why her grandmother and mother would be protected by CEDAW in their ancestral countries but she is not protected by it in the United States, which professes to be a world leader on gender equality. I cannot explain to her why the country that I served as Assistant Secretary for Human Rights has for so long failed to ratify the authoritative instrument on women's human rights, and finally, I cannot explain why we insist on keeping company with such non-ratifying countries as Iran, Sudan, and Syria, in which human rights and women's rights have been brutally repressed.

So our choice is simple. Our failure to ratify the treaty will undermine our efforts to fight for democracy and human rights worldwide. Ratification now would be both prudent foreign policy and simple justice.

Thank you.

[The prepared statement of Mr. Koh follows:]

PREPARED STATEMENT OF PROFESSOR HAROLD HONGJU KOH

Chairman Biden, Senator Boxer, Members of the committee:

Thank you for inviting me to appear before your committee today to testify regarding the long-overdue United States Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW or Women's Convention). I have studied and argued for ratification of that Convention for more than a decade, first in my academic capacity as Gerard C. and Bernice Latrobe Smith Professor of International Law (and from 1993–1998 as Director of the Orville H. Schell, Jr. Center for International Human Rights) at Yale Law School, where I have taught since 1985, and then from 1998 to 2001 when I served as Assistant Secretary of State for Democracy, Human Rights and Labor.<sup>1</sup>

In his State of the Union address, President George W. Bush recently announced that “America will always stand for the non-negotiable demands of human dignity: the rule of law; limits on the power of the state; *respect for women*; private property; free speech; equal justice; and religious tolerance” (emphasis added). I can imagine no more fitting way for this Administration and this Senate to answer that demand than by moving quickly to ratify this treaty for the rights of women.

I am particularly honored to appear here today in front of Senators who have been such strong advocates for gender equality over so many years. Senator Boxer, let me commend you for your efforts during these past several Congresses to make this hearing a reality, particularly by introducing S. Res. 237, which called not just for hearings on CEDAW ratification, but also for a date certain for Senate action. Let me equally commend you, Chairman Biden, as principal author of the Violence Against Women Act, for your sustained efforts to secure a national commitment to end violence and discrimination against women across this country.

My main message today is that this commitment should not stop at the water's edge. Particularly after September 11, America cannot be a world leader in guaranteeing progress for women's human rights, whether in Afghanistan, here in the United States, or around the world, unless it is also a party to the global women's treaty.

Let me first review the background and history of CEDAW; second, explain why ratifying that treaty would further our national commitments to eliminating gender discrimination, without jeopardizing our national interests; and third, explain why some concerns occasionally voiced about our ratification of this treaty are, upon examination, completely unfounded.

First, some history. The United Nations Charter reaffirms both the faith of the peoples of the United Nations “in the equal rights of men and women,” *Preamble*, and their determination to promote respect for human rights “for all without distinction as to race, sex, language, or religion.” *Art. 1(3)*. In 1948, the Universal Declaration of Human Rights similarly declared that “everyone” is entitled to the rights declared there “without distinction of any kind, such as race, colour, (or) sex . . . .” *Art. 2*. In 1975, a global call for an international convention specifically to implement those commitments emerged from the First World Conference on Women in Mexico City. But until 1979, when the General Assembly adopted the CEDAW, there was no convention that addressed comprehensively women's rights within political, social, economic, cultural, and family life. After years of drafting, the United Nations adopted the Convention on the Elimination of All Forms of Discrimination Against Women in December 18, 1979, and the Convention entered into force in September 1981.

In the more than two decades since, 169 nations other than our own have become parties to the Convention. Only nineteen United Nations member states have not. That list includes such countries as Afghanistan, Bahrain, Iran, Somalia, Sudan, Syria, Qatar, and the United Arab Emirates. To put it another way, the United States is now the only established industrialized democracy in the world that has

<sup>1</sup>See, e.g., Testimony of Harold Hongju Koh, Assistant Secretary of State for Democracy, Human Rights and Labor. Before the Subcommittee on International Operations and Human Rights, U.S. House of Representatives, March 8, 2000.

not yet ratified the CEDAW treaty. Frankly, Senators, this is a national disgrace for a country that views itself as a world leader on human rights.

Why should the United States ratify this treaty? For two simple reasons. First, ratification would make an important global statement regarding the seriousness of our national commitment to these issues. Second, ratification would have a major impact in ensuring both the appearance and the reality that our national practices fully satisfy or exceed international standards.

The CEDAW treaty has been accurately described as an international bill of rights for women. The CEDAW simply affirms that women, like the rest of the human race, have an inalienable right to live and work free of discrimination. The Convention affirms the rights of all women to exercise on an equal basis their "human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."<sup>2</sup>

The treaty defines<sup>3</sup> and condemns discrimination against women<sup>4</sup> and announces an agenda for national action to end such discrimination. By ratifying the treaty, states do nothing more than commit themselves to undertaking "appropriate measures"<sup>5</sup> toward ending discrimination against women, steps that our country has already begun in numerous walks of life. The CEDAW then lays a foundation for realizing equality between women and men in these countries by ensuring women's equal access to, and equal opportunities in, public and political life—including the right to vote, to stand for election,<sup>6</sup> to represent their governments at an international level,<sup>7</sup> and to enjoy equal rights "before the law"<sup>8</sup>—as well as equal rights in education,<sup>9</sup> employment,<sup>10</sup> health care,<sup>11</sup> marriage and family relations,<sup>12</sup> and other areas of economic and social life.<sup>13</sup> The Convention directs States Parties to "take into account the particular problems faced by rural women,"<sup>14</sup> and permits parties to take "temporary special measures aimed at accelerating de facto equality" between men and women, a provision analogous to one also found in the Convention on the Elimination of All Forms of Racial Discrimination, which our country has already ratified.<sup>15</sup>

Ratifying this treaty would send the world the message that we consider eradication of these various forms of discrimination to be solemn, universal obligations. The violent human rights abuses we recently witnessed against women in Afghanistan, Bosnia, Haiti, Kosovo, and Rwanda painfully remind us of the need for all nations to join together to intensify efforts to protect women's rights as human rights. At the State Department, where I supervised the production of the annual country reports on human rights conditions worldwide, I found that a country's ratification of the CEDAW is one of the surest indicators of the strength of its commitment to internalize the universal norm of gender equality into its domestic laws.

Let me emphasize that in light of our ongoing national efforts to address gender equality through state and national legislation, executive action, and judicial decisions, the legal requirements imposed by ratifying this treaty would not be burdensome. Numerous countries with far less impressive practices regarding gender equality than the United States have ratified the treaty, including countries whom we would never consider our equals on such matters, including Iraq, Kuwait, North Korea, and Saudi Arabia.

At the same time, from my direct experience as America's chief human rights official, I can testify that our continuing failure to ratify CEDAW has reduced our glob-

<sup>2</sup>Art. 1.

<sup>3</sup>See Art. 1 ("the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.").

<sup>4</sup>See Art. 2 ("States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake" to embody the principle of gender equality into national laws.)

<sup>5</sup>See Art. 3.

<sup>6</sup>See Art. 7.

<sup>7</sup>See Art. 8.

<sup>8</sup>See Art. 15.

<sup>9</sup>See Art. 10.

<sup>10</sup>See Art. 11.

<sup>11</sup>See Art. 12.

<sup>12</sup>See Art. 16.

<sup>13</sup>See Art. 13.

<sup>14</sup>See Art. 14.

<sup>15</sup>Compare CEDAW Art. 4 with International Convention on the Elimination of All Forms of Racial Discrimination Art. 1(4).



al standing, damaged our diplomatic relations, and hindered our ability to lead in the international human rights community. Nations that are otherwise our allies, with strong rule-of-law traditions, histories, and political cultures, simply cannot understand why we have failed to take the obvious step of ratifying this convention. In particular, our European and Latin American allies regularly question and criticize our isolation from this treaty framework both in public diplomatic settings and private diplomatic meetings.

Our nonratification has led our allies and adversaries alike to challenge our claim of moral leadership in international human rights, a devastating challenge in this post-September 11 environment. Even more troubling, I have found, our exclusion from this treaty has provided anti-American diplomatic ammunition to countries who have exhibited far worse record on human rights generally, and women's rights in particular. Persisting in the aberrant practice of nonratification will only further our diplomatic isolation and inevitably harm our other United States foreign policy interests.

Treaty ratification would be far more than just a paper act. The treaty has demonstrated its value as an important policy tool to promote equal rights in many of the foreign countries that have ratified the CEDAW. As a recent, comprehensive world survey issued by the United Nations Development Fund for Women chronicles, numerous countries around the world have experienced positive gains directly attributable to their ratification and implementation of the CEDAW.<sup>16</sup> CEDAW has been empowering women around the globe to change constitutions, pass new legislation, and influence court decisions in their countries. Ratification of the CEDAW by the United States would similarly make clear our national commitment to ensure the equal and nondiscriminatory treatment of American women in such areas as civil and political rights, education, employment, and property rights.

Most fundamentally, ratification of CEDAW would further our national interests. Secretary of State Colin Powell put it well when he said earlier this year: "The worldwide advancement of women's issues is not only in keeping with the deeply held values of the American people; it is strongly in our national interest as well. ... Women's issues affect not only women; they have profound implications for all humankind. Women's issues are human rights issues. ... We, as a world community, cannot even begin to tackle the array of problems and challenges confronting us without the full and equal participation of women in all aspects of life."

After careful study, I have found nothing in the substantive provisions of this treaty that even arguably jeopardizes our national interests. Those treaty provisions are entirely consistent with the letter and spirit of the United States Constitution and laws, both state and federal. The United States can and should accept virtually all of CEDAW's obligations and undertakings without qualification. Regrettably, the Administration has not provided a witness here today to set forth its views on the ratification of this treaty. Although past Administrations have proposed that ratification be accompanied by certain reservations, declarations, and understandings, only one of those understandings, relating to limitations of free speech, expression and association, seems to me advisable to protect the integrity of our national law.<sup>17</sup>

Finally, let me address some myths and fallacies that have been circulated about the likely impact of United States ratification of the CEDAW. The most common include the following:

First, that CEDAW supports abortion rights by promoting access to "family planning." This is flatly untrue. There is absolutely no provision in CEDAW that mandates abortion or contraceptives on demand, sex education without parental involvement, or other controversial reproductive rights issues. CEDAW does not create any international right to abortion. To the contrary, on its face, the CEDAW treaty itself is neutral on abortion, allowing policies in this area to be set by signatory states and seeking to ensure equal access for men and women to health care services and family planning information. In fact, several countries in which abortion is illegal—among them Ireland, Rwanda, and Burkina Faso—have ratified CEDAW.

A second fallacy is that CEDAW ratification would somehow undermine the American family by redefining traditional gender roles with regard to the upbringing-

<sup>16</sup>See, generally, UNIFEM, "Bringing Equality Home: Implementing the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)," available at: <http://www.unifem.undp.org/cedaw/cedawen4.htm>.

<sup>17</sup>That proposed understanding, included in the 1994 Senate Foreign Relations Committee Report, states in relevant part, that the United States understands that by ratifying it could not constitutionally "accept any obligation under this Convention, in particular under Articles 5, 7, 8, and 13, to restrict those rights [of freedom of speech, expression and association], 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." S. 384-10, Exec. Rep. Sen. Comm. On For. Rel. Oct. 3, 1994, reprinted in 89 Am. J. Int'l L. 108 (1995).

ing of children. In fact, CEDAW does not contain any provisions seeking to regulate any constitutionally protected interests with respect to family life. The treaty only requires that parties undertake to adopt measures “prohibiting all discrimination against women” and to “embody the principle of the equality of men in women” in national laws “to ensure, through law and other appropriate means, the practical realization of this principle.” How best to implement that obligation consistent with existing United States constitutional protections—which as you know, limit the government’s power to interfere in family matters, including most parental decisions regarding childrearing—is left for each country to decide for itself.

Third, some have falsely suggested that ratification of CEDAW would require decriminalization of prostitution. Again, the text of the treaty is to the contrary. CEDAW’s Article 6 specifically states that countries that have ratified CEDAW “shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution in women.”

Fourth, some claim that if CEDAW were U.S. law, it would outlaw single-sex education and require censorship of school textbooks. In fact, nothing in CEDAW mandates abolition of single-sex education. As one way to encourage equal access to quality education for all children, Article 10 requires parties to take all appropriate measures to eliminate “any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging [not requiring] coeducation and other types of education which will help to achieve this aim . . .” (emphasis added) including, presumably, single-sex education that teaches principles of gender equality. CEDAW also encourages the development of equal education material for students of both genders. This provision is plainly designed not to disrupt educational traditions in countries like ours, but rather, to address those many countries in the world (like Afghanistan during Taliban rule) in which educational facilities for girls are either nonexistent or remain separate and unequal.

Fifth, some have suggested that U.S. ratification of CEDAW would require the legalization of same-sex marriage. Whatever view one may hold regarding the desirability of same-sex marriage, this treaty plainly contains no such requirement. Article 10 of CEDAW requires only elimination of discrimination directed against women “in all matters related to marriage and family relations.” Thus, for example, the practice of polygamy is inconsistent with the CEDAW because it undermines women’s equality with men and potentially fosters severe financial inequities. Article 10 would neither require nor bar any national laws regarding same-sex marriage, which by their very nature, would apply equally to men and women.

Finally, and most pervasively, opponents of CEDAW have claimed that U.S. ratification would diminish our national sovereignty and states’ rights by superseding or overriding our national, state or local laws. Given the broad compatibility between the treaty requirements and our existing national laws, however, very few occasions will arise in which this is even arguably an issue. Moreover, the treaty generally requires States to use “appropriate measures” to implement the non-discrimination principle, which by its terms accords some discretion to member countries to determine what is “appropriate” under the national circumstances. Finally, the Senate is, of course, free to address any material discrepancies between national law and the treaty by placing understandings upon its advice and consent, along the lines of the “freedom of speech” understanding discussed above, or by the Congress passing implementing legislation—as it has done, for example, to effectuate the Genocide Convention—specifying the precise ways in which the Federal legislature will carry out our international obligations under this treaty.

Ironically, many of the unfounded claims about the likely effects of CEDAW ratification have been asserted by self-proclaimed advocates of states’ rights. In fact, within our own country, the emerging trend has been the opposite. Broad sentiment has been emerging at both the state and local level to incorporate the CEDAW requirements into local law. As I speak, governmental bodies in some fifteen states and Guam,<sup>18</sup> sixteen counties<sup>19</sup> and forty-two cities<sup>20</sup> have adopted resolutions or instruments endorsing CEDAW or adopting it on behalf of their jurisdictions. Far from CEDAW imposing unwanted obligations on local governments, local govern-

<sup>18</sup>To date, legislative bodies have endorsed US ratification of the CEDAW in CA (twice), CT (Senate), FL (House), HI (House), IL (House), IA, ME, MA, NH, NY, NC, RI (Gen. Assembly), SD (House), VT, Wisconsin (Senate), and the territory of Guam. For a complete listing, see Working Group on Ratification of UNCEDAW, Human Rights for All, at 41–42, available at: <http://www.amnestyusa.org/commit/cedawbw.pdf>.

<sup>19</sup>These include counties in California, Illinois, Kentucky, Ohio, Florida, Wisconsin, and Washington.

<sup>20</sup>San Francisco, California, for example, has enacted a city ordinance designed to incorporate CEDAW into the functioning of the city by promoting equality in the city’s treatment of public employees, its budgetary spending, and its provision of municipal services to city inhabitants.

ments are in fact responding to the demands of their citizens, who have become impatient at the lack of federal action to implement these universal norms into American law.

A host of other misconceptions exist about CEDAW, some of them preposterous, which I would be happy to address in response to your specific questions.<sup>21</sup> But my main point is clear: we must not let unfounded fears projected onto the CEDAW prevent us from the long overdue step of ratifying this important document.

Particularly in a time of terror, promoting human rights and eradicating discrimination should not be partisan issues. As President Bush recently reminded us, the United States cannot fight a war on terrorism alone; it needs cooperation not only from its current allies, but also from the rest of the world. "We have a great opportunity during this time of war," he said, "to lead the world toward the values that will bring lasting peace . . . [such as] the non-negotiable demands of human dignity [that include] respect for women. . . ." First Lady Laura Bush echoed that sentiment on International Women's Day 2002, when she said, "People around the world are looking closely at the roles that women play in society. And Afghanistan under the Taliban gave the world a sobering example of a country where women were denied their rights and their place in society . . . . Today, the world is helping Afghan women return to the lives that they once knew. . . . Our dedication to respect and protect women's rights in all countries must continue if we are to achieve a peaceful, prosperous world. . . . Together, the United States, the United Nations and all of our allies will prove that the forces of terror can't stop the momentum of freedom."

The world looks to America for leadership on human rights, both in our domestic practices and in our international commitments. Ours is a nation conceived in liberty and dedicated to the proposition that all human beings—not just men—are created equal. Our country has fought a civil war and a centuries-long social struggle to eliminate racial discrimination. It is critically important that we seize this opportunity to announce unequivocally to the world that we, of all nations, insist on the equality of all human beings, regardless of gender.

Senators, in closing let me say how much United States ratification of this important treaty means to every American. My mother, Hesung Chun Koh, came to this country more than fifty years ago from the Republic of Korea and found equal opportunity here as a naturalized American citizen. My wife, Mary-Christy Fisher, is a natural-born American citizen and lawyer of Irish and British heritage. I am the father of a young American, Emily Koh, who will turn sixteen years old in ten days' time.

Although I have tried, I simply cannot give my daughter any good reason why her grandmother and mother would have been protected by CEDAW in their ancestral countries, but that she is not protected by it in the United States, which professes to be a world leader in the promotion of women's rights and gender equality. I cannot explain to her why this country we love, and which I have served as Assistant Secretary of State for Human Rights, has for so long failed to ratify the authoritative human rights treaty that sets the universal standard on women's equality. Finally, I cannot explain why, by not ratifying, the United States chooses to keep company with such countries as Afghanistan, Iran, Sudan, and Syria, in which human rights and women's rights have been brutally repressed.

The choice is simple. Our continuing failure to ratify this treaty will hamper and undermine our efforts to fight for democracy and human rights around the world. Ratification now of the CEDAW treaty would be both prudent foreign policy and simple justice.

Thank you. I now look forward to answering any questions you may have.

Senator BOXER. Thank you very much.

We will hear from Ms. Kathryn Ogden Balmforth, member of the firm of Wood Crapo, LLC, Salt Lake City, Utah, former director of the World Family Policy Center, Brigham Young University, and we are very grateful for your presence here, and please begin.

<sup>21</sup>One such preposterous claim, for example, is that U.S. ratification of the CEDAW would somehow require the United States to abolish Mother's Day. Nothing in the treaty requires this. Rather than denigrating motherhood, the CEDAW's central aim is to support motherhood, by promoting women's freedom to make choices on an equal basis with men. Nothing in that goal conflicts with our proud American tradition of celebrating both Mother's Day and Father's Day every year, as expressions of this country's commitment to gender equality, which is fully consistent with the nondiscrimination goals of the CEDAW.

**STATEMENT OF MS. KATHRYN OGDEN BALMFORTH, MEMBER,  
FIRM OF WOOD CRAPO, LLC, SALT LAKE CITY, UTAH,  
FORMER DIRECTOR, WORLD FAMILY POLICY CENTER,  
BRIGHAM YOUNG UNIVERSITY, PROVO, UTAH**

Ms. BALMFORTH. Thank you, Madam Chairman, members of the committee. I approach CEDAW as a civil rights lawyer, having represented both plaintiffs and defendants in discrimination cases. As you said, I am a member of the firm of Wood Crapo in Salt Lake City, a firm founded by a woman. I took a leave from my firm to serve for 3 years as the director of the World Family Policy Center at Brigham Young University.

The World Family Policy Center is an interdisciplinary center drawing expertise from the law school, the school of family life, and the Center for International Studies. The center works with diplomats at the United Nations to protect the family from efforts to denigrate its status and protection in international documents.

I oppose CEDAW for two reasons. First, I can say unequivocally that CEDAW would offer nothing of substance to American women. We have a highly developed system of civil rights laws protecting women in this country. Those laws are crafted by democratically elected representatives and interpreted by courts designed to protect fundamental rights and liberties which are the birthright of Americans. If Americans do not like these laws, there are mechanisms for Americans to change them.

Our system is not perfect because people are not perfect, but it is so far superior to anything that exists at the United Nations in establishing the rule of law that it would be the sheerest folly to subordinate our right to legislate these purely domestic matters, even to the slightest degree, to some international body, and I must say that on its face CEDAW calls for changes in constitutions and legislation to the extent they do not comply with CEDAW.

Clearly, you cannot ignore the pronouncements of the CEDAW committee, as the committee is set up by the treaty itself to monitor compliance. In so doing, they interpret and apply the treaty. They issue general recommendations trying to flesh out these very vague and broad terms of the treaty, and as soon as the optional protocol goes into existence they will further interpret the treaty by deciding individual cases brought under the treaty. You simply cannot ignore the pronouncements of the CEDAW committee if you are thinking of ratifying CEDAW.

Second, I oppose CEDAW because both on its face and a fortiori, as interpreted by the doctrinaire CEDAW committee, it is a threat to fundamental freedoms everywhere. This is not a regime behind which the United States should throw its power and prestige.

An important characteristic of American civil rights law is that it is crafted legislatively and judicially to balance society's interests in preventing discrimination with other equally important societal interests such as right to speech, free exercise of religion, privacy, and parental rights. Rather than acknowledging these fundamental rights, the language of CEDAW is so sweeping and overbroad that it threatens to overrun them and any other standing in its path.

Article I of CEDAW defines discrimination as any distinction on the basis of sex in any field.

Article II requires Governments to eliminate all discrimination, not just by Government, but by any person, organization, or enterprise.

Article V requires Governments 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 thus requires Governments to intrude in all areas, no matter how private, consensual, or even sacred. On its face, CEDAW calls for an unprecedentedly intrusive Government to exert its power against family, private interaction between men and women, religion, and even thought.

The reports of the CEDAW committee offer no hope that restraint might be exercised in the interpretation of its overbroad language. To the contrary, the committee reports are disturbingly ad hoc, undisciplined, and inconsistent. I might add that advocates of the CEDAW and the CEDAW committee like to dignify the committee pronouncements by calling them jurisprudence. There is no requirement that the so-called experts forming this committee be jurists, let alone prudent ones, and they show none of the restraint or thought of traditional jurisprudence.

The committee shows no respect for competing fundamental rights. They show no reluctance to issue new rights even when the committee knows that Governments would never have ratified CEDAW if those rights had been spelled out in the treaty. In fact, in 1996, the High Commissioner for Human Rights, the U.N. Population Fund, and the Secretary cosponsored a roundtable discussion for the heads of the treaty bodies, including CEDAW to urge reinterpretation of those treaties to include controversial unagreed rights such as abortion and lesbianism.

The CEDAW committee has fully complied. My written remarks contain numerous citations to some of the overreaching and outrageous pronouncements of the committee. This is a representative list. It is by no means complete. Briefly, the committee routinely instructs countries to liberalize their abortion laws. They have issued an interpretive document which coyly states that Article XII of CEDAW prohibits criminalization, quote, of medical procedures only needed by women.

The committee has even gone so far as to state in the case of Italy and one of the former Soviet republics whose name escapes me now, and I apologize for that, that women's rights are violated when hospitals refuse to do abortions for reasons of conscience, thus implying that this implied right to abortion trumps the rights of conscience, which are expressed in other international documents.

The committee has instructed Kyrgyzstan to legalize lesbianism. The committee did instruct China to decriminalize prostitution, and frankly I have always thought that if something is no longer criminalized it is legal, and if there is a distinction between decriminalization and legalization I think it is too fine a distinction to have any practical meaning. It commended Greece for legalizing prostitution and admonished Germany to make sure its prostitutes received all benefits from labor and employment laws.

Now, I would say that on its face the document says that it purports to be opposed to trafficking and exploitation of prostitution. It is a very careful and somewhat sneaky distinction being made by the document and in its application, because it says nothing about voluntary prostitution, and in fact I sat and watched at the 5-year followup to Beijing as western Governments, including ours, I am ashamed to say, refused to take any position in opposition to voluntary prostitution.

Senator BOXER. I would ask you if you could wrap up.

Ms. BALMFORTH. OK. The primary characteristics of the committee are its unrelenting hostility to religion and to any traditional family structures, and this does not just mean in Afghanistan, although advocates of the treaty routinely point to Afghanistan as a justification for the overreach of the treaty, thus proving the adage that hard cases make bad law.

The committee attacks religion incrementally. You only have to look at the instruction to Libya to reinterpret the Koran in ways the committee finds permissible to see its disdain for religion, but it has also explicitly found in one of its general comments that religion disadvantages women in all countries.

And even if a country has completely secularized its system, the committee finds noncompliance if people persist in thinking and acting and voting according to their religious convictions. They recently did so to Ireland, because the Irish persist in thinking, acting, and voting like Catholics, especially with respect to abortion. The committee invoked Article V requiring Ireland to step in to eradicate the effects of Catholicism on their culture to the extent it offended the CEDAW committee's interpretation of CEDAW.

Senator BOXER. I would ask you to please wrap it up.

Ms. BALMFORTH. I will do that.

There has been a great deal of talk about reservations to the treaty. I do not believe, for a number of legal reasons, that appropriate reservations can be made to protect against whatever rights the committee may invent in the future. There is a lot of high-flown language and noble sentiment attached to this treaty. As usual, the devil is in the details, and as a woman who is familiar with some of these details, I am very much opposed to ratification.

Thank you.

[The prepared statement of Ms. Balmforth follows:]

PREPARED STATEMENT OF KATHRYN O. BALMFORTH, ESQ.

I oppose ratification of CEDAW for two reasons. First, CEDAW offers nothing to American women. Second, CEDAW is so overreaching and flawed that it is a threat to civil rights and liberties everywhere. America should not throw its power and prestige behind it.

I approach CEDAW as an American civil rights lawyer, having represented both plaintiffs and defendants in anti-discrimination cases. I took a three year leave from my practice to serve as the Director of the World Family Policy Center at Brigham Young University, and there became familiar with CEDAW.

I can say unequivocally that ratification of CEDAW would offer nothing of substance to American women. The United States already has a highly developed system of civil rights laws promoting equality for women. It is a system developed, and developing, through laws passed by legislators and courts interpreting and applying those laws. The legislatures directly reflect the will of the American people, while the courts are designed to protect fundamental rights and freedoms that Americans claim as their birthright. If Americans are dissatisfied with the law, there are mechanisms for Americans to change it.

Does the American system always operate perfectly? Of course not. Human beings are fallible. But the rule of law as established in our system is so far superior to anything that exists in the international human rights treaty system, that it would be the sheerest folly to subordinate, in even the slightest degree, our right to make our own laws in this purely domestic area to any international treaty body.

One important characteristic of American civil rights law is that it is crafted, legislatively and judicially, to balance society's interest in preventing discrimination with other, equally important, societal interests, such as fundamental first amendment rights to speech and freedom of religion. By contrast, CEDAW, on its face—and *a fortiori*, as it is being interpreted by the CEDAW committee—is a threat to political freedom, freedom of thought and belief, parental rights, privacy rights, and religious freedom.

Rather than acknowledging these fundamental rights, the language of CEDAW is so sweeping and overbroad that it threatens to overrun them, and any others standing in its path. For example, Article 1 of CEDAW defines “discrimination” as “any distinction . . . on the basis of sex,” in “any . . . field.” Article 2 requires states parties to eliminate “all discrimination against women,” not just by government, but “by any person, organization, or enterprise.” Article 5, requires states parties 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.”

In other words, CEDAW requires government to intrude in all areas, no matter how private, consensual, or even sacred, if there is any distinction made on the basis of sex, or if any culture perpetuates “stereotypes.” CEDAW requires the exertion of government power against family, religion and even thought. On its face, CEDAW calls for an unprecedentedly intrusive government. The fact that the intrusion would be made to advance a politically correct feminist ideology makes it no less oppressive.

The reports of the CEDAW committee offer no hope that restraint might be exercised in the interpretation and application of CEDAW's broad language. To the contrary, the committee's reports are disturbingly *ad hoc*, undisciplined, and inconsistent. Though CEDAW advocates like to dignify the pronouncements of the CEDAW committee by calling them “jurisprudence,” there is no requirement that the so-called “experts” comprising the committee be jurists—let alone prudent ones.

The reports do not suggest that the committee gives any weight to competing fundamental rights. The committee shows no reluctance to intrude into protected areas or to expand its reach—even beyond the sweeping language of CEDAW—by stretching that language to encompass new rights that were clearly never intended by the states parties. In fact, in 1996, the U.N. High Commissioner on Human Rights, the U.N. Secretariat, and the U.N. Population Fund held a round table discussion for the heads of the human rights treaty bodies, including the CEDAW committee. At that meeting, the committee heads were encouraged to reinterpret their respective treaties to create “rights” that have no popular support in most parts of the world, and were given theoretical blueprints for such reinterpretations.<sup>1</sup>

The committee reports are, indeed, increasingly doctrinaire. For example, the “stereotype” routinely targeted for eradication by the CEDAW committee is “motherhood.” The CEDAW committee behaves as if motherhood were an arbitrary designation, rather than a fact of life. One of the committee's most pronounced characteristics is an unrelenting hostility to traditional family arrangements. Despite the right of the family to state protection in numerous international documents, and even the specific admonition in the Universal Declaration of Human Rights that motherhood is entitled to special care,<sup>2</sup> the CEDAW committee views CEDAW as a mandate to eradicate the very idea that being a mother and a homemaker is a role that might be valued and freely chosen by some women. The committee views full employment in paid work as a woman's only acceptable role, and day care as the best environment for even the youngest children. The committee has even admonished countries to change tax laws that make it easier for mothers to be with their children.<sup>3</sup>

Make no mistake, this hostility to traditional family roles is not aimed only at governments like the Taliban, although CEDAW advocates used the Taliban as a justification for CEDAW's excessive reach (thus proving the adage that “hard cases make bad law”). In recent reports, the committee has told Western European countries like Germany, Spain, and Luxembourg—with their below replacement birth rates and imploding populations—that their governments must do more to get

<sup>1</sup> See Round Table of Human Rights Treaty Bodies on Human Rights Approaches to Women's Health, with A Focus on Sexual and Reproductive Health and Rights, 1996.

<sup>2</sup> Universal Declaration of Human Rights, Art. 25, para. 2.

<sup>3</sup> A/55/38 para. 314 (Germany).

women into the full-time work force, and to “eradicate stereotypical attitudes.”<sup>4</sup> The committee recently chastised Sweden because its young men and women were freely choosing vocational roles that the committee views as too “traditional.” The committee admonished Sweden to do a better job of indoctrination.<sup>5</sup> The call for governmental “eradication” of “attitudes” violates fundamental rights to freedom of thought and belief.

The committee made similar pronouncements to Georgia and Belarus, countries struggling both with declining populations and attempts to rebuild societies after the collapse of Communism. The committee accused both countries of overemphasizing women’s role as mothers, and specifically criticized Belarus for reinstating a national Mothers’ Day.<sup>6</sup> The committee has criticized countries because too many of their tiniest children—from newborns to the age of three—were with their mothers, instead of in day care.<sup>7</sup>

The committee also seems oblivious to political self-determination and freely chosen democratic leadership. In applying Article 4 of CEDAW, which calls for “temporary special measures” to achieve equality of the sexes, the committee has recommended institution of quotas in all spheres, public and private, and even for elective offices.<sup>8</sup> The committee suggested that the government of Georgia, when undoing its former totalitarian regime, had been too quick to abandon its political quotas.<sup>9</sup> This notion of quotas for women in elective office is so extreme that, when it was placed before the voters of Switzerland a couple of years ago, it received only 17 percent of the vote, suggesting that even the majority of women voted against it.

The committee’s disregard of rights to religious exercise can be understood simply by referring to its incredible instruction to the Libyan government to reinterpret its people’s fundamental scripture—the Koran—in ways that were “permissible under CEDAW.”<sup>10</sup>

Again, however, the committee’s disdain for religion is not limited to conservative Muslim countries. The committee has expressly opined that religion disadvantages women “in all countries.”<sup>11</sup> The committee has criticized governments, Norway and Hong Kong, for example, because they grant exemptions from discrimination laws to religious institutions, thus allowing churches and religious communities to establish their own rules for internal governance.<sup>12</sup> If the United States were to ratify CEDAW, existing exemptions for religious institutions in American civil rights laws would similarly offend the CEDAW committee.

The committee attacks religion incrementally. When a country makes a reservation based on religious belief, the committee pressures that country to withdraw it, or declares it invalid.<sup>13</sup> The committee then pressures countries to completely secularize their laws. Then, even after legal systems have been completely secularized, the committee finds non-compliance if the citizens’ freely cast votes reflect their religious values.

For example, the committee’s primary criticism of Ireland was that the Irish persist in thinking, living, and voting like Catholics, particularly with respect to abortion.<sup>14</sup> The committee invoked Article 5 of CEDAW, which obligates the Irish government to take measures to eradicate the influence of Catholicism on its culture and people, to the extent Catholicism offends the committee’s interpretation of rights under CEDAW.<sup>15</sup>

Furthermore, as I previously mentioned, the committee shows no reluctance to invent new, unanticipated and unagreed rights by processes of “interpretation.” For example, the committee is treating abortion and lesbianism<sup>16</sup> as “rights,” even though such “rights” have little popular support throughout the world and have

<sup>4</sup> CEDAW/C/2000/I/CRP.3/Add.7/Rev. 1, paras. 25–28 (Germany); CEDAW/C/1999/L.2/Add.6, paras. 24–27 (Spain); CEDAW/C/2000/I/CRP.3/Rev. 1, paras. 25–26 (Luxembourg).

<sup>5</sup> A/56/38 para. 342.

<sup>6</sup> 16 CEDAW/C/1999/L.2/Add.3, para. 30; CEDAW/C/2000/I/CRP.3/Add.5/Rev. 1, paras. 9, 23–27 (Belarus).

<sup>7</sup> See, e.g., A/55/38 para. 313 (Germany); A/52/38/Rev. 1, paras. 104, 114 (Slovenia).

<sup>8</sup> CEDAW/C/2002/I/CRP.3/Add.7, para. 33 (Estonia); A/56/38 para. 341 (Egypt); CEDAW/C/2000/CRP.3/Add.1/Rev. 1, para. 42 (Jordan); CEDAW/C/1999/L.2/Add.3, para. 29 (Georgia); A/53/38, para. 110 (Croatia).

<sup>9</sup> CEDAW/C/1999/L.2/Add.3, paras. 28–29.

<sup>10</sup> A/49/38 paras. 130, 132.

<sup>11</sup> A/52/38/Rev.1, para. 10.

<sup>12</sup> A/54/38, para. 314 (China/Hong Kong); A/50/38, para. 460 (Norway).

<sup>13</sup> See, e.g., A/56/38 paras 326–27 (Egypt)

<sup>14</sup> CEDAW/C/1999/L.2/Add.4, para. 20.

<sup>15</sup> *Id.*, paras.33–34.

<sup>16</sup> See, e.g., CEDAW/C/1999/L.2/Add.2, paras 26–27 (abortion); A/54/39, paras. 127–28 (lesbianism).



been, in fact, clearly rejected by the General Assembly at Cairo and Beijing, in follow ups to those conferences, and numerous other negotiations. The committee even began treating voluntary prostitution as a “right” under CEDAW.<sup>17</sup> This practice of inventing new “rights” raises serious questions about the 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 document expressly containing them.

Nor do all women, themselves, agree with the CEDAW committee’s priorities. Many women, in all parts of the world, view their family role as the most important role they will ever have. They freely choose to be with their families, nurturing their children, and passing on culture and values. They do not want to work full-time, at least while their children are small. In many cases, women are forced to work because of economics, and would like to be “liberated” from their jobs to spend more time with their families. They do not feel oppressed by their “stereotypical role.” They believe that motherhood and homemaking offer benefits to themselves and to their families. Yet, CEDAW requires that the force of government be brought to bear to eradicate these “stereotypical attitudes.” What business does any government have interfering in this manner?

These matters, and other matters covered by CEDAW, go to the core of culture, family, and religious belief. CEDAW—particularly as it is interpreted by the CEDAW committee—poses a threat to fundamental rights in all these areas. The doctrinaire approach of the CEDAW committee is nothing less than “cultural colonialism,” which attempts to force a radical Western agenda which is widely rejected even in the West. It completely ignores the rights of women, and men, to political, social, and cultural self-determination. We have not done women a favor if, for the sake of possible short-term gains, we persuade them to sacrifice political freedom.

As global communication and commerce shrink the world, and as people in all parts of the world become better educated and more aware of the situation of women in the developed world, the lot of women worldwide will inevitably improve, with or without CEDAW and the CEDAW committee. It wasn’t so long ago that women in America were second-class citizens. We have evolved, and that has changed. These changes were made without an international committee interfering in our domestic governance and telling us which parts of our culture we had to jettison. People in the rest of the world deserve the same opportunity to evolve, consistent with their own cultures and values. CEDAW is too blunt an instrument for the task. Whatever advances it may secure for women, the collateral costs, in terms of denigration of other fundamental rights, are too high.

The international human rights system—which is much more malleable and corruptible than the American legal system—has become a magnet for groups seeking ways to seize power and impose their beliefs without popular support. It attracts those groups precisely because of its malleability and corruptibility. The CEDAW committee is a prime example of these characteristics.

Some may say that the CEDAW committee can’t hurt the United States, because we are too powerful, the committee has no enforcement authority, and we can make appropriate reservations.

Of course, if only the weak nations must kowtow to the CEDAW committee, then this isn’t a system of “law” at all, but merely the exercise of power, and we should not pretend otherwise.

It is true that the CEDAW committee, at present, has no “teeth” with which to enforce its pronouncements, nor do any of the United Nations Human Rights treaty bodies. These bodies were ostensibly founded on the principle of respect for the sovereignty of nations. Accordingly, for the present, compliance with human rights committee recommendations depends on the political will of the states parties.<sup>18</sup>

However, one only need follow the news to recognize that there is an ongoing effort, both at the United Nations and among some Western powers, to give “teeth” to the enforcement of human rights. Who can doubt that one of the main purposes of NATO’s activities in the former Yugoslavia was to make the point that human rights supersede national sovereignty? Several recent pronouncements from within the United Nations system have made the same point. Kofi Annan has spoken open-

<sup>17</sup> See A/54/38, paras. 288–89 (China), and para. 197 (Greece); CEDAW/C/2000/I/CRP.3/Add. 7/Rev. 1, paras. 39–40.

<sup>18</sup> This is true, at least, among the developed nations. If countries are poor, weak, and in need of international assistance, they may already be subject to coercion to comply as a condition of receiving assistance.

ly about “redefining” sovereignty, and stating that the “individual is the focus of the [United Nations’] concerns,” thus bypassing bothersome national governments.<sup>19</sup>

Moreover, one of the newly minted “crimes against humanity” in the statute of the International Criminal Court is the crime of “persecution,” which is broadly defined as “the intentional and severe deprivation of fundamental rights contrary to international law . . .”<sup>20</sup>

If national sovereignty must give way in cases of violation of “human rights,” and if individuals are to be imprisoned for the denial of “fundamental rights” under “international law,” then these undisciplined, doctrinaire committee pronouncements matter a great deal because they purport to give content to those “rights.” If a human rights regime with “teeth” becomes a reality, CEDAW would indeed pose a danger to important rights and freedoms, not to mention sovereignty. This is not a regime to which the United States should encourage by lending its prestige and support.

Nor can the United States necessarily always rely on reservations to protect its sovereignty and the constitutional rights of its citizens. We are certainly too powerful now for the “international community” to impose its will upon us. But there is no guarantee that the “international community,” or the CEDAW committee, would always respect our reservations. And, again, if this is simply a matter of raw power, not of law, then it is undeserving of our support for that reason alone.

We could declare that CEDAW is not self-executing. But the CEDAW committee takes the position that CEDAW must become part of domestic law.<sup>21</sup> We can make reservations on specific topics. But who can predict what non-textual rights will be introduced by the CEDAW committee in the future? We can make a broad reservation based on our Constitution. But a quick perusal of the reservations to the CEDAW, and, more specifically, the objections to those reservations, will reveal that members of the “international community” routinely declare such broad reservations invalid because they are too vague and non-specific. In short, there is no way to guarantee that the CEDAW committee will not at least attempt to meddle in the domestic affairs of the American people, in violation of our Constitution and our sovereignty. It is precisely this type of meddling by human rights committees that recently prompted Australia to declare that it would no longer report to them.

In conclusion, the advocates of CEDAW usually speak in broad, glowing terms about all CEDAW’s noble intentions. As usual, however, the devil is in the details. As a woman who is familiar with some of those details, I oppose ratification of CEDAW. It offers nothing of value, and there are too many important rights at risk.

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SUPPLEMENT TO PREPARED STATEMENT OF KATHRYN O. BALMFORTH

As discussed at the hearing on CEDAW before the Committee on Foreign Relations on June 13, 2002, I am pleased to provide additional information clarifying the source of footnote 11 on page 6 of my prepared statement.

In United Nations document A/52/38/Rev.1, paragraph 387 reads:

1. General Recommendation 23

387. The committee adopted general recommendation 23 on articles 7 and 8 of the Convention relating to women in public life, and authorized Ms. Silvia Cartwright, in conjunction with the Secretariat, to edit the text so that it could be included in final form in the report of the committee on its seventeenth session (for the text, see part two, chap. I, sect. A).

Paragraph 10 of General Recommendation 23, as approved by the committee and posted on the United Nations High Commissioner for Human Rights website, reads:

10. In all nations, the most significant factors inhibiting women’s ability to participate in public life have been the cultural framework of values and religious beliefs, the lack of services and men’s failure to share the tasks associated with the organization of the household and with the care and raising of children. In all nations, cultural traditions and religious beliefs have played a part in confining women to the private spheres of activity and excluding them from active participation in public life.

<sup>19</sup> Kofi Annan, “The Legitimacy to Intervene: International Action to Uphold Human Rights Requires a New Understanding of State and Individual Sovereignty,” *Financial Times*, December 31, 1999.

<sup>20</sup> A/CONF.183/9, Rome Statute of the International Criminal Court, Art. 7, para. 2(g).

<sup>21</sup> See, e.g., CEDAW/C/2002/1/CRP.3/Add.4 para. 31 (Trinidad and Tobago).

Equality of participation in public life is a mandate of Article 7 of the Convention. The CEDAW committee is interpreting that to mean numerical equality, not just equal opportunity. The committee has called for quotas, even for elective office. Since Article 5 of CEDAW expressly calls for changing any practice that is based on "stereotyped roles" for women, it is clear that the express targeting of "religion" in this General Comment is meant to convey the idea that any religion that encourages motherhood and caring for the family as a valuable activity is violating CEDAW, and that action should be taken to change those belief systems.

Senator BOXER. The Hon. Juliette McLennan, former U.S. Representative to the U.N. Commission on the Status of Women, we welcome you.

**STATEMENT OF HON. JULIETTE C. McLENNAN, FORMER U.S. REPRESENTATIVE TO THE U.N. COMMISSION ON THE STATUS OF WOMEN, EASTON, MD**

Ms. McLENNAN. Thank you, Madam Chairman and other members of the committee, and I thank you for inviting all of us here today to discuss this treaty. Recalling the Convention on the Elimination of All Forms of Discrimination Against Women, or CEDAW, the treaty for the rights of women, U.S. ratification of this is a matter of crucial, crucial importance for the health and well-being of women and children around the world. It is also critical for the international interests of the United States, and I hope my testimony will help persuade some of you in this case. I have a longer testimony which I would like to submit to you, and I will just try and touch on some of the key points as I go through.

As a former Representative to the U.N. Commission on the Status of Women during the first Bush administration—I believe some refer to it as Bush 41—I can tell you that my work as an ambassador, you would hear stories all the time from other diplomats, where is the leadership of the United States? Without ratifying this treaty we do not have the authority and the credibility to go forward with our leadership in human rights. It is very simple.

International standards, the importance of having international standards for human rights is vital. In Afghanistan, as we have been talking about this morning, we have seen the terrible effects of apartheid, gender apartheid. In too many other countries women and girls are still deprived of the basic rights we take for granted right here in the United States. The international treaty for the rights of women was approved 22 years ago. 169 countries have ratified it. We have already heard about the company we keep, somewhat embarrassing, to say the least.

May I just say that the supreme court of Tanzania put it very well when it cited the standards in ruling that women must be allowed to inherit clan property. The treaty for the rights of women and these other facts the court said are, quote, a standard below which any civilized nation will be ashamed to fall. International standards, international benchmarks. These are the key things this treaty does, and we need to support it.

The question for the Senate Foreign Relations Committee is whether it makes a difference for the human rights of women if the United States ratifies this treaty. Clearly, we have heard from all sorts of people this morning the effects that this treaty, the ratification of this treaty will have. It is terribly, terribly important. The failure of our ratification has again, if I may say, caused our credi-

bility to be called into question in the international arena. We have not ratified the treaty. We have very little leverage when we argue that other nations ought to observe basic human rights of women.

When we are not treaty partners, it is very awkward for us to demand, for example, that India and Pakistan work hard to enforce treaty bans in their own laws against bride-burning and the so-called honor killings of women. Without a seat at the table, our voice is not heard and thus is not taken seriously, and I might also say from my own personal experience, when I was at the United Nations, the other diplomats would come up to me and say, your country publishes a country-by-country human rights report every year, yet you have not ratified CEDAW. It does not equalize in weight. We are not being heard.

Critics like to point out that there are countries that have ratified the treaty where women's rights are still abused. Well, the treaty is only one tool. We live in an imperfect world, but without that seat at the table, without that leadership, we cannot show and prove the bipartisan support that this country has exhibited in human rights for the last—well, forever. Forever.

Senator BOXER. I would ask you to wrap up.

Ms. McLENNAN. Yes, I would be happy to. I would just like to say, again, the importance of ratifying this is so important for our leadership capability, helping women around the world.

We have to be able to stand up and say we, the United States, we do not support sex slavery, we oppose the deaths of women dowry disputes, we oppose women dying as victims of honor crimes, and from AIDS, and the complications of child birth. We are a Nation who supports education for girls as well as boys, and we refuse to leave women behind as second-class citizens in voting, or gaining credit, or owning property.

That is why the United States must ratify this treaty. It is long overdue. Our voice and support are long, long overdue, and I urge the committee to please ratify this treaty with great haste.

[The prepared statement of Ms. McLennan follows:]

PREPARED STATEMENT OF AMBASSADOR JULIETTE CLAGETT McLENNAN

Madame Chairman, members of the committee: thank you very much for inviting me to be here today to discuss with you this very important treaty. Its formal name is the Convention for the Elimination of All Forms of Discrimination Against Women, or CEDAW. But to be perfectly clear on what this means, I will call it the Treaty for the Rights of Women. U.S. ratification of this treaty is a matter of crucial importance for the health and well-being of women and children around the world, and it is also critical for the international interests of the United States. I hope my testimony will help to persuade all of you that this is the case.

My name is Juliette Clagett McLennan and I am a former U.S. Representative to the United Nations Commission on the Status of Women, where I served in the administration of President George Bush with the rank of ambassador. I am also on the board of directors of the U.S. Friends of the World Food Programme and the International Center for Research on Women. My first concern here today is that some members of the committee may not see any need for America to ratify this treaty. I can tell you from my work as an ambassador and subsequent work around the world that ratification of this treaty is sorely needed.

Next, I want to explain how the treaty has worked overseas to help save women's lives, and how U.S. ratification will help to save millions more lives around the world. And finally, I am concerned that some senators may have some misunderstandings about the Treaty for the Rights of Women. I want to try to clear those up.

First let me talk about the importance of having international standards for human rights of women. In Afghanistan we have seen the terrible effects of gender

apartheid at work. In too many other countries, women and girls are still deprived of the basic rights we take for granted here at home. While it is hard to hear and harder to bear, the facts tell us that there is no doubt a need for international standards:

- Some two million girls between five and 15 are brought into the commercial sex market every year<sup>1</sup> as part of worldwide human trafficking.
- An estimated 60 million girls are “missing” because of son preference, female infanticide or simple neglect.<sup>1</sup>
- Around the world, pre-pubescent girls are routinely required to marry before their bodies are mature enough to cope with sexual relations or pregnancy, and as a result, pregnancy-related complications are the main cause of death for girls 15 to 19.<sup>2</sup>
- Because older men often prey upon uneducated young girls, the HIV/AIDS infection rate for teenage girls worldwide is five times the rate for boys their own age. For women in their 20s, the rate is three times higher.<sup>4</sup>
- In India, Bangladesh and Pakistan, women are often attacked with acid in dowry disputes, and so-called “honor” killings took the lives of 5,000 women in 1999—a stabbing, stoning, strangulation or live burning every two hours.<sup>1</sup> The murderers are not prosecuted.
- In developing countries, one woman in every 48 will die from the complications of pregnancy and childbirth, compared to only one in 1,800 in the industrialized world, because women get unequal medical care.<sup>3</sup>
- Women are two-thirds of the world’s 880 million illiterates,<sup>1</sup> and of the 300 million children with no access to education, two-thirds are girls.<sup>1</sup>
- Women may be barred from owning property or from inheriting it, or they cannot get credit to start businesses, or they are kept from voting and barred from the councils where decisions are made about their own lives.
- When wars and conflicts rage, women are rarely at the tables where negotiators try to preserve peace or end conflict. Yet, women and children make up more than 75 percent of the world’s millions of displaced persons and refugees.<sup>5</sup>

The International Treaty for the Rights of Women was approved at the United Nations in 1979 as an effort to end those abuses. It does not establish any laws but rather sets standards for the human rights of women, standards that were developed from measures that the United States strongly supports, including the Universal Declaration of Human Rights and the Bill of Rights of our Constitution. The Supreme Court of Tanzania put it very well when it cited these standards in ruling that women must be allowed to inherit clan property. The Treaty for the Rights of Women and these other pacts, the court said, are “a standard below which any civilized nation will be ashamed to fall.”

The question for the Foreign Relations Committee is whether it makes a difference to the human rights of women if the United States ratifies this treaty. At this moment, the United States stands shoulder-to-shoulder in failing to ratify this treaty with such nations as Afghanistan, Sudan, Syria and Somalia. As the members of this committee know very well, women and girls in Afghanistan under the Taliban were subjected to shocking abuse. They were punished or killed for exercising basic freedoms of speech, assembly and public participation—for just trying to go to work or to school. In Sudan and Syria women lack full property and legal rights, and in Somalia girls are subjected to female genital cutting. Our partnership with these nations in refusing to join the world community that stands for the human rights of women is embarrassing, to say the least—one that we ought to abandon as soon as possible. Over the last 22 years, 169 countries have ratified the Treaty for the Rights of Women, and we are the only industrialized and developed nation that has not.

This failure has compromised our credibility as a world leader in helping women to seek their human rights. Because we have not ratified the treaty, we have little leverage when we argue that other nations ought to observe the basic human rights of women. When we are not full treaty partners, it is awkward for us to demand, for example, that India and Pakistan work harder to enforce the treaty bans and their own laws against bride-burning and the so-called honor killings of women. Without a seat at the table, our voice is not heard and thus, not taken seriously.

We have learned to our national dismay that it harms our national interest when we are not eligible to be on a U.N. committee where human rights are protected and promoted. Only if we ratify the Treaty for the Rights of Women can we serve on and lend our strength to the CEDAW committee, the group that monitors countries on their progress in overcoming barriers to women’s full equality. The com-

mittee is named for the formal treaty name, and gets periodic reports from each ratifying country. But its voice would be a lot stronger if the United States could be a member. In the same way, the treaty and the committee would amplify the U.S. voice in our drive to end discrimination and abuse of women around the world.

Critics like to point out that even in countries that have ratified this treaty, women's rights are still abused. But the treaty, like other human rights instruments, is one tool available to women to press their governments to make good on their treaty commitment. We live in an imperfect world but because the treaty sets standards for basic human rights, it has become a strong tool to stop violence against women and open the doors of opportunity. Where the treaty can be invoked, women and girls can more credibly demand the rights that American women take for granted—like the right to vote, to hold elected office and to have credit and property in their own names.

In Colombia, for example, the courts ruled in 1992 that the absence of legal recourse for a victim of domestic abuse was a violation of the woman's human rights to life and personal security. In Uganda, the treaty terms led the state and cities to create programs against domestic violence. Pakistan introduced co-education in primary schools after it ratified the treaty, and girls' enrollment, although still very low, has increased rapidly. Developed countries benefit too. Argentina set up a program to prevent teen pregnancy and provide care when it does occur, especially for homeless girls. Slovenia and Switzerland have changed their school admission policies to benefit girls, and Australia launched efforts to promote awareness and prevention of breast and cervical cancer.<sup>6</sup>

The Treaty for the Rights of Women is a tool that women around the world are using to seek the right to own or inherit property, to establish their own credit, to hold jobs and get an education, to fight poverty and violence, and to improve their own health care, saving millions of lives. Ratifying the Treaty for the Rights of Women will allow the United States to lead the way in reducing the suffering of the world's three billion women. It is in our own urgent national interest to do this.

Let me now tell you some things the Treaty for the Rights of Women will NOT do. First, it will NOT require any change in U.S. laws. As this committee noted in its report in 1994, U.S. laws are already consistent with the standards in the treaty. In addition, the treaty is not self-executing. This means that the treaty cannot change U.S. domestic law in any way. Any argument that the treaty will require a lot of legal changes or inspire a flood of lawsuits is just plain incorrect. The treaty certainly does not authorize any lawsuits that are not possible right now. In addition, the treaty has no enforcement mechanisms—just the force of international opinion. No international court or tribunal will be meddling in U.S. laws or family arrangements.

The only thing this treaty requires is periodic reports on progress in overcoming barriers to women's equality and the national good will to address barriers that might still exist. And some of the misconceptions about the treaty arise from the fact that irresponsible critics have taken lines out of context from some CEDAW committee recommendations. Let me be clear. There are no mandates to governments, nor can there ever be mandates to governments, from the CEDAW committee.

For example, critics of the treaty say the CEDAW committee in its comments on China said prostitution should be legal worldwide. That is simply wrong. The CEDAW committee noted in its country report on China that it has rampant prostitution and sex trafficking as well as a skyrocketing rate of HIV/AIDS infection. So it urged the government of China to regulate prostitution so that the victimized women can come forward without fear of jail to get health care, education and treatment for AIDS and other sexually transmitted infections. Evangelical Christian groups among others have made the very same recommendations.

Critics also charge that the CEDAW committee has come out against motherhood and Mother's Day. This is totally false. The committee in 1998 noted that in Belarus, the majority of the poor are women and most of the jobless are mothers, but the government, rather than calling on men to assist with domestic and family needs, reinstated Mother's Day to deflect attention from mothers' situation. In another report, it noted that Armenia had justified barring women from working night shifts or in manual labor with claims it was defending "the noble role of motherhood." Critics have twisted these defenses of women's rights to employment to sound like attacks on motherhood, but in fact protection for mothers and motherhood must include economic protections against discrimination, for all working women.

Another example involves a 1997 general committee report that urged, "full participation of women in the military." Irresponsible treaty critics say that means women will have to be sent into ground combat. But that is another misrepresentation. The phrase was in the context of the committee's observation that women's ab-

sence from military decision-making hampers diplomacy, negotiations, and efforts to make and keep the peace. It also neglects the effect upon women and families of military decisions in times of conflict. Full participation of women in military affairs would change these processes for the better.

A fourth misrepresentation about the treaty is that it advocates the use of abortion because it supports, "access to family planning." In fact, family planning means just that, the ability to plan the size of one's family, and access to services to ensure a healthy family. It is not a code word. It is true that the CEDAW committee has been very concerned about access to family planning, given the rise of HIV/AIDS and the importance of promoting healthy and safe pregnancy. The treaty itself is abortion-neutral. Countries on both sides of the abortion debate have ratified the treaty. Ireland, for example, ratified the treaty without any reservations and maintains a ban on abortion. Nevertheless, to underscore this point, the Foreign Relations Committee attached a legal "understanding" to the legislation in 1994 noting that it does not confer or deny any right to abortion.

So those are some of the things that the Treaty for the Rights of Women does not do.

So why does the United States need to ratify the treaty? The simple answer is that a bipartisan consensus of Americans wants to defend the basic human rights of women. We need the treaty as a tool to set clear standards for achieving that goal around the world. Ratification will give us credibility in urging other countries to give women their full human rights. It will strengthen our international partnerships and affirm our leadership position in working to protect and promote human rights and reduce human suffering. And it will help to guarantee that the outrages committed against the women of Afghanistan are never repeated anywhere again.

The United States must stand with other civilized countries to protect and promote the human rights of women. We must affirm the international standards that we so strongly defended for the women of Afghanistan. We must tell the world: We oppose sex slavery. We oppose the deaths of women in dowry disputes and as victims of "honor crimes," and from AIDS and from the complications of childbirth. We are a nation that supports education for girls as well as boys, and we refuse to leave women behind as second-class citizens in voting or gaining credit or owning property. That is why the United States must ratify the Treaty for the Rights of Women. Our voice and support are long overdue. I urge you to ratify this treaty without delay.

I appreciate this opportunity to testify, and I will be happy to answer any further questions you may have.

Thank you.

SOURCES:

1. U.N. Population Fund, *Lives Together, Worlds Apart: State of World Population 2000*, UNFPA, New York, 2000.
2. Family Care International, *Sexual and Reproductive Health Briefing Cards*, FCI, New York 2000.
3. World Health Organization, *Revised 1990 Estimates of Maternal Mortality: A New Approach by WHO and UNICEF*, Geneva, 1996.
4. UNAIDS, *Report on the Global HIV/AIDS Epidemic*, Eleven Population-Based Studies. UNAIDS, New York, 2000.
5. U.N. Population Fund, *Reproductive Health for Communities in Crisis: UNFPA Emergency Response*, UNFPA, New York, 2001.
6. For these and additional examples, see Milani, Leila Rassakh, ed., *Human Rights for All*, Working Group on Ratification of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women, Washington DC 2001.

Senator BOXER. Thank you so much. It is my pleasure to call on now Dr. Christina Hoff Sommers, resident scholar, American Enterprise Institute. You are very well-represented here by two women. Please proceed.

**STATEMENT OF DR. CHRISTINA HOFF SOMMERS, RESIDENT SCHOLAR, AMERICAN ENTERPRISE INSTITUTE, CHEVY CHASE, MD**

Dr. SOMMERS. And I am also an adjunct professor at Clark University, Worcester, Massachusetts.

Senator BOXER. We will let the record so show.

Dr. SOMMERS. Although I actually am arguing we should not ratify the CEDAW convention, I want to first speak as a feminist who would very much like to see a realistic international effort for securing women's rights. American women have been beneficiaries of two major waves of feminism. In the first wave, women won basic political and legal rights. The second wave advanced women economically and socially. Now, with this progress, American women have achieved virtual equality with men. There are still unresolved equity issues, but overall we are now among the freest and most liberated women in the world, and in some ways we are not merely doing as well as men, we are doing better.

Now we have reached the third wave, and much of our efforts can now be devoted to helping women in other parts of the world achieve the kind of equity that we have here, but committing ourselves to the CEDAW convention is the wrong way to do that. I have several reasons for opposing ratification of this convention. I will submit my longer statement to the record.

Senator BOXER. Without objection, we will put that in.

Dr. SOMMERS. Here I will focus on two or three that I regard as decisive. The CEDAW has many admirable and sound goals that any person of conscience must support, but it was formulated throughout the seventies. It promotes reforms that we now know undermine economic prosperity.

Article XI, for example, calls for Governments to set wages. It demands, quote, the right to equal remuneration in respect of equal work—I am sorry, in respect to work of equal value. Now, that is the policy we call comparable worth. Americans have rightly rejected it as unjust and unworkable, so why should we advocate it for women elsewhere?

Article XI also demands a vast array of costly, ambitious programs. American women have benefited from a free, open, and economically dynamic society. Shouldn't we be promoting policies that bring these advantages to women everywhere?

The treaty includes several sweeping demands that I would regard as socially divisive. Article V, for example, calls for the Government to, quote, 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 stereotypical roles for men and women. Now, of course, some stereotypes are destructive and prejudicial, and we must call disparaging attention to them, but there are other male/female stereotypes that are descriptively true.

Now, in the 1970's there were many feminists who believed that gender was a social construct, just an artifact of society that gave men the advantage. Today, very few, but a handful of scholars in women's studies still believes that. A growing body of research suggests there is a biological basis for sex differences and aptitudes and preferences. As the Rutgers University anthropologist Lionel Tiger has said, biology is not destiny, but it is good statistical probability. Unfortunately, much in CEDAW is premised on the false idea that all gender preferences are socially constructed and should be targeted for elimination.

Now, of course, in recognizing that men and women have distinctly different preferences, I am not for one moment suggesting that any woman should be prevented from pursuing her goals in



any field she chooses. I am suggesting, however, it would be wrong to expect and to impose parity in all fields. There are always going to be more women than men that want to stay home with little children, more women will be drawn to fields like early childhood education, more men in hydraulic engineering or helicopter mechanics.

Consider how the feminist hard-liners could deploy Article X of the treaty. It calls for, quote, the elimination of stereotype concepts of roles of men and women at all levels in all forms of education, in particular, by the revision of textbooks and school programs. Can there be anyone in the United States, apart from a small coterie of activists, who would favor empowering a committee of foreign gender experts to oversee American social mores and to intrude into public education by distorting the textbooks our children read?

This treaty could do harm by promoting male and female resentments in this country at a time where the country badly needs unity. Most American women are proud and grateful to be from a society that has afforded us unprecedented freedoms and opportunity, but this favorable view of our society is not shared by many of my colleagues in academia, particularly feminist activists in women's studies. I have reviewed textbooks, I have taught from these textbooks where routinely they call America a patriarchal, oppressive society. One leading textbook calls it a rape culture, another refers to the gender terrorism faced by American women. Well, Bosnia for a time was truly a rape culture, Afghanistan under the Taliban practiced gender terrorism, but to apply such terms to the United States is ludicrous. Too much of what passes as gender scholarship is ideologically and factually wrong. American men are depicted as violent predators, American women their hapless victims. If you had to distill the philosophy of academic feminism to a single dictum, it would be this: women are from Venus, men are from hell.

Now, in the last 10 years, a number of moderate feminist academics—

Senator BOXER. Somebody who said that was remembering her first husband.

Would you wrap up, please?

Dr. SOMMERS. I will try to wrap up. In the last 10 years, a number of moderate feminist academics like myself and a growing number of dissident independent scholars have been working hard to correct the misinformation, challenge the naive hostility to free markets, call for an end to the male-bashing rhetoric. We are beginning to make slow progress in opening up the national discussion on gender to diverse perspectives.

Now, what does it have to do with CEDAW? If the United States signs this treaty it would dramatically increase the power of these misguided gender scholars. The treaty calls for the elimination of sexism. American society has achieved this goal in most of the ways that count, but if you compare us with the rest of the world, we are a shining example of gender equity, but this is not the view of the feminist theorists. They do not agree with that, and in support of their gloomy perspective they cite a body of statistically challenged advocacy research that castigates American males and denigrates American society.

Now, this treaty—this is my point. This treaty, in conjunction with the counterfeit gender research could be a toxic combination. If CEDAW is ratified, expect more rancor, more lawsuits, more divisiveness.

A final point. The United Nations has a history of using its human rights doctrines and commissions for scoring points against western democracies, all the while carefully refraining from censuring countries that notoriously abuse the rights of its citizens. The United States was excluded from a Commission on Human Rights last year, petulantly expelled from the Commission on Human Rights, and on every occasion it seems the United States is alone.

I do not consider it a bad thing to be alone, because we are alone in defending little Israel, the only democracy in the Middle East. Anyway, there is no reason to believe the CEDAW would not be used in a highly political way as well.

Women in the developing countries need our help. We are morally bound to assist them in ways that are constructive and reflect the ideals of fairness and common sense that have lifted American women to a level of freedom unprecedented in human history. Thank you.

[The prepared statement of Dr. Sommers follows:]

PREPARED STATEMENT OF CHRISTINA HOFF SOMMERS

THE CASE AGAINST RATIFYING THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Although I shall be arguing that we should not ratify the CEDAW convention, I want first to speak as a feminist who would very much like to see a realistic international effort for securing women's rights.

American women have been the beneficiaries of two major waves of feminism. In the First Wave, led by the great foremothers, Elizabeth Cady Stanton and Susan B. Anthony, women won basic political and legal rights, including the right to vote. The Second Wave, which came in the sixties and early seventies, advanced women economically and socially. Employers could no longer legally restrict a job to one sex. A company could no longer refuse to hire a woman because she had children. Such laws have been critical to the well-being and success of American women and most of the reforms of the First and Second Waves are appropriate and necessary for women everywhere.

With this historical progress, American women have achieved virtual equality with men. There are still some unresolved equity issues, but overall, we are now among the freest and most liberated women in the world. In some ways, we are not merely doing as well as men—we are doing better. We live longer, we are better educated, we have more choices on how to lead our lives. By any reasonable measure, equity feminism is the great American success story.

When I lecture about the history of the women's movement on college campuses, students often ask what's next for the Third Wave. My answer is always the same; we have to help women in other parts of the world secure the freedoms we now take for granted. There are countries, especially in Africa and Asia, where women have not yet had their Elizabeth Cady Stanton and Susan B. Anthony; as for second wave reforms, they are light-years away from them.

American women have much to tell the women of the world. We can and should help women everywhere to achieve the kind of equity we have here. But joining the CEDAW convention is the wrong way to do that. I have several reasons for opposing ratification of this treaty. I will focus here on two or three that I regard as decisive.

The CEDAW convention has many admirable and sound goals that any person of conscience must support. But it was formulated in the 1970s and it promotes several reforms that we now know to be harmful. These programs looked promising, exciting and progressive in 1975, but since then we have come to realize that they undermine economic prosperity. Article 11, for example, calls for governments to set wages. It demands "The right to equal remuneration. . . in respect of work of equal value." This is the policy we call "comparable worth." Americans have rightly re-

jected comparable worth as unjust and unworkable at home. So, why should we advocate it for women anywhere?

Article 11 also demands that governments provide paid maternity leave, and provide the “necessary supporting social services to enable parents to combine family obligation with work responsibility and participation in public life . . . through the establishment and development of a network of childcare facilities.” All very salutary, except that experience shows that such programs tend to burden a country’s economy to everyone’s detriment. American women have benefited from a free, open and economically dynamic society: shouldn’t we be promoting policies that bring these advantages to needy women everywhere?

The treaty includes several sweeping demands that are socially divisive and likely to create unnecessary misery. Article 5, for example, calls for all governments to “modify the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices and all other practices which are based on . . . stereotyped roles for men and women.” What exactly does this provision entail? Of course, some gender stereotypes are destructive and prejudicial and we must call disparaging attention to them. (Typical examples include generalizations that women are irrational, that they are less intelligent than men, that they are politically immature, etc.) But, other male/female stereotypes are descriptively true. In the 1970s, many feminists believed that truly liberated men and women would become more and more alike—that a gender-just society would eventually become androgynous. Gender was supposedly an artificial social construction that gave men the advantage. Well, today, only a handful of scholars in Women’s Studies programs still believe that.

A growing body of research in neuroscience, endocrinology, and psychology over the past 40 years provides evidence that there is a biological basis for many sex differences in aptitudes and preferences. Males have better spatial reasoning skills, females better verbal skills. Males are greater risk takers, females are more nurturing. (There are exceptions, but these are the rules.) As the Rutgers University anthropologist Lionel Tiger has said, “Biology is not destiny, but it is good statistical probability.” Unfortunately, much in CEDAW is premised on the false idea that all gender preferences are socially constructed.

Of course, in recognizing the obvious differences between men and women, I am not for one moment suggesting that women should be prevented from pursuing their goals in any field they choose; but I am suggesting we should not expect or aim at parity in all fields. More women than men will continue to want to stay at home with small children and pursue careers in fields like early childhood education or psychology; men will continue to be heavily represented in fields like helicopter mechanics and hydraulic engineering.

A few years ago I took part in a television debate with celebrity lawyer, Gloria Allred. Ms. Allred was representing a 14-year-old girl who was suing the Boy Scouts of America for excluding girls. Allred characterized same-sex scout troops as a form of “gender apartheid.” She spoke of the need to “socialize” boys to play with dolls so they could be more nurturing and less fractious. CEDAW will give all the Ms. Allred’s in this country a treaty of their own to create mischief.

Consider, for example, how hard-liners could deploy Article 10 of the treaty: It calls for the “elimination of stereotyped concepts of the roles of men and woman at all levels in all forms of education . . . in particular, by the revision of textbooks and school programs.” Our textbooks and school materials cannot endure any more political corrections. The New York Times recently ran a story about how politics of textbook revisions is now out of control: great works of literature were recently scanned for insensitivity and altered by censors before intense lobbying eliminated the practice. The CEDAW Treaty demands this kind of textual revision—which amount to censorship inconsistent with American civil liberties.

Can there be anyone in the United States, apart from a small coterie of feminists activists and academics, who would favor empowering a committee of foreign bureaucrats to oversee American social mores—or intrude into public education by distorting the textbooks our children read?

the treaty could do us harm by promoting male/female resentments and divisions at a time when the country badly needs social unity. Most American women feel blessed to live in a country where, for the most part, the men are fair-minded, decent and supportive of women in their quest for equality. We are proud and grateful to be part of a society that has afforded us unprecedented freedoms and opportunities. But this very favorable view of American men and of American society is not shared by the hard-line feminists in our universities. These activists/scholars tend to take a dim view of American society, routinely referring to it as a “patriarchy,” a “male hegemony,” a culture that keeps women socially subordinate. One leading textbook in women’s studies talks of an epidemic of gender “terrorism” plaguing the

average American women. Another calls the United States a “Rape Culture.” Now, Bosnia, for a time, was truly a rape culture. Afghanistan, under the Taliban, routinely practiced gender terrorism. To apply such terms to the United States is ludicrous.

The activists and scholars who characterize America as a sexist society sincerely believe we are in a gender war. In all wars, the first casualty is truth. Too much of what we hear from contemporary women’s organizations is outrageously false. Too much of what passes as gender scholarship is ideological and factually wrong: American men are depicted as violent predators and American women their hapless victims. If you ask me to reduce the philosophy of academic feminism to a single phrase it be this one: Women are from Venus, Men are from Hell.

For the past decade, moderate feminist academics like myself, and a growing number of dissident scholars such as Camille Paglia (University of the Arts), Daphne Patai (University Of Massachusetts), Betsy Fox-Genovese (Emory), Noretta Koertge (University of Indiana), Judith Kleinfeld (University of Alaska), Jennifer Braceras (Harvard Law)—to name only a few—have been hard at work correcting the misinformation, challenging the naive hostility to the free market system, and calling for an end to the male bashing-rhetoric that is standard fare at most of our colleges and universities. We have made slow but steady progress in opening up the national discussion on gender to diverse perspectives, but thinking on these matters on campus and in the major feminist organizations remains dismayingly rigid and intolerant. For the time being, the organized women’s movement in this country is dominated by ideological gender theorists and by well-intentioned, but misinformed, women’s groups that take what these theorists say seriously.

Now what does this have to do with CEDAW? If the United States signs the treaty, it would dramatically increase the power of the misguided gender scholars. The treaty calls for the elimination of sexism. Reasonable people believe that our American society has already achieved this goal in most of the ways that count. If you compare us with the rest of the world, we are a shining example of gender equity. Unfortunately, most campus theorists do not agree with that. They believe that American women live in a male supremacist society; and they can cite twenty years of feminist “scholarship” to persuade themselves and us that they are right. What they actually cite is a body of statistically challenged gender ideology.

This treaty in conjunction with the counterfeit feminist research could be a most toxic combination. If CEDAW is ratified, expect more rancor, more lawsuits, and more divisiveness. Gender bureaucrats from the United Nations will join the feminist ideologues and the United States will be subject to relentless legal assaults for alleged violations of the treaty.

The United Nations has a history of using its human rights doctrines and commissions for scoring points against Western democracies—all the while carefully refraining from censuring countries that notoriously abuse the rights of their citizens. The United States was banished from the Commission on Human Rights for a year. The UN’s 2001 Conference against Racism in Durban, South Africa turned into a shameful anti-Semitic condemnation of Israel. There is no reason to believe that the CEDAW would not be used in a highly political way as well.

Women in the developing countries need help. We are morally bound to assist them in ways that are constructive and that reflect ideals of fairness and common sense that have lifted American women to a level of freedom and unprecedented in human history. CEDAW is not the way.

Senator BOXER. Thank you so much.

Our final speaker will be Ms. Jane E. Smith, chief executive officer of Business and Professional Women/USA.

**STATEMENT OF MS. JANE E. SMITH, CHIEF EXECUTIVE OFFICER, BUSINESS AND PROFESSIONAL WOMEN/USA, WASHINGTON, D.C.**

Ms. SMITH. Thank you. Good morning. I am Jane Smith, CEO of Business and Professional Women, and I want to thank Senator Biden and Senator Boxer and the members of the committee for inviting me to be here today. We do thank you and ask that the longer statement be placed in the record.

Senator BOXER. Without objection, so ordered.

Ms. SMITH. Business and Professional Women is a bipartisan organization of 30,000 women in 1,600 federations around the country, and we are an organization representing equity for women in the work place, but I also represent, as a member of the steering committee, the National Council of Women's Organizations, a non-partisan network of 160 women's organizations collectively representing 7 million women in the Nation, but I would also like to say that I am the immediate past president of the National Council of Negro Women, having managed programs in Zimbabwe, Egypt, Eritrea, and Senegal, and also worked at the Carter Center, where we worked around the world for the democratization of cultures, and it is with those experiences that I come.

The treaty for the rights of women is an instrument that BPW wants ratified to address discrimination against women in their political, cultural, economic, social, and family values. We believe in having formal representation of being a member of treaties, of conventions that speak to human rights for people here in the United States and around the country.

We have examined this as a business plan because we are businesswomen, and we see best practice models in this treaty that can be used by many of us all over this country and around the world. None of it is perfect, not even practices here in the United States, but we have here a road map of where we hope to go, and it shows us how we can get there. BPW therefore supports ratification of the treaty for the following reasons.

First, in ratifying the treaty, the United States heightens its credibility as a world leader of human rights. To do so is to do what is right, and to do so is to be able to have a position on what is right.

Second, the treaty offers the United States an opportunity to share its progressive work on the rights of women with less advanced nations.

Third, the treaty provides a plan for ending discrimination against women, thereby offering an opportunity to better our Nation.

Now, while BPW's members and American women in general have made tremendous strides toward equality in the last 80 years, women around the world continue to experience discrimination in all facets of their lives. As many have said before me today, this discrimination is no better exemplified than in Afghanistan. BPW in 1956, when our members visited Afghanistan, stood in support of a program for opportunities for girls. We published it in our magazine and spread it around the United States. 40 years later, BPW's members continue to show support for these women in Afghanistan, and we do understand many similar situations around the world.

The United States works with impoverished countries around the globe on a daily basis, providing instruction on issues from irrigation to voting procedures to inoculations, but most importantly the United States instructs countries on human rights issues, even though we are not perfect, encouraging other nations to adopt policies in line with democratic principles that we stand for even though we often do not live up to them.

Yet we are the only industrialized Nation that has not ratified the treaty for the rights of women. Our members ask how can we have other countries ask us to provide guidance in human rights when we are not ready to stand for that.

A personal editorial note, as an African American, I will always be grateful to the American citizens who took a formal position on my freedom. Unfortunately, life for Afghan women and other women around the world is only a snapshot of what is going on. We could talk about the things that need to be worked on in Peru, and Thailand, and Brazil, and Pakistan, and Zimbabwe, and then on the other hand we could talk about those things that are still not perfect but going on well in Uganda, United States, Costa Rica, Canada, India.

All of these examples, pro and con, even though none are perfect, illustrate that the treaty for the rights of women has proven to be a valuable tool in broadening the basic rights of women and girls as a formal tool, as a formal plan, as a formal guideline. Although I have focused much of my remarks on what goes on both here and around the world, we have to say one more time that it would only be collective as Mrs. Bush, as the administration, as the women's organizations in the United States have brought to the table in facing Afghanistan. Despite all of the successful work that we have done on this this year, for some reason many of us cannot still see that ratifying the treaty is definitely the way to go.

On behalf of Business and Professional Women/USA and the National Council of Women's Organizations, I thank the committee for this opportunity to testify, and if we had had time I would have welcomed questions. I thank you specifically, Madam Chair.

[The prepared statement of Ms. Smith follows:]

PREPARED STATEMENT OF JANE E. SMITH

Good morning. I am Jane Smith, Chief Executive Officer of Business and Professional Women/USA. On behalf of Business and Professional Women/USA (BPW/USA), I want to thank Senator Biden, Senator Boxer, Senator Helms and the members of the committee for inviting me here today. I applaud Senator Biden for holding this hearing and Senator Boxer for chairing it. I welcome the opportunity to represent the working women who are members of my organization to discuss the importance of ratifying the Convention to End All Forms of Discrimination Against Women, often called the Treaty for the Rights of Women.

Business and Professional Women/USA is a bi-partisan organization that promotes equity for all women in the workplace through advocacy, education and information. BPW/USA represents the interests of 30,000 working women who participate in 1,600 local organizations across the nation, including every Congressional District. I am here today also as a Steering Committee Member of the National Council of Women's Organizations. In this capacity, I represent a nonpartisan network of 160 women's organizations, collectively representing seven million women nationwide.

The Treaty for the Rights of Women is an instrument to address discrimination against women in their political, cultural, economic, social, and family lives. As Chief Executive Officer of Business and Professional Women, I view it as a business plan because the treaty provides a "best practice" model for improving the rights of women. It offers us a road map of where we hope to go and shows us how we can plan to get there. Research has taught us that improving the lives of women impacts greatly the quality of their families' lives, and ultimately the quality of their nations.

BPW/USA supports ratification of the Treaty for the Rights of Women because it provides a plan for ending discrimination against women, thereby offering an opportunity to better our nation. Additionally, in ratifying the treaty, the United States heightens its credibility as a world leader on human rights.

Let us take a moment to look at the quality of women's lives in the United States. A glance at BPW/USA's organizational history provides an interesting time line of the considerable gains American women have made in the last eight decades. BPW/USA was founded in 1919 by suffragettes and the organization has been fighting to achieve equity for women here and abroad ever since. In the 1930s BPW/USA's members lobbied successfully to end the legal practice of denying jobs to married women and in the 1940s we fought for the creation of women's branches of the armed forces. BPW/USA's members played a significant role in the passage of the Equal Pay Act and the Civil Rights Act and in the 1960s, and since the 1970s we have lobbied successfully for increases in the minimum wage and passage of the Family Medical Leave Act and the Violence Against Women Act.

While BPW/USA's members, and American women in general, have made tremendous strides toward equality in the last eighty years, women around the world continue to experience discrimination in all facets of their lives. This discrimination is no better exemplified than in Afghanistan. BPW/USA's concern for the status of Afghan women dates back to 1956 when BPW/USA's members recommended support of the UNESCO Afghanistan Project—a program to increase educational opportunities for girls. Forty years later, BPW/USA's members continued to advocate on behalf of Afghan women who were prohibited from attending school, participating in government, or working outside of the home by Taliban regime. BPW/USA's members advocated on behalf of their sisters in Afghanistan, passing a legislative resolution in 1999 at our National Conference urging the United States government to exert its influence diplomatically and economically to force Afghanistan's Taliban government to recognize the fundamental rights of women.

In 1999, at the same time BPW members were calling on the Taliban to cease its oppression of Afghan women, we were renewing our call to the United States government to ratify the Treaty for the Rights of Women, a call that began in 1982. BPW/USA's members, and those of our sister organizations, understand that other countries look to the United States as an example of freedom and equality and are aware that our failure to ratify the treaty affects our ability to promote basic human rights. The United States works with impoverished countries around the globe on a daily basis, providing instruction on issues from irrigation to voting procedures to inoculation. But, most importantly, the United States instructs countries on human rights issues, encouraging other nations to adopt policies in line with democratic principles. BPW/USA's members recognize the privileges they enjoy here in the United States—rights that allow them to vote, to start their own businesses, to pursue careers of their choice, to hold political office. These are basic human rights. Yet, we are the only industrialized nation that has not ratified the Treaty for the Rights of Women. How can we ask other countries to accept our guidance and follow our lead on human rights when we ourselves have not committed to a Treaty to end discrimination against women already ratified by 169 countries, including a number of America's allies such as Great Britain, Canada and France? And, what company are we keeping by not ratifying the treaty? Presently, countries like Sudan, Iran and yes, Afghanistan have failed to ratify the treaty. Surely, we want to differentiate ourselves from these countries and their documented terrorist practices, oppression of women, and human rights violations. The United States is the leading country of the free world and we must also be the lead supporter of human rights.

Unfortunately, life for Afghan women under the Taliban regime offers only a snapshot of the oppression experienced by women around the globe. There is much work still to be done around the world to ensure equality for women and girls. According to a recent report issued by the World Health Organization, as many as 60 percent of women in rural areas of Peru, Thailand, and Brazil are victims of violence, and in other parts of the world, two in three women experience violence. In Pakistan, Islamic law does not distinguish between consensual sex and rape when banning "adultery," so up to 50 percent of women who report rape in Pakistan are charged with "adultery," and up to 80 percent of Pakistani women in jail have been convicted of "adultery". In Zimbabwe, with an AIDS population of 1.5 million, the rapid spread of the disease has been facilitated by a culture of near-total male-dominance with women risking physical punishment, humiliation or rejection if they refuse sexual relations. Even a request that a would-be sexual partner wear a condom can earn a woman a beating, or can see her returned as an unfit wife to her family. Internationally, women also experience high rates of maternal mortality, have limited access to education and training, possess little decision-making authority, and have unequal access to health care. The treaty is an excellent first step toward addressing these issues and many others that women around the world continue to confront. In fact, two years ago, I was a delegate to a special session of the United Nations General Assembly, a follow-up to the 1995 Beijing Conference on Women. At this special session, I was approached by women from all over the

world inquiring as to why the United States has failed to ratify the Treaty for the Rights of Women. They could not understand why the United States, a model for countries around the globe, refused to ratify a Treaty to end discrimination against women.

The women I spoke with at the United Nations General Assembly meeting also shared ways the treaty had assisted the women in their countries in gaining political, civil and economic rights. These women's experiences are not isolated examples. A number of countries that have ratified the treaty have implemented policies to improve the status of women and increase their educational and employment opportunities. For instance, twenty-two of the countries that have ratified the treaty have instituted programs to promote women's equal opportunity in employment. The Uganda government has created programs to combat domestic violence. Costa Rica is implementing training modules to decrease the incidence of sex crimes. And, India universalized its Integrated Child Development Services program after ratifying the treaty, increasing significantly the number of girls enrolled in school. These examples illustrate that the Treaty for the Rights of Women has proven to be a valuable tool in broadening the basic rights of women and girls.

Although I have focused much of my remarks on the status of international women, it is important to note that American women have not achieved parity with their male counterparts either. Discrimination still exists in schools, in the workforce, in civil and political rights. True, American women have made significant inroads but, as a nation, considerable work lies before us. And, this is where the treaty becomes important. As business and professional women, many BPW members have drafted business plans. These plans provide them with a road map of where they plan to go and how they plan to get there. As I stated earlier, the treaty should be the United States' business plan for women. Although the treaty would not impose new requirements in our laws, it would reinforce compliance with already existing federal obligations and laws granting women legal autonomy and protection against discrimination in matters of property and contract.

The United States must continue to strive for equality between men and women because we are not there yet. Currently:

- American women continue to experience sexual harassment in the workforce and many girls are now subjected to sexual harassment in schools;
- Almost one-third of the American women murdered each year are killed by their current or former partners, usually a husband;
- Women are paid 73 cents for every dollar their male counterparts are paid;
- More than one in eight women lack health insurance;
- Working mothers do not have adequate access to child care. Currently 20 states maintain waiting lists for child care;
- Women are often excluded from medical research, which means doctors know less about how to recognize and treat diseases among women. In particular, our nation is failing to fight adequately the number one killer of American women—cardiovascular disease; and
- In the United States, about 1 million teenagers become pregnant each year. Approximately 70 percent of these pregnant girls do not receive adequate prenatal care.

While these statistics focus on women, I must emphasize that the fact that American women have not achieved full equality in our society impacts directly on the lives of America's children. The next generation is shortchanged when working mothers must resort to sub par child care facilities, when children witness domestic violence in their homes, and when working mothers do not bring home an adequate paycheck because of unfair pay.

With all of that said, I must emphasize that the treaty would only provide us with a road map or a business plan, it would not be a mandate. The Treaty for the Rights of Women requires regular progress reports from ratifying countries but it does not impose any new changes in existing laws or require new laws. It lays out models for achieving equality and provides recommendations for improved programs and practices. It monitors progress without stipulating changes in the United States Constitution.

Last fall, I participated in meetings with the Administration and the women's community, meetings to discuss ways to include women in the rebuilding of Afghanistan. The women's community emphasized that the participation of women in the new Afghan government was essential to creating a stable political and social structure and I am proud to say that the Administration understood the importance of women having a seat at the table. In the words of First Lady Laura Bush, "Afghan



women should have the opportunity to play a role in (the future of Afghanistan).” And, in fact, women have played an important role in the rebuilding of Afghanistan. Currently, the women of Afghanistan are working with their American sisters to ensure that Afghan women participate equally in the drafting of a new Constitution for their country, thereby guaranteeing parity for women under the law. Despite the success of this partnership, I cannot help but think that our role as a guide in the rebuilding process is somewhat hypocritical because of our failure to ratify the Treaty for the Rights of Women.

By not ratifying the treaty, America is expressing to the world that we stand apart, even from our allies, in the quest to end discrimination against women. We must acknowledge that even the most advanced country in the world can still work toward the ideal of equality for all under the law. We must recognize that as a leader, the United States must lead by example. Just as the women’s community and the Administration understood the importance of including women in the decision making process in the rebuilding of Afghanistan I urge you to recognize the importance of ratifying the Treaty for the Rights of Women in the United States’ goal of achieving human rights around globe.

On behalf of Business and Professional Women/USA, and the National Council of Women’s Organizations, I thank the committee for this opportunity to testify and I welcome your questions.

Thank you.

Senator BOXER. Thank you so much. We do have time for questions. The question period will be led by Senator Biden. I will submit my questions for the record. I have a longstanding, pressing Senate commitment in 5 minutes. I just want to say for the record that the reason we have come to this moment is because of the Senator sitting next to me here, Senator Joe Biden.

The bottom line is that women cannot face these problems alone, as was so clearly pointed out by Dr. Sommers. So let me be very clear: without the support of Senator Biden and many of my male colleagues, in addition to, of course, the women on both sides of the aisle, we would not be at this point today. This has truly been, I think, a model on how we should proceed equally together.

As far as the opposition, men and women equally coming forward and speaking their minds. There is not any question about that, because this is about a treaty that I believe will move our country forward in the eyes of the rest of the world, and clearly in the eyes of the women and men who care about women in our own country.

When I saw, Mr. Chairman, the line of young women and young men waiting to get into this room, and I talked to a few of them, they were so happy that this day had come, so in parting, let me just say that I know the question and answer period will be very stimulating and exciting, knowing my two colleagues that are remaining here to do the questioning. I will read the record very carefully. I look forward to voting this treaty out of committee and bringing it to the Senate floor and taking the Bush administration at its word that they believe this treaty would be good for us to approve. That is their current position. I hope it does not change, and I think if we do this, it will be a tremendous signal to the women around the world who are looking to us for leadership.

Again, my deepest thanks for the trust you have placed in me. I greatly appreciate it, Mr. Chairman, and I hand the gavel over to you at this point.

Senator BIDEN [presiding]. Thank you, Senator. Since Senator Brownback and I are the two remaining, maybe we can use a 10-minute rule, and I invite you to interrupt at any time, because I

find we are most likely to learn the most if we actually have a genuine exchange, a genuine dialog here.

When in the course of human events it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assure among the powers of the earth the separate and equal station to which the laws of nature and the nature of God entitle them, decent respect for the opinions of mankind requires that they should declare the cause which impels them to the separation.

We hold these truths self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among them are life, liberty, and the pursuit of happiness. To secure those rights, Governments are instituted among men, deriving their just powers from the consent of the governed, and whenever any form of Government becomes destructive to those ends, it is—and so on.

You are all familiar with the Declaration of Independence, not a single word of which is self-executing, but I would respectfully suggest it emboldened and empowered the world—the world—the world to act.

But the bottom line of this is that I find it kind of fascinating that one of the several reasons offered against ratifying this treaty is, it is not self-executing, that there is no enforcement mechanism, and in the same argument—we are allowed to argue an alternative here.

At the same time, we argue that because there are provisions in the treaty which we have, as Dr. Hoff Sommers has indicated, we have moved well beyond as a society, that there is a commission, a committee, which has no power, by the way, has no power, that can comment on whether a country has abided by or is following the tenets of the treaty, that we should not join because it has power to influence events in the United States.

I believe, Doctor, you said it will increase lawsuits, it will do these other things.

Dr. SOMMERS. Definitely.

Senator BIDEN. There is not a single ounce of evidence to sustain that position, none, but I will go into this in a minute.

Dr. SOMMERS. I could offer some.

Senator BIDEN. Let me speak. Now, you mentioned—let me get the witness list here.

Now, Ms. Balmforth, you mentioned abortion, and you mentioned Mexico and Ireland. Do you know whether or not they are signatories to the treaty?

Ms. BALMFORTH. Yes. They ratified it. This was a comment made to them by the committee in determining whether they had complied or not.

Senator BIDEN. Do you know whether they have withdrawn from the treaty?

Ms. BALMFORTH. No.

Senator BIDEN. You do not know, or you do know?

Ms. BALMFORTH. I do not believe they have.

Senator BIDEN. Ambassador Kirkpatrick, you indicated that—which is, I think, a very important point—it is more important to

do than to speak. Is it sometimes more important to speak than remain silent?

Ambassador KIRKPATRICK. Of course.

Senator BIDEN. Is there—and I am sure you are all aware, but we passed this out of committee last time. It contained a resolution of ratification, contained as we are able to do under the Senate under our Constitution, 10 conditions, four of which were reservations, four of which were understandings, and two of which were declarations.

The reservations were, we would accept no obligation to regulate private conduct. We accept no obligation to assign women to all military units, accept no obligation to establish comparable worth, we accept no obligation to provide paid maternity leave. The understandings were federalism, the Federal Government will assure compliance within the reach of its powers, otherwise the States will, not the U.N. or anyone else, not to accept the obligations under Articles 5, 7, 8, and 13, which may violate free speech, expression, or association.

Third, understanding that Article 12 allows State parties to decide what his appropriate.

Fourth, nothing in the convention creates a right to abortion, which is the Helms understanding, and the declarations were that the convention is not self-executing under U.S. law, and the U.S. is not bound by Article 29, paragraph 1, regarding arbitration in the International Court of Justice.

That was what we did on this treaty, as we have done on SALT treaties and START treaties and many, many other treaties that we have ratified, and so each of the areas that I have heard you mention specifically we have—and there may be others which I would be prepared to entertain—we have made it clear, or we made it clear in the past that our ratification of this treaty was conditioned upon the reading of the treaty as our conditions indicated, which would obviate in the specific legal sense at least the concerns that most of you have expressed.

It may not obviate the generic concern you have about unleashing radical feminism around the world, and I kind of find it fascinating when I am in India or in any other country, the last kind of concern as the woman is about to be put on the pyre to be burned after her husband has been killed, because it is the custom still in some parts of India that the wife be burned with him, is whether or not there is enough protection of men's rights. It really does not just leap up to the top of their consciousness at that moment, and so I have a question of you, Professor Koh, and then I would yield to my colleague.

The provisions of the treaty state that the obligations in general—they state each of the obligations in general, not in specific terms. Nearly all the substantive articles of the treaty obligate nations which join to, quote, take all appropriate measures to address gender discrimination in specific segments of law and society. Can you tell us in layman's terms what that means, to take all appropriate measures? What does that mean within the context of the treaty?

Mr. KOH. I think you have hit on, Senator, the central contradiction of the position taken by the con speakers, which is, on the one

hand they are saying this convention does not do anything at all. It is a nothing. On the other hand, they are saying it would have this sweeping effect and force a radical change in our society. The real answer is in between. It is a valuable and useful tool to promote gender equality.

Now, their basic concern is about its imposition on national sovereignty. As you have suggested, the Senate can put understandings on its advice and consent, which protect constitutional rights. Then the language which you have just read says that we shall take “appropriate measures,” and there is a margin of appreciation for what we consider to be “appropriate measures.”

I want to say something about the CEDAW committee, because I am, I think, the only person here who has actually appeared before one of these treaty committees. The concerns that are being expressed about these treaty committees were also expressed about the treaty committee for the Torture Convention, the treaty committee for the Race Discrimination Convention, and the treaty committee for the Covenant on Civil and Political Rights. In each case, it was argued that somehow they would take over our sovereignty.

In fact, particularly once U.S. experts were put on those committees, those committees have done a good job. I have actually appeared before one and submitted the U.S. report to the other. It has been a very valuable exercise for the U.S. Government in demonstrating exactly how much we have done to meet international standards. So, I think the suggestion that somehow these committees are going to run wild and invade our sovereignty, when in fact we have various ways of ensuring that our National interests are protected, and when in fact our own practices are so fully compliant with most of the treaty provisions already, just rebuts the criticism that is being made here.

Senator BIDEN. I would like to and I will insert for the record, not in literal terms of rebuttal, but to elaborate on the statements Mrs. Balmforth made regarding some of the decisions taken on lesbianism and religion, *et cetera*. Let me just read—in the Kyrgyzstan example you gave about lesbianism, if I am not mistaken—and you can correct the record if I am wrong. I will put this in—the committee you are talking about did not direct them to legalize lesbianism. In its consideration of Kyrgyzstan’s report it noted that lesbianism is punishable by imprisonment, and it recommended that criminal penalties be abolished.

Now, we do not have any criminal penalties in the United States under our Constitution for being a lesbian. I guess you know that, right?

Ms. BALMFORTH. Of course I do.

Senator BIDEN. So all they are doing is what we do in the United States, recommending that.

In the same report the committee called on Kyrgyzstan to institute legislation to suppress the growth of trafficking in prostitution, and to offer support for the rising number of victims of violent and sexual acts such as gang rapes.

Now, again, I am not suggesting that everything this committee suggests makes sense, but I want to make clear it only suggests, period. Absent us having a representative on the committee as a voice to have a more balanced or reasoned view, or enlightened

view, it seems to me that we put ourselves at some risk, and at least on the example—I will not go through the ones with regard to the Koran as well and religion, but on the one on lesbianism, I could be wrong, but I believe that what I have just said to you is accurate, that it did not call for legalizing lesbianism. It called for doing what the United States Constitution says.

If you are a lesbian, because you are a lesbian, we have no right under our Constitution to put you in jail. That is what they do in Kyrgyzstan. They put you in jail if you are a lesbian, and all this report said to the best of my knowledge was, we recommend you not do that. You decriminalize it, not promote lesbianism, but anyway, I will put in the record comments on the actions of the advisory committee on prostitution, Mother's Day, lesbianism, the religion and the Koran, gender roles, the noble mother, this notion of stereotypes, day care in Slovenia, and sex education in Romania.

From my perspective, I would give you a chance to take a look at it when it is in the record and invite you to comment on whether or not the characterization that I believe is appropriate is appropriate, but I am over my time, and I would yield to my friend Senator Brownback.

[The information referred to follows:]

EXCERPT FROM REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION  
AGAINST WOMEN, TWENTIETH SESSION (A/54/38 (PART I))

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127. The Committee is concerned that lesbianism is classified as a sexual offence in the Penal Code.

128. The Committee recommends that lesbianism be reconceptualized as a sexual orientation and that penalties for its practice be abolished.

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Senator BROWNBACK. Thank you, Mr. Chairman. I want to thank the members of the panel for being here and for giving us your opinion. It is illuminating. You have made me certainly see the wisdom and the need for the Department of Justice to review this document thoroughly. By all of the strength of the legal opinions that many of you—and I presume we have got a good balance of lawyers here on the panel, or people that are trained in the law.

That we have differences of opinion on this, and that that would bear certainly a thorough review of its impact on the United States and around the world.

I want to focus on several different areas if I could on this. One is on the issue of sex trafficking. I have last year, and thanks under the chairman, although he ought to thank me a little bit too, we got through a bill opposed to sex trafficking.

Senator BIDEN. You are the main reason why it happened. You have been outspoken and articulate and consistent and persistent on sex trafficking, just as I am going to be on this convention.

Senator BROWNBACK. Thank you very much, and it was a good bill, it was a good piece of legislation, and I think it is helping young girls live free in some countries that would not be otherwise. It is a continuation of the actions-versus-words sort of argument that I would like to follow.

The problem of it is, that I see in this area, is both in the treaty itself and in the committee of CEDAW. In the treaty itself, we have got three levels of worst-offender trafficking countries, and the worst is tier 3. This report just came out here a week ago. Of the people that are in tier 3—these are the worst offender countries in this area of sex trafficking—12 of 19 are signers on the CEDAW participating parties, of CEDAW 12 of 19, and two are even members of the CEDAW committee, of the overarching committee that governs CEDAW, Indonesia and Turkey.

I mean, here is again a use of a document saying, look, we are signed on to CEDAW, but we are going to be the worst offenders on trafficking of young women and children. I want to point this out, and say that again, it is actions that speak so loud. I like, frankly, what Ambassador Kirkpatrick pointed out, that we should really be rallying around the International Declaration of Human Rights and pressing that issue.

I have visited these places. I have been to India and talked with officials, and been to places where they are recruiting young girls into brothels and the horrible life that they have lived. I have been to Nepal, where some of these girls have traveled back to, and I have met with the girls that have been trafficked into these places. I have been to Thailand, and I have been to the border where they are recruiting and trafficking the girls across these borders, and you have Governments in these countries that are signing these documents saying yes, we are doing this, and not doing a darned thing, and I have met with the officials and pressed them on it.

Afghanistan is raised a great deal here, but our actions of sending troops into Afghanistan and insisting that women be placed on the overall council in Afghanistan and in the Loya Jirga are far more important than any words that we would say, and I think we would be far better to focus on the international rights.

The human rights documents would be the place for us to emphasize and focus, rather than a treaty that you have raised some serious questions for me on this, and I want to ask particularly Ms. Balmforth, the lawyer, you cite to the committee's actions more than the document, and Dr. Sommers, you cite the document more than to the committee's actions. I mean, you are saying that what the committee is doing are a number of things that are highly questionable.

Is the committee taking this from the document, or are they a rogue committee that is operating the CEDAW committee, Ms. Balmforth, because I read from your testimony some of the things they are putting forward, are really very troubling about what the committee is putting forward. How do you interpret their actions?

Ms. BALMFORTH. Well, they are not a rogue committee in the sense that they are operating at the express instruction of the High Commissioner of Human Rights, the Secretary of the Division for the Advancement of Women, the U.N. Population Fund. I mean, this kind of reinterpretation of the treaty has been expressly encouraged by them.

One of the problems is structural. I mean, what becomes a tool of diplomacy, this vagueness, this ambiguity that allows countries to sign on to a document that can mean different things to different people becomes—it gives people interpreting it a blank check to say

it means whatever it means. I mean, it is a two-edged sword, when you start trying to interpret the meaning of this document into actual, positive law in countries, or constitutional provisions in countries, so they have been given a virtual blank check with this sweeping language of the treaty.

I mean, I see the treaty as being problematic in itself. It can mean whatever the committee says it means, and it is very true that the committee has no teeth. Right now, you cannot send blue helmets in to enforce this, and if you are as strong as we are, certainly the intelligence community cannot force its will on us at this point in time, but there is no guarantee that our reservations will always be respected.

If you look at what the committee does, if you look at what other nations do, when countries have made broad reservations to the treaty—for example, to protect their religious laws, or some other way, the western countries, European Union countries in particular object to those reservations as being invalid. The committee has said they are invalid because they are either too broad or vague, or because they are against the purpose of the convention, which would make it invalid under international law.

We cannot begin to predict what the committee will come up with next in terms of what they think this document means, so we cannot offer a specific reservation to everything, and reservations that are too broad, that purport to place our Constitution above it, will likely be declared invalid by the members of the intelligence community.

And I must say, too, I mean, it is true they cannot force us now to do anything, but if all this is is an exercise of power, it is not the rule of law, and we should not pretend that it is.

Senator BROWNBACK. Dr. Sommers, is that your concern, that the committee's interpretation of the language that you put forward and cited will lead to the committee having broad places that it could go that we may not contemplate?

Dr. SOMMERS. Absolutely. I think the committee is being true to the document, and I would also suggest, if you want some comic relief, go to the web site of—San Francisco has ratified the treaty. San Francisco has ratified the treaty.

Senator BIDEN. You know there is a bunch of radical feminists out there, don't you?

Dr. SOMMERS. Then why don't you go and look and see what they did, and they have established a gender bureaucracy.

And by the way, I did not use the phrase radical feminists. That is yours. I talked about orthodox feminists and hard-line feminists.

Senator BIDEN. I think you did say radical, but—

Dr. SOMMERS. And statistically challenged gender scholars. But San Francisco has passed this and has established—seriously, I mean, it is not a joke, and they have a gender bureaucracy, and it is all there. I mean, go in and look and you get a harbinger of what could actually happen if we were to allow the bureaucrats who are so carried away with the worst kind of divisive sexual politics into our communities.

In this case in San Francisco, it can be humorous, but imagine that they had power, and I will tell you the thinking of the activists in San Francisco is not that different from the people on the

committee. You see the sorts of things that they have gone after, and again, I agree with my colleague that—well, how will it affect the world, something in between, and in between I think it will be very mischievous in this country because of the current composition of our feminist leadership, and the fact that women's studies in America where they generate the scholarship is a one-party system. They do not allow diversity.

So really Americans have not had the benefit of scholarship that represents the richness of both conservative, liberal, and include libertarian ideas, so that would be a very dangerous combination of the misinformation that is generated from a women's studies departments which are just carried away with their own ideology, and mix that power with the U.N. This would be a hammer to hit us with.

Senator BROWNBACK. Ambassador Kirkpatrick, a document like this, ratified by the United States, signed and ratified by the United States, how would that be used? What would we see coming out of the U.N. toward the United States if something like this happens here, from your experience?

Ambassador KIRKPATRICK. Frankly, I do not think much would happen. That is really my position. I do not think much of anything would happen.

I think I said it as clearly as I could that in a very real sense what offends me the most about just such treaties is that they leave people with a sweeping coverage and language. They leave people with the impression that they are running a revolution and will change and improve a great many things, and that is just not true. Most of the global treaties really, and the committees which are founded on the basis of them, lead to very little.

Now, sometimes they lead to more. Sometimes there are some technical commissions established from time to time. For example, on some of the nuclear arms treaties and the chemical weapons treaty, there are commissions established which would visit all of the pharmaceutical manufacturing places, but most of the treaties, nothing much happens at all. I cannot conceive of anything very positive coming out of this treaty, and really, frankly I doubt if anything very negative will come out of it.

I just do not think much of anything would come out of it, and it bugs me to have the impression created that we have solved big problems. Actually, I really think discrimination against women is a very big problem, a very big problem—

Senator BROWNBACK. I do, too.

Ambassador KIRKPATRICK.—in many other countries, above all in the Third World.

Senator BROWNBACK. And I have seen it there.

Ambassador KIRKPATRICK. And I have, too. I visited the places you described.

Senator BROWNBACK. And it is horrible, what is taking place. I am not resolved, myself, where I am going to come down on this treaty, Mr. Chairman. I hear a lot of question raised today, but I am resolved about what the United States needs to do to help women and children around the world, and we need to act. We need to take action in places, and like what we have done in Afghanistan I think is a good early step action to try to liberate, and



what we have done on sex trafficking I think are good steps, that we need to act. We need to act in these places, and so I am looking forward to more input on the treaties.

Mr. KOH. Might I respond to three points Senator Brownback made? First you said you thought we should implement the Universal Declaration for Human Rights. The universal declaration is not a treaty. This treaty is one, and this is the very implementing force you are calling for.

Second, your important point about 12 of the 19 being violators who are members of the treaty. It is precisely because we are not members of the treaty that we cannot force them through the treaty to enforce Article VI, which targets trafficking. If we were to join, we could.

Senator BROWNBACK. Why don't the others do it?

Mr. KOH. That is what the CEDAW committee does. In fact, I think we want a committee which is aggressive and in context, holds countries' feet to the fire. The real question is, do we have more to gain or lose from ratification, and my answer is that we clearly have more to gain.

Senator BROWNBACK. We have opinions here that I do not know if we want a real aggressive committee, from what I have seen Ms. Balmforth put forward of what actions they have taken with a very aggressive committee.

Mr. KOH. I think Senator Biden put it well. You have to read the language in context, and when a full and searching evaluation of a country's commitment to gender discrimination is made by the committee, that tends to be a good thing, because we come out well, and better than many other countries. We have the most to gain by joining this committee and the least to lose.

Senator BIDEN. Can we trespass on your time just a little bit more? We will only hold you for one more round, if you have time, Senator.

Senator BROWNBACK. We just got buzzed for a vote.

Senator BIDEN. Let me say, Ambassador Kirkpatrick, I have known you for years. I have great respect for you, and one thing I most admire, and I mean this sincerely, your consistency and your unvarnished statement of what you think all the time, and I mean this sincerely.

Your position does not surprise me at all, and it is balanced, because you have said the same thing about the Chemical Weapons Convention, you said the same thing about the Biological Weapons Convention. You have a consistent and, I think—you do not need me to think it—defensible and rational argument as to why not only this treaty but other treaties—I was literally—you are on a call list for me to call you asking you about the Moscow treaty, for example, which has no self-executing element to it, which I wonder what your views are going to be on it, but that is a different subject.

So what I am trying to say to you is, you and I have had a long disagreement about the values of hortatory language that is not self-executing, and whether it is damaging or has a positive impact, but we both acknowledge most of these treaties, if they are not self-executing, are not able to deliver what they promise, and our argument, or our disagreement, to the extent that it has existed, and

it has existed in some areas, has been about whether or not this establishing international norms improves the prospect for whatever the treaty calls for, whether it is arms control or whether it is women's rights, or whether or not it has the effect in its failure to be abided by, degrading the prospect that international norm will be kept, so I am not going to bore you or anybody else here with a discussion of our differences, but I thank you for your candor, and I really mean it.

The idea that this is going to radically affect outcomes either way is highly, highly unlikely, in my view, number 1, so having stated that, in terms of, so the rest of the panel knows where I am coming from on this, it is out of the point of view that we ought to be able to walk and chew gum at the same time, that we can do everything the Senator from Kansas says we should do about enforcing or using other methods to deal with, wherever we can, insisting upon the ending of trafficking, insisting upon women's rights in our bilateral agreements and every other fora beyond this treaty, but to suggest that if we do this treaty we cannot do those things, or doing this treaty will somehow impact upon our ability to do those things I would respectfully suggest is not logical. It is not consistent.

Maybe this treaty does not do much, but by going forward with the treaty, it does not mean we cannot and should not move forward on bilateral issues, on writing into our legislative initiatives conditionality relating to conduct in other countries like we have in Afghanistan, like we have in other matters.

But there are a couple of things that I want to make sure I understand. Now, I am not going to take the time now, but I am going to share with my colleague my analysis of a legal opinion by a very talented woman who I think is dead wrong in her characterization of what the committee said and does. You read from her testimony when you said it worries you about what the committee has done.

I would argue that if you take a look at the context of these you will find—like I said, the one on lesbianism, it does not legalize lesbianism or call for the legalization as stated in that statement, does it?

Ms. BALMFORTH. Can you explain to me the difference between decriminalization and legalization?

Senator BIDEN. I sure can. You decriminalize something, you say you do not go to jail for it. You legalize it, and you say that it is morally acceptable, that this is a policy of a country, that this is our position, so you decriminalize a lot of things in our society that we think are morally reprehensible. We decriminalize them. All that calls for is what the American Constitution says about lesbianism. We have decriminalized being a lesbian. We have not legalized being a lesbian in a way that we have affirmatively passed legislation saying, by the way, to be a lesbian is a good thing. We have not done that. We have said, the fact that you may be a lesbian does not allow this country or any State to lock you up in jail because you are a lesbian.

Senator BROWNBACK. Mr. Chairman, can I just ask a question on this, not on this point, but another? We are going to have to go vote shortly. Does she express—because there is a quote in here that

says the committee has expressly opined that religion disadvantages women in all countries.

Senator BIDEN. That is not what that says. That is a statement—let me find my—

Senator BROWNBACk. I would like to get clarity on that, if that is stated.

Senator BIDEN. I have so many papers piled up here.

Ms. BALMFORTH. Senator, I do not have the original document with me. I could find it and send it to you.

Senator BROWNBACk. She has a citation here.

Ms. BALMFORTH. I have a citation. As I looked at it, somebody brought that document to me, and I took this from two or three other iterations, and I hope it is not a misstatement, but I believe it was a general comment.

Senator BIDEN. Let me help you out with that.

Senator BROWNBACk. If you could, Mr. Chairman, if you have specific items on each of these, I think it would be helpful to say, OK, well, this is—because there are specific cites on these.

Senator BIDEN. Rather than tie up the whole committee, I was not going to go through that. That is why I submitted it for the record, but let me speak on the cite relative to religion. It says, the question really asked is, why did this committee direct Libya to reinterpret the Koran to fall within CEDAW's guidelines, because that is what the allegation is. That is what is stated there.

Before ratification, each country has an opportunity to adopt reservations understandings or declarations with regard to the provisions of the treaty. When Libya ratified the convention, it expressed a reservation about Article 2, which calls for an end to all legal forms of discrimination against women. At the same time, Libya noted that under the Koran's teachings, women are equal partners of men. Therefore, the committee asked for further clarification on why they needed this reservation.

Now, that seems to me somewhat different than suggesting that, as was suggested in the statement. Now, I may be wrong about that. We can battle that out.

Senator BROWNBACk. Well, if you could Mr. Chairman, and I do not mean to interrupt—

Senator BIDEN. You are, but go ahead.

Senator BROWNBACk. She has a specific cite to this, and what would be useful to me is if we go to the specific cite and say, OK—

Senator BIDEN. Now let me move ahead, and I know you want to go vote, and I have to go vote, too, and everybody wants to get the devil out of here, but with regard to three of you on the committee, or two of you on the committee—not the committee, but the panel. That is one of those senior moments I am having—with regard to cast that has been given, which is that if you read the worst possible thing that can be interpreted from the treaty as probably happening, I would just say—and I am going to be a bit—I was going to go through a series of questions, but with 6 minutes we are not going to have time. I will submit them in writing with the permission of the panel, and I will not overburden you. I will only ask a couple of questions for the written record, if I may.

But there is a provision that—I am glad you all were not around asking to sign the Declaration of Independence, Doctor, because there is a piece of the declaration that says, it is the right of the people to alter or to abolish or to institute a new government, laying its foundations on such principles and organizing its powers in such forms as to them may seem most likely to effect the safety and happiness of the people.

I am just glad you were not around to dissect this, because you would have immediately pointed out, you know, we have radical Muslims in the United States. We pass this thing, those folks may go out there and justify tearing down our Government based upon the fact—right here, we are saying it. Right here, we are saying it. Anybody has a right to effectuate, to take down a Government, to effectuate the principles.

And by the way, I have some colleagues at UCLA or Clark or wherever, and they are radical wackos. They are anarchists, and they are teaching this stuff, and by the way, in San Francisco—and I can give you people—I can give cites in San Francisco for a lot of things. In San Francisco there are people who suggest, and they do, right now—right now, that our Declaration calls for the justifiable use of force to overthrow this Government. Ergo, do not sign on to this sucker. Do not sign on to this.

Look, folks, we can make this out to be something that is absolutely worst case scenario. The bottom line is that the one thing, the one thing the rest of the world understands even when they try to use it against us, there is nowhere in the world where there is the following notion, that is upheld by the majority of the people of that country, and the notion being America, America is repressive when it comes to women.

The entire world, the entire world understands that the single least repressive nation in the world with regard to women is the United States, and I find it absolutely mind-boggling that the one country that has the strongest suit to play on women concludes that we cannot be party to this because we may be driven to do things in the name of women that are inconsistent with the rights of men, inconsistent with the rights of those who share a view that abortion is wrong, inconsistent with those who suggest that we in fact have an equal place in society for men like us.

I am going to write—and you can submit your objections to my assertions in writing. I am going to give you a chance, because I am going to ask you specific questions. I truly appreciate your being here. I truly appreciate us getting this thing underway, and as my Grandfather Finnegan would say, and he was antiabortion, with the grace of God and the goodwill of the neighbors and the creek not rising, maybe, maybe we can move forward on this treaty.

Thank you all very much.

[Whereupon, at 12:55 p.m., the committee adjourned.]

## APPENDIXES

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### **Text of the Convention on the Elimination of All Forms of Discrimination Against Women**

*The States Parties to the present Convention,*

*Noting* that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of man and women,

*Noting* that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

*Noting* that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal right of men and women to enjoy all economic, social, cultural, civil and political rights,

*Considering* the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

*Noting* also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

*Concerned*, however, that despite these various instruments extensive discrimination against women continues to exist,

*Recalling* 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,

*Concerned* that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

*Convinced* that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

*Emphasizing* that the eradication of apartheid, of all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

*Affirming* that the strengthening of international peace and security, relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, and in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

*Convinced* that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

*Bearing in mind* the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

*Aware* that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

*Determined* to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

## PART I

### ARTICLE 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

### ARTICLE 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and

other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

#### ARTICLE 3

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 with men.

#### ARTICLE 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

#### ARTICLE 5

States Parties shall take all appropriate measures:

(a) 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;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the up-

bringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

#### ARTICLE 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

### PART II

#### ARTICLE 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

#### ARTICLE 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

#### ARTICLE 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular 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.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

### PART III

#### ARTICLE 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:



(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

#### ARTICLE 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and re-training, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

#### ARTICLE 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connexion with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

#### ARTICLE 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

## ARTICLE 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall 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, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

## PART IV

## ARTICLE 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

## ARTICLE 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

## PART V

## ARTICLE 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

#### ARTICLE 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned; and

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.

ARTICLE 19

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.

ARTICLE 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the committee.

ARTICLE 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

ARTICLE 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

ARTICLE 23

Nothing in this Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

## ARTICLE 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

## ARTICLE 25

1. The present Convention shall be open for signature by all States.

2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.

3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

## ARTICLE 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

## ARTICLE 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

## ARTICLE 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

## ARTICLE 29

1. 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, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 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.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

#### ARTICLE 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.



## **Material Submitted in Support of Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women**

STATEMENT SUBMITTED BY THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN

AAUW SUPPORTS RATIFICATION OF CEDAW

DEAR MEMBERS OF THE SENATE FOREIGN RELATIONS COMMITTEE: On behalf of the 150,000 members of the American Association of University Women, we urge you to support ratification of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). More than twenty years after the First World Conference on Women, the United States has still failed to ratify CEDAW, the most comprehensive human rights treaty addressing international women's rights.

CEDAW, also known as the Treaty for the Rights of Women, is the only international legal instrument that comprehensively addresses women's rights with political, cultural, economic, and social spheres at the local, national, and international levels. The Treaty has been ratified by 169 nations and it has become an important tool for partnerships among nations to end human rights abuses and promote the health and well being of women and girls. Although the United States played a defining role in drafting the convention and signed the treaty in July 1980, it has never ratified it, and is the only industrialized country to fail to do so.

To guarantee equality and individual rights for a diverse society, AAUW advocates support for U.N. programs that address human rights and women's and girls' concerns. AAUW has endorsed the ratification of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) since 1981, and urges the Senate to take action to ratify this important treaty.

Sincerely,

NANCY RUSTAD,  
PRESIDENT, AAUW.

JACQUELINE WOODS,  
EXECUTIVE DIRECTOR, AAUW.

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STATEMENT SUBMITTED BY THE AMERICAN BAR ASSOCIATION

The American Bar Association welcomes today's Senate Foreign Relations Committee hearing on the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, or the Treaty on the Rights of Women) as a significant step toward U.S. ratification of the treaty. The ABA strongly urges the Senate to consent to ratification as expeditiously as possible this year.

One of the ABA's main goals is to advance the Rule of Law around the world. The ABA believes that international treaties, such as CEDAW, are invaluable tools to help governments, non-governmental organizations, and individuals establish laws and policies that protect and respect the rights of all persons, regardless of race, religion, culture, or gender. Most other nations of the world have agreed upon CEDAW as the invaluable framework for defining the basic human rights to be afforded women and girls, include rights to equal educational opportunities, access to health care, employment without economic or other discrimination, ownership of property, and participation in all aspects of civic and political life.

In the United States, these rights generally are assumed. In many other countries, however, that is not the case. CEDAW ratification therefore could not come at a more critical, yet propitious, time for the advancement of the Rule of Law around the globe. Senate action now will demonstrate to the world that, despite the events of September 11 and their aftermath, this country remains committed to human rights advancement, encouraging both the further development of emerging democracies and the promise of democratic principles and participatory government in countries where freedom is newly won. Nowhere is the need for such encourage-

ment more evident than in Afghanistan, where the United States has won the fight against a repressive regime, but women and girls are just beginning their struggle to attain their rightful place in society.

As Afghanistan works to rebuild and to restructure its government, CEDAW provides a blueprint for the use of international standards to address women's basic human rights need and help ensure equality. CEDAW encourages signatories to incorporate the principle of equality of men and women in their legal systems, abolish all discriminatory laws, and adopt anti-discrimination measures. It underscores the importance of ensuring that nations' 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. And it recognizes what we all have observed from experience in Afghanistan and elsewhere: Women cannot participate fully and effectively in society if they are deprived of educational opportunities, health care, property rights, and means of redress in the courts and at the ballot box. The fact that CEDAW has become an essential tool for promoting women's rights in many of the 169 countries that have ratified it to date is a clear statement of CEDAW's value as a force for change.

Historically, the United States has been a world leader in promoting human rights. Its failure to ratify CEDAW damages our ability to encourage other nations to fulfill their responsibilities under the treaty. Ratification in 2002 will send a strong message to the world community that the United States supports human rights for women and girls at home and around the globe. It is time for the United States to take up its leadership role in human rights advancement by ratifying CEDAW now.

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STATEMENT SUBMITTED BY AMNESTY INTERNATIONAL USA

Amnesty International strongly supports ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). As the largest grassroots human rights organization in the world, Amnesty International has gathered countless first-hand accounts of the severe violations of human rights women and girls face the world over and of the urgent appeal and need for U.S. ratification of this treaty.

Throughout the world, women and girls suffer rape, beatings, honor killings, acid burning, genital mutilation, sexual exploitation, and other forms of violence. Every day, thousands of girls are sold and trafficked into the sex slave trade against their will. Survivors of abuse often find no legal recourse or are confronted with egregious laws that work against the victim. Many women suffer even further in societies that place blame upon the victim and impose shame on her. Violence has no boundaries and affects women in every country, of every race, nationality, and religion.

Violence against women is rooted in discrimination and reinforces discrimination. Social and cultural norms that deny women the same rights as men often render women more vulnerable to physical, sexual, and mental abuse. The common thread is discrimination against women, the denial of basic human rights to individuals simply because they are women.

*Treatment of Women Around the World*

No country demonstrates more clearly the need for defending the rights of women than Afghanistan, which implemented a "gender apartheid" unlike anywhere in the world. Under the Taliban regime, women and girls were severely repressed and especially vulnerable to abuse. Not only were women and girls effectively denied access to education, medical treatment, employment, and freedom of movement, but those who were deemed to have disobeyed the regime's rules were subject to severe beating, amputation, and even death by stoning, depending on the alleged offense. They were subject to such mistreatment simply because of their gender.

The world saw vividly the dire conditions women and girls were facing in Afghanistan. Sadly, such mistreatment and denial of fundamental rights takes many forms and occurs in many places. In India the government has failed to curb violence against women and prosecute offenders. In this patriarchal society, impoverished families frequently have little interest in educating girls and often force them into marriage as children (age 8). Girls soon learn that abuse in the home is widespread, without distinction to religion, caste, or class. In some regions of India, violence is often associated with the practice of "dowry" as husbands and family harass wives for increased dowry. Methods of killing women in the home include soaking them in kerosene and setting light to them, as well as poisoning; cause of death is often

cited as suicide or accident. Although prohibited in 1961, the practice of “dowry” continues, without much consequence to perpetrators.

In Nigeria, domestic violence, including rape, occurs among all social and ethnic sectors, largely without response by officials. Women who have been raped are often unable to obtain justice and are deterred from reporting offences for fear of being punished themselves. As in many countries, Nigeria has laws that work against victims of sexual violence. In particular, in the northern states where Shari’a law applies, the standard for proof of rape requires that four Muslim men “of good repute” corroborate the woman’s claim of rape. The punishment for sexual relations outside of marriage can include public flogging or death by stoning. Amnesty International interviewed Bariya Ibrahim Magazu, a 17-year-old girl who reported being raped. She had no legal representation and was unable to produce witnesses to substantiate her claim that three men had forced themselves on her, causing her to become pregnant. The court sentenced Bariya to 100 lashes for having sexual relations outside marriage and a further 80 lashes for her accusations against the three men, which were judged to be false. The sentence was carried out after the delivery of the baby.

Amnesty International has documented countless accounts of horrific abuses against women. The women tell their stories with strength and conviction, stressing the need to change conditions. In Guatemala, Rodi Alvarado Pena married a Guatemalan Army soldier when she was sixteen. Her husband raped her repeatedly, dislocated her jaw, tried to cut her hands off with a machete, kicked her in the vagina, used her head to break windows and attempted to abort their second child by kicking her in the spine. He terrified her by bragging about his power to kill innocent civilians, including infants, with impunity. He made clear that he expected her total obedience. Although her husband often assaulted her in public, Ms. Alvarado was never offered official protection or assistance. She filed a complaint with the police, but her husband ignored three citations without consequence. One complaint was referred to a court, but the judge failed to send Ms. Alvarado’s husband a summons. When Ms. Alvarado tried to obtain a divorce, the court would not permit it without her husband’s consent. Fearing for her life, Ms. Alvarado fled Guatemala to San Francisco where she applied for political asylum. An Immigration Judge granted her asylum in 1996, finding that the abuse she suffered constituted persecution and that the government of Guatemala was unwilling to protect her. However, the Board of Immigration Appeal (BIA) challenged the judge’s finding and revoked the decision. The former Attorney General in January 2001, intervened to vacate the BIA decision, returning the case to the BIA to be heard again. Ms. Alvarado’s case is still pending.

Torture of women is rooted in a global culture which denies them equal rights with men, and which legitimizes the violent appropriation of women’s bodies for individual gratification or political ends. Many have fought courageously to prevent and combat abuses and to win greater equality for women. However, women worldwide still face many obstacles, earning less than men, owning less property than men, and having less access to education, employment and health care than men.

#### *Treaty for the Rights of Women*

The Convention on the Elimination of All Forms of Discrimination Against Women addresses many of these human rights violations. It is a cost-free tool that women around the world are using effectively to build stronger communities, economies, and families, as well as to combat violence. CEDAW 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 the development of domestic violence laws in Turkey, Nepal, South Africa, and the Republic of Korea and anti-trafficking laws in Ukraine and Moldova. CEDAW has had a positive impact on laws relating to women in countries as diverse as Uganda, Colombia, Brazil, and South Africa. Much more could be accomplished with U.S. leadership to hold countries accountable for the commitments they have made through CEDAW.

Governments have a responsibility under international human rights law to promote and ensure the rights of all, to prevent violations of those rights from taking place, and to provide remedies to victims. The Convention on the Elimination of All Forms of Discrimination Against Women is the most relevant international treaty to hold governments accountable for protecting women and girls from such gender based violence and discrimination. Although U.S. law is already in compliance with most provisions of the convention, ratification by the United States would bolster international advocacy for women’s most basic human rights and help hold repressive governments accountable.

The treaty for the rights of women provides the world community with an international framework of standards for the recognition and protection of women's rights as human rights. The treaty "reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women." It is a comprehensive approach to the right to non-discrimination on the basis of gender, and defines discrimination against women as "any distinction, exclusion, or restriction based on sex, that has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women of human rights of fundamental freedoms." The treaty calls on all States Parties to take appropriate measures in all fields 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 the basis of equality with men." States Parties to the convention agree to undertake legislative, judicial, administrative, and other appropriate measures to abolish existing practices, laws and customs that discriminate against women and violate their human rights and fundamental freedoms.

Amnesty International has found that CEDAW is an international tool that is keenly accurate and comprehensive in its approach to address the violations women and girls face. Specifically:

*Article 3* of the Convention calls on governments to ensure that women may exercise and enjoy human rights and fundamental freedoms on a basis of equality with men. Women should receive the same fundamental protections for exercising their human rights as other inhabitants of a country.

Amnesty International has documented a myriad of cases of abuse by government officials and found that women in custody are more likely to face gender-specific violation of human rights, such as rape, sexual assault and sexual intimidation. Amnesty has also documented that rape allegations against police officers are rarely investigated and even more rarely result in convictions. Other forms of sexual humiliation targeted primarily at women detainees include fondling by male guards, verbal abuse that is gender-related, threats of rape or other forms of sexual abuse, strip searching and body cavity searching with the intent to humiliate or degrade. Amnesty has also documented the rape of female children in detention, including cases where children as young as three have been raped.

*Article 7* of the U.N. Women's Convention requires the government to assure women's participation in all forms of public life, including participation in non-governmental organizations concerned with the public and political life of the country.

Amnesty International has documented numerous cases of women activists who have been detained, tortured, "disappeared" or killed because of their activities in organizations that promote civil, political, social, cultural or economic rights or seek to protect human rights.

*Article 12* of the U.N. Women's Convention calls on governments to insure appropriate medical services in connection with pregnancy, confinement and the post-natal period.

Amnesty International has documented the torture, ill-treatment, and denial of adequate nourishment and medical attention to pregnant prisoners in a number of countries, which in many cases has led to miscarriage and permanent physical damage.

*Article 14* of the U.N. Women's Convention calls on governments to take into account the particular problems faced by rural women "and to take all appropriate measure to ensure that rural women benefit from the opportunity to organize self-help groups and cooperatives, and to participate in all community activities."

Amnesty has documented serious human rights violations against rural women in general and rural women who are activists in particular. Indigenous women campaigning on issues of concern to them—such as protection, and the return of or just compensation for land to which they claim traditional rights—have themselves frequently become victims of human rights violations.

#### *U.S. Leadership*

The United States has a long tradition of bipartisan support for human rights treaties. Eleanor Roosevelt helped draft the Universal Declaration of Human Rights and led efforts to garner international support for this seminal document for the human rights of all people. President Ronald Reagan led efforts to ratify the Genocide Convention and President George H.W. Bush led efforts to ratify treaties against torture and in support of civil and political rights. President Bill Clinton,

with unanimous support from a Republican led Senate, ratified the race convention. Ratification of the treaty for the rights of women would further the U.S. legacy in support of human rights treaties.

In the last year, President Bush and Mrs. Bush have forcefully advocated for the protection of the women of Afghanistan, and in a letter to the Senate Foreign Relations Committee the Bush Administration has stated that CEDAW “should be approved.” The importance of U.S. ratification of the treaty for the rights of women is especially poignant at this time as an important means of supporting the women of Afghanistan and others who suffer around the world.

In his State of the Union address of January 29, 2002, President George W. Bush highlighted the treatment of women as one indicator of the freedoms enjoyed in a country: “We have a great opportunity during this time of war to lead the world toward the values that will bring lasting peace . . . We have no intention of imposing our culture. But America will always stand firm for the non-negotiable demands of human dignity: the rule of law; limits on the power of the state; respect for women; private property; free speech; equal justice; and religious tolerance.”

Secretary of State Colin L. Powell on March 7, 2002, underscored the importance of upholding and defending the rights of women for the United States’ national and international interests: “The worldwide advancement of women’s issues is not only in keeping with the deeply held values of the American people; it is strongly in our national interest as well . . . Women’s issues affect not only women; they have profound implications for all humankind. Women’s issues are human rights issues . . . We, as a world community, cannot even begin to tackle the array of problems and challenges confronting us without the full and equal participation of women in all aspects of life.”

Support for the rights of women is bipartisan and universally recognized as central to the advancement of humankind. The principals espoused in the treaty are consistent with those in U.S. law and with our country’s foreign and domestic policy objectives. By ratifying, the United States will be in a position to contribute to the development of the standards and procedures for effective implementation of this treaty around the world. It also would enable the United States to utilize the internationally agreed upon standards in CEDAW to urge other governments to end violence and discriminatory practices that deny women fundamental human rights. With U.S. support, the treaty can become a stronger instrument for the millions of women around the world who desperately need international protection. Women around the world look to the United States for leadership; until the US ratifies, many governments will take their commitments less seriously.

The United States has the opportunity to send a clear signal of its commitment to defend the rights of women around the world by ratifying CEDAW. The treaty affects millions of women in every region, nationality, and religion or belief. The United States should welcome this historic opportunity to ratify this treaty without delay.

NEWS RELEASE SUBMITTED BY AMNESTY INTERNATIONAL

Saudi Arabia—Investigation into Tragic Death of 14 School Girls Must Be  
Transparent and Public

*Publish date: 15/03/2002*

Amnesty International is gravely concerned at reports that 14 girls have lost their lives and dozens of others were injured following a fire at their school in Mecca on 11 March 2002 after the religious police (Mutawa’een) prevented them from escaping from the fire because they were not wearing headscarves and their male relatives were not there to receive them.

The religious police are also reported to have prevented rescuers from entering the school because they were males and therefore not permitted to mix with females.

If these reports are true, this is a tragic illustration of how gender discrimination can have lethal consequences.

When state policies on segregation of sexes are implemented at the expense of human life, urgent steps are needed at the highest level. Policies and practices through which the lives of women and girls are devalued must be changed.

Amnesty International welcomes calls for an urgent investigation into these tragic deaths to prevent any future recurrence and for anyone found responsible to be brought to justice. The findings of such investigation must be made public.

Saudi Arabia must take urgent measures to end all forms of discrimination against women in accordance with CEDAW (Convention on Elimination of All Forms of Discrimination against Women), to which Saudi Arabia is a state party.

The Saudi Arabian English language daily Arab News quoted eye witnesses as having said: "Whenever the girls got out through the main gate, these people [Mutawa'een] forced them to return via another, . . . "instead of extending a helping hand for the rescue work, they were using their hands to beat us."

SOURCE: Amnesty International, International Secretariat, 1 Easton Street, WC1X 8DJ, London, United Kingdom

### Saudi Arabia's Religious Police Allegedly Contribute to Death of 15 Girls

By Brian Carnell—*Sunday, March 17, 2002*

On Monday, March 11, 2002, a fire destroyed a school in Mecca, Saudi Arabia, killing 15 girls—most of whom were crushed to death in a panic to exit the building. But rescue efforts at the fire were hampered when members of Saudi Arabia's religious police—the Commission for the Promotion of Virtue and Prevention of Vice—refused to allow either girls to leave the building or firefighters to enter the building. The reason? The girls were not wearing their traditional head scarves or black robes.

The English-language *Saudi Gazette* quoted witnesses as saying that a member of the Commission told men trying to enter the building to try to save the girls that, "it is sinful to approach them" because they were not wearing the required garb.

Meanwhile, a civil defense officer told Saudi Arabian newspaper *al-Eqtisadiyah* that he saw members of the Commission "being young girls to prevent them from leaving the school because they were not wearing the abaya . . . We told them that the situation was very critical and did not allow for such behavior. But they shouted at us and refused to move away from the [school's] gates."

The official response from the Saudi Arabian government has been to claim that the people blocking access to the school were not really members of the Commission. In an article in the Saudi English-language newspaper *Arab News*, the Civil Defense Department now claims that it has information "which casts doubt on whether the members of the Commission for Promoting Virtue and Preventing Vice who allegedly played a role in hampering rescue operations at the fire-hit Makkah girls' school were really members of the organization."

As the *Wall Street Journal* put it, this claim smacks of a bad cover-up, but either way this is exactly the sort of attitude toward women and girls that Saudi Arabia's leaders have long promoted with their funding and promotion of Islamic extremism.

SOURCE: "Were commission members at fire tragedy impostors?," Khaled Al-Fadly & Saeed Al-Abyad, *Arab News*, March 17, 2002. "Saudi police face deaths criticism," *Reuters*, March 14, 2002.

#### NEWS RELEASE SUBMITTED BY HUMAN RIGHTS WATCH

### Saudi Arabia: Religious Police Role in School Fire Criticized

(*New York, March 15, 2002*)—Saudi authorities should conduct an independent, thorough, and transparent investigation of the March 11 fire at a girls' public intermediate school in Mecca that claimed the lives of at least fourteen students, Human Rights Watch said today. The tragedy has focused attention on the role of the religious police as well as the state agency responsible for the education of girls and women in the kingdom.

Eyewitnesses, including civil defense officers, reported that several members of the Committee for the Promotion of Virtue and the Prevention of Vice (mutawwa'in, in Arabic) interfered with rescue efforts because the fleeing students were not wearing the obligatory public attire (long black cloaks and head coverings) for Saudi girls and women. The mutawwa'in, a law-enforcement agency that has sought to ensure the application of the kingdom's strict gender segregation and dress code for women, has drawn criticism for abusive practices including harassment, physical abuse, and arbitrary arrest.

"Women and girls may have died unnecessarily because of extreme interpretations of the Islamic dress code," said Hanny Megally, Executive Director of the Middle East and North Africa division of Human Rights Watch. "State authorities with direct and indirect responsibility for this tragedy must be held accountable."

There were 835 students and fifty-five women teachers in Intermediate School No. 31 when the blaze started at about 8:00 in the morning, according to Saudi press reports. Saudi newspapers suggested that the school, located in a rented building, was overcrowded, and may have lacked proper safety infrastructure and equipment, such as fire stairs and alarms.

The government's investigation should also examine unsafe conditions at the school, which is administered by the General Presidency for Girls' Education (GPGE), Human Rights Watch added.

Yesterday's edition of Arab News (Jeddah) cited a report prepared by Mecca's Civil Defense Department about the rescue effort at the school. The report noted that mutawwa'in were at the school's main gate and, "intentionally obstructed the efforts to evacuate the girls. This resulted in the increased number of casualties." The religious police reportedly tried to block the entry of Civil Defense officers into the building. "We told them that the situation was dangerous and it was not the time to discuss religious issues, but they refused and started shouting at us," *Arab News* quoted Civil Defense officers as saying.

"Whenever the girls got out through the main gate, these people forced them to return via another. Instead of extending a helping hand for the rescue work, they were using their hands to beat us," Civil Defense officers were quoted as saying. The officers also said they saw three people beating girls who had evacuated the school without proper dress. A Saudi journalist told Human Rights Watch that the mutawwa'in at the scene also turned away parents and other residents who came to assist.

The tragedy has prompted Saudi journalists to call for greater openness on the part of the GPGE in response to inquiries from the media for information about its policies and practices. All aspects of state-financed education for girls in Saudi Arabia, including the renting of buildings for schools, is under the authority of the GPGE, an autonomous government agency long controlled by conservative clerics. "A free flow of information would . . . help the press to prepare an investigative report on other schools in the Kingdom where conditions might also endanger the lives of students and teachers," Deputy Editor-in-Chief Jamal A. Khashoggi wrote in yesterday's *Arab News*.

He urged that the GPGE provide information about fire safety in its schools for girls, including the number of fire extinguishers, the frequency of fire drills, as well as details about the contracts for the thousands of rented school premises in the Kingdom, including provisions for installation of emergency exits and fire alarms.

The Kingdom's intermediate public schools, which are segregated by gender, provide three years of education for children between the ages of twelve and fifteen, following a six-year program of elementary education.

Saudi Arabia is a state party to the United Nations Convention on the Rights of the Child and the U.N. Convention on the Elimination of all forms of Discrimination Against Women.

Megally added that in the midst of this tragedy it was encouraging to see relatively open discussion of need for investigation in the traditionally very quiescent Saudi press.

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#### ECUMENICAL STATEMENT IN SUPPORT OF THE U.S. RATIFICATION OF CEDAW

As leaders of Christian denominations and ecumenical organizations, we strongly urge the U.S. Senate to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Since we believe all peoples are created equally in the eyes of God, each of our denominations and organizations supports universal ratification of CEDAW.

CEDAW establishes a legal landmark that women are entitled to all human rights and has proven to be one of the most potent tools for systematically uprooting gender inequality and oppression. This has been evident in the reports made to the United Nations by many of the 169 countries which have ratified CEDAW since its adoption by the General Assembly in 1979. The Convention calls on governments to abolish laws that discriminate against women and actively promote equality by ensuring that women have equal access to education, health care, employment, economic benefits and public life.

This Convention has successfully created an international standard against which the treatment of all women can be measured in all fields of life—including civil, political, economic, social, and cultural rights. After ratifying CEDAW, many countries enacted laws that extend the equal rights of women. Developing democracies have

even included the equality of women in their new constitutions as a result of their ratification of this Convention.

Nations look to the United States for leadership in the international sphere. By ratifying this Convention, the U.S. will be making a statement to other nations that human rights and the equality of women are a priority to the U.S. and for U.S. foreign policy. Ratification of this treaty would promote the basic rights of women both in our own country and globally.

While the United States is a leader in the human rights arena, there are still many instances of gender inequality in the U.S. that need to be addressed. We have learned from U.S. government reports that women are still discriminated against in employment opportunities. One example is "A New Look Through the Glass Ceiling: Where are the Women?" compiled by the U.S. General Accounting Office in January 2002.

We uplift the words of First Lady Laura Bush on International Women's Day 2002: "Our dedication to respecting and protecting women's rights in all countries must continue if we are to achieve a peaceful, prosperous, and stable world." The ratification of this Convention is a clear step towards this goal.

CLIFTON KIRKPATRICK,  
*Stated Clerk of the General Assembly,  
Presbyterian Church (USA)*

JAMES E. WINKLER,  
*General Secretary,  
General Board of Church and Society,  
The United Methodist Church*

THE REVEREND JOHN L. MCCULLOUGH,  
*Executive Director,  
Church World Service,  
Division for Church and Society,  
Evangelical Lutheran Church in America*

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PRESS RELEASE SUBMITTED BY THE FAMILY VIOLENCE PREVENTION FUND

LEADING DOMESTIC VIOLENCE PREVENTION ORGANIZATION URGES SENATE AND BUSH ADMINISTRATION TO RATIFY TREATY ON RIGHTS OF WOMEN

*Washington, DC.*—The Family Violence Prevention Fund (FVPF) today called on the Senate and the Bush Administration to immediately ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The United States is the only industrialized nation that has not ratified CEDAW, the universal standard for women's rights.

"Violence against women is a human rights issue. Every day, throughout the world, women are beaten, tortured, abused and killed," said FVPF President Esta Soler. "Ratifying CEDAW is a critical first step to protecting women's rights and ending violence against women around the world and in this country."

CEDAW is the most comprehensive treaty ensuring the human rights of women. The treaty addresses gender discrimination in areas including education, employment, health, politics and law. To date, 168 countries have ratified CEDAW. In failing to ratify the treaty, the U.S. joins a group of countries that includes Iran and Afghanistan.

"At a time when the U.S. focuses on human rights abuses and violence in other countries, it is critical that we look at what is happening in our own country," continued Soler. "The Senate and the Bush Administration must take action to safeguard the rights of women at home and abroad, and should waste no time in ratifying CEDAW to reaffirm this country's commitment to human rights around the world."

The Family Violence Prevention Fund (FVPF) works to end domestic violence and help women and children whose lives are devastated by abuse, because every person has the right to live in a home free of violence. The FVPF challenges lawmakers to take domestic violence seriously, educates judges to protect all victims of abuse, and advocates for laws to help battered immigrant women. The FVPF works with health care providers and employers to identify and aid victims of abuse, helps communities support children from violent homes, and shows Americans how to help end domestic violence. FVPF programs and policies have won countless awards and been replicated around the world.



HADASSAAH,  
New York, NY,  
May 14, 2002.

HON. JOSEPH R. BIDEN, JR., *Chairman,*  
HON. JESSE HELMS, *Ranking Member,*  
*U.S. Senate Committee on Foreign Relations,*  
*Washington, DC.*

DEAR SENATORS: On behalf of the over 300,000 members of Hadassah, the Women's Zionist Organization of America, I am writing to congratulate you for holding hearings on the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). As the only developed country not to have ratified this treaty, these hearings are an important first step in the move to accept this important benchmark.

CEDAW has established internationally recognized standards for the status of women, thus providing a measure against which countries can review the status of their own women. Many countries have used the CEDAW benchmarks to improve the status of women in the areas of employment equity, access to health care, political involvement, and on social issues.

As the largest women's and largest Jewish organization in the United States, Hadassah has a 90-year record of advocacy on issues of importance to women and the Jewish community, such as equal pay, women's health, combating violence against women, and recognizing rape as a war crime. Our flagship project, the Hadassah Medical Organization in Jerusalem, recently has inaugurated a Women's Health Center, the first of its kind facility in Israel to address health issues for women separately from those of men.

To date, 168 countries have ratified CEDAW. By joining them, the United States will re-affirm its global leadership position on ensuring women's rights as basic human rights, a key policy objective of President Bush—as demonstrated by the important work that the U.S. has undertaken in Afghanistan.

Once again, we applaud the hearing. We hope that this is the first step along the important road of improving the status of women around the world, by ratifying CEDAW.

Sincerely,

BONNIE LIPTON,  
*National President.*

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SISTERS OF THE HOLY NAMES,  
*California Justice and Peace Committee,*  
*San Jose, CA.*

HON. JOSEPH R. BIDEN, JR., *Chairman,*  
*Committee on Foreign Relations,*  
*U.S. Senate, Washington, DC.*

SENATOR BIDEN: Please list us as strongly endorsing the U.N. CEDAW which we urge to Senate to ratify.

ROSEMARY EVERETT, SNJM.

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STATEMENT SUBMITTED BY THE INTERNATIONAL ASSOCIATION OF WOMEN JUDGES/  
INTERNATIONAL WOMEN JUDGES FOUNDATION

I submit this statement on behalf of the International Association of Women Judges (IAWJ) to urge that the U.S. Senate ratify the Convention on the Elimination of All Forms of Discrimination Against Women.

The IAWJ, is a non-partisan, non-profit organization composed of more than 4,000 members at every level of the judiciary in 77 nations, including 1300 members in the United States, who share a commitment to equal justice and the rule of law. With its educational adjunct, the International Women Judges Foundation (IWJF), the IAWJ has long supported the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and endorsed its ratification by every nation. Unfortunately, by failing to ratify the Convention, the United States has aligned itself with a handful of nations that spurn democratic traditions and the rule of law.

The IAWJ-IWJF's flagship project, a highly successful educational program that prepares men and women judges to apply the terms of international and regional

human rights conventions to cases in domestic courts that involve discrimination and violence against women, has been presented in South America, East Africa and the Dominican Republic. It soon will be launched in 4 Central American nations, Nigeria and the United States. The facilitators who developed the curriculum and conduct the training workshops include several U.S. experts in women's human rights who, of course, draw heavily on CEDAW. Invariably, the judges whom they train ask why the United States has not ratified an instrument so vital that it is referred to as the women's bible. Underlying this question is a subtle reproach to the United States' for its reluctance to ratify the Convention. There cannot be the slightest doubt that this nation's recalcitrance in ratifying CEDAW has contributed to undermining its prestige and moral posture in many parts of the world. Regrettably, this situation exists at a time when the U.S., more than ever, needs and seeks the support of other nations in a rapidly shrinking world.

The IWJF enjoys consultative status with the United National Economic and Social Council, and in this capacity, I have had the privilege of attending many meetings of the CEDAW Expert Committee. The Expert Committee has no power to compel compliance with the Convention's provisions. Yet, a number of CEDAW's critics in this country read into its provisions, arbitrary and compulsory commands that simply are not there. The Expert Committee recommends; it does not dictate. Through diplomatic questions posed to states-parties that have submitted reports, the Committee has succeeded in bringing about many useful changes that are of great benefit to women.

The Senate has an historic opportunity to set the record straight by ratifying CEDAW. The IAWJ urges it to do so.

Yours sincerely,

JUDGE ARLINE PACTH,  
*Executive Director, IAWJ-IWJF*

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STATEMENT SUBMITTED BY THE INTERNATIONAL CENTER FOR RESEARCH ON WOMEN  
CEDAW: AN ESSENTIAL TOOL FOR OVERCOMING POVERTY AND ENSURING THE DIGNITY  
AND RIGHTS OF WOMEN

The International Center for Research on Women (ICRW) is pleased to submit this statement concerning the importance of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to the full realization of women's rights and potential. The Center commends the Chairman for convening this hearing to review the U.S. position regarding ratification of the treaty.

The ICRW seeks to improve the lives of women in poverty, advance women's equality and human rights, and contribute to broader economic and social well-being through research, capacity building, and advocacy on issues affecting women's economic, health, and social status in low- and middle-income countries.

The promulgation and implementation of CEDAW represents a landmark in efforts to ensure human rights for all. It provides a universal reference regarding issues to be addressed to guarantee women the rights enshrined in other treaties and it provides guidelines for how this can be accomplished. It also provides an important tool for civil society organizations working to improve the status of women.

*Why CEDAW?*

Why is CEDAW necessary? It is needed to address the effects of long-standing and pervasive discrimination against women. As a result of this discrimination, women and girls are still the poorest, least educated, most unhealthy, and most marginalized segment of the world's population. Women lack control of economic assets and often lack opportunities for education and training. These factors intensify women's poverty, heighten their vulnerability to violence, increase their health risks, and undermine their human rights. Despite these obstacles, women continue to make essential contributions not only to their own households, but also to their communities and societies.

International conventions and treaties prior to CEDAW failed to address the specific ways in which women are prevented from realizing their full human rights. Many of these barriers are codified in statutory or customary law, reflecting official sanction for, or acceptance of, women's second class status.

The internationally-agreed upon Millennium Development Goals,<sup>1</sup> cannot be achieved without eliminating discrimination against women and facilitating their full participation in all aspects of the economic, social, political, and cultural life of their communities and nations. We now have countless examples of development efforts gone wrong because they failed to involve women and to take into account women's roles, experiences, and perspectives. The experience of women in Afghanistan under Taliban rule provides an especially dramatic example of the consequences of failing to respect and protect women's rights. On an even larger scale, discrimination against women and girls is fueling the spread of the HIV/AIDS epidemic now devastating sub-Saharan Africa and threatening other regions of the developing world.

*CEDAW in Action: An Instrument For Change*

ICRW's research has found that an increasing number of developing country governments and non-governmental organizations are referring to CEDAW as guidance for their national and local efforts to improve the lives of women. Three examples below illustrate, from an on-the-ground perspective, the far-reaching changes to improve women's lives that can be achieved on the basis of CEDAW. They also illustrate CEDAW's use within executive, legislative, and judicial governmental bodies.

**Violence Against Women**

Around the world, one in three women experience violence in the intimate setting of their homes and their marriages.<sup>2</sup> The threat of violence is the sub-text of daily life for these women, who represent a range of age, education, social status, employment and geographic location.

A recent study in India by ICRW and in-country research partners found that over half of the women surveyed had experienced physical violence at least once during marriage.<sup>3</sup> Nearly two-thirds of those had experienced physical violence three or more times and half had experience violence while they were pregnant. Employed women were found to be a greater risk of violence than women who did not work outside the home. The study found that violence has both emotional and economic impacts on individuals and families. Women reported loss of motivation and energy, a decrease in productivity, with a high percentage having considered suicide. The economic costs are also very high. A preliminary estimate indicates that a serious incidence of violence, leading to hospitalization or inability to work, results in the loss of 30 to 40 percent of the monthly income of rural households.

Efforts in India to reduce domestic violence build on earlier actions related to its ratification of CEDAW in 1993. Consistent with Article 24<sup>4</sup> of CEDAW, the government, upon ratification, established a National Commission for Women and assigned it the task of reviewing existing laws to determine their compliance with the provisions of the treaty. The Commission identified 22 discrepancies that required modification of existing laws or promulgation of new laws. Among these, the Commission found that existing law does not protect women from domestic violence and therefore is not consistent with Article 2 of CEDAW, which provides for equal protection under the law.

As a result, a domestic violence bill is currently being debated in the Indian Parliament. The bill would add civil remedies such as protection orders and monetary compensation to existing criminal provisions on domestic violence. The legislation has generated wide debate among the public on the issue of domestic violence and key gaps in the draft law have been identified. Given the intensity of debate, the bill has now been referred to the Standing Committee of the Parliament for revisions and the reintroduction of a more comprehensive law.

**Education, Economic Benefits, and Employment**

Women's exclusion from opportunities for property ownership, loans, vocational skills, and employment is a fundamental factor in the global poverty that President Bush seeks to address through the substantially increased resources of a Millen-

<sup>1</sup> The Millennium Development Goals were agreed to at the 2000 United Nations Millennium Summit, the largest gathering of world leaders in history. The Goals represent a renewed commitment to work to eradicate global poverty and support development. The specific areas addressed by the goals are poverty, education, gender equality, child mortality, maternal mortality, HIV/AIDS and other diseases, environment, and global partnership.

<sup>2</sup> Heise, Lori and Ellsberg, and Gottemoeller, "Ending Violence Against Women," *Population Reports*, Vol. XXVII, No. 4. Baltimore: The Johns Hopkins School of Public Health, December 1999.

<sup>3</sup> ICRW, "Domestic Violence in India: A Summary Report of a Multi-Site Household Survey," May 2000 [funded by USAID, FAO-A-00-95-00030-00]

<sup>4</sup> Article 24: "States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention."

nium Challenge Account that he pledged at the U.N. Conference on Financing for Development in Monterey, Mexico. For example, in Honduras, women earn only half of what men earn, while in neighboring El Salvador, women earn less than 70 percent of men's wages in small trade and micro enterprise activities.<sup>5</sup> Yet, in both countries, approximately 20 to 25 percent of the households depend primarily on women's earnings to meet household requirements.

In South Africa, which ratified CEDAW in 1996, civil society organizations have engaged regional government officials in dialogue about their obligations under the treaty, with special reference to Article 14, which addresses the particular struggles and contributions of rural women.<sup>6</sup> Women farm workers in the Western Cape region of South Africa have access only to seasonal or "casual" labor opportunities and do not have independent employment contracts or benefits such as housing.

The Centre for Rural Legal Studies in 1999, under the USAID-funded PROWID project,<sup>7</sup> researched and documented the status of women farm workers in the Western Cape to establish a baseline with regard to compliance with relevant CEDAW provisions. Overall, the research established that low levels of education and access to job training, high levels of domestic violence (67 percent according to employers), limited access to health services, and lack of benefits (such as paid maternity leave) prevent the realization of these women farm workers' rights. Most women lack knowledge about the laws related to labor and gender equality and have very limited access to legal recourse. These circumstances are compounded by their employers' lack of awareness and general failure to comply with national legislation.

The South African government's Commission on Gender Equity (CGE) is building on the experience in the Western Cape to educate government officials in other parts of the country about their obligations under CEDAW. The CGE is moving to address specific issues, such as pay equity in agriculture, that were identified through the research conducted by the Centre for Rural Legal Studies.

CEDAW has also provided a blueprint in South Africa for the development of gender sensitive indicators for monitoring progress for rural women. Various categories of indicators have been developed, including measures related to the focus on rural women in government programs and budgets; gathering and use of data on women living or working on farms; compliance with the anti-discrimination obligations under CEDAW; measures taken to ensure that women living or working on farms are aware of their rights; the provision of education, training, and services to fulfill women's rights; and gender awareness and sensitivity among departmental employees.

#### Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature is a specific form of sex discrimination to which women around the world are routinely subjected. Sexual harassment creates stress, undermines psychological well-being and productivity, and may force victims to leave their employment. It violates the right to a safe and healthy work environment.

The impact of sexual harassment is a growing concern around the world. The U.S. and other industrialized countries have put in place laws to prevent sexual harassment and to prosecute those who engage in such harassment. At the international level, the definition of sexual harassment is being debated.

In India, the issue was addressed by the Supreme Court in 1998, when it issued guidelines and norms regarding sexual harassment. These guidelines were developed with reference to provisions in CEDAW and recommendations of the International Labour Organization. Subsequently, the National Commission on Women

<sup>5</sup> Benitez, Manuel, *et al.*, "A Platform for Action for the Sustainable Management of Mangroves in the Gulf of Fonseca," Washington: ICRW, November 2000.

<sup>6</sup> Article 14: States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas. States Parties shall 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.

<sup>7</sup> PROWID was a grants program conducted by ICRW, in collaboration with CEDPA, that sought to improve the lives of women in developing countries and economies in transition by promoting development based on practical insights gained from field-tested interventions. Operating from 1995 to 2000, PROWID grants supported 45 different activities implemented by partner organizations in over 30 countries, including action-oriented policy research, pilot interventions, and advocacy that contributed to economic and social development with women's full participation.

developed a work place Code of Conduct based on the Supreme Court guidelines, which was circulated widely to Ministries and government departments. Last year, the Commission initiated an on-going assessment of the implementation of the new guidelines and norms.

The experience in India and other places demonstrates the use of CEDAW as an important reference in legal judgements. The international standards and norms codified by CEDAW provide important guidance at the national and sub-national level on issues related to discrimination against women.

#### *Conclusion*

The United States has long been a leader in promoting the rights of women. Its ratification of CEDAW would serve to strengthen further its leadership in this area and give important added weight to the norms and standards embodied in the treaty. CEDAW is serving in very real and concrete ways to improve the lives of women around the world. ICRW therefore urges the speedy ratification by the United States of the Convention on the Elimination of All Forms of Discrimination Against Women.

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#### STATEMENT SUBMITTED BY THE WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM, UNITED STATES SECTION

The Women's International League for Peace and Freedom (WILPF), founded in 1915 with the goal of achieving peace, security, and women's full participation in civic life and leadership, welcomes the Senate Foreign Relations Committee's decision to hold hearings on the U.N. Convention to Eliminate All Forms of Discrimination Against Women (CEDAW). We trust that after full consideration the Committee will find every reason to recommend that the United States take immediate action to assure its ratification.

The President of the United States declared our national commitment to the principle of human rights in 2001 when he stated that the United States "will always be the world's leader in support of human rights." His commitment to United States leadership in this important arena and its relevance to CEDAW was echoed in First Lady Laura Bush's declaration on International Women's Day in 2002 "our mission to protect human rights for women ... in all countries ... is essential if we are to achieve a powerful, prosperous and stable world."

The Convention to Eliminate All Forms of Discrimination Against Women is not only in conformity to our national goals and aspirations, its provisions are consistent with the letter and the spirit of the United States Constitution and our nation's legal codes. The Women's International League for Peace and Freedom calls upon the Committee urge its immediate ratification.

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#### STATEMENT SUBMITTED BY CAROLYN JEFFERSON-JENKINS, PH.D., PRESIDENT, THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

The League of Women Voters of the United States urges you to approve the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The League of Women Voters is a nonpartisan citizen organization with more than 130,000 members and supporters in all 50 states, the District of Columbia and the Virgin Islands. For more than 80 years, Leagues across the country have worked to educate the electorate, register voters and make government at all levels more accessible and responsive to citizens. From its inception, the League has worked for equal rights for 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. CEDAW sets forth criteria for discrimination against women and provides a forum for addressing and resolving women's rights issues.

We believe that U.S. ratification of CEDAW would be an important statement of support for women worldwide and would give credibility to the U.S.'s longstanding opposition to human rights abuses. Women in many parts of the world lack basic legal rights or protection of their rights under law. CEDAW will allow women to have the legal framework to improve their own lives in practice, as well as law. For example, although most countries give women the legal right to vote, the inequality of women in many countries prevents them from exercising this right. By ratifying

CEDAW, the United States will show the world that we support equality under the law for all women and girls.

CEDAW is relevant not just to the lives of women in countries with poor human rights records, but also to the lives of American women. The Convention assures American women that our government believes in, and will reinforce, their equality. Most U.S. laws extend rights to all, but do not affect the specific ways in which women's rights may be compromised. By ratifying CEDAW, the U.S. will make significant strides towards ensuring that equality is a political, economic and social reality for women and girls both here and abroad.

The United Nations adopted CEDAW on December 18, 1979. From the start, the U.S. was actively involved in drafting CEDAW, but never ratified the treaty. CEDAW entered into force on September 3, 1981 and currently has 169 state parties. At the Fourth World Conference on Women in Beijing in September 1995, the United States was a signatory to a document calling for the ratification of CEDAW.

The League of Women Voters believes that the time is right for U.S. ratification of CEDAW. We urge you to send CEDAW to the full Senate for ratification. U.S. ratification of the treaty would show the world that the United States of America supports human rights and gender equality for women and girls worldwide.

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STATEMENT SUBMITTED BY THE GENERAL BOARD OF CHURCH AND SOCIETY OF THE  
UNITED METHODIST CHURCH

The General Board of Church and Society of The United Methodist Church is a nongovernmental organization to the United Nations and has been an ardent supporter of the U.N. since its inception. As an NGO, the General Board of Church and Society has participated in many consultations, summits and other international events including the annual meetings of the Commission on the Status of Women and the yearly reporting sessions on the implementation of the Convention on the Elimination of Discrimination Against Women (CEDAW). It is through these experiences, plus our historical traditions and theological beliefs supporting equal rights for women, that we strongly urge the United States Senate to ratify CEDAW.

The Social Principles of the United Methodist Church specifically support rights of women in paragraph 162, III (F) by affirming "women and men to be equal in every aspect of their common life. We therefore urge that every effort be made to eliminate sex-role stereotypes in activity and portrayal of family life and in all aspects of voluntary and compensatory participation in the Church and society. We affirm the right of women to equal treatment in employment, responsibility, promotion and compensation. We affirm the importance of women in decision-making positions at all levels of Church life and urge such bodies to guarantee their presence through policies of employment and recruitment." Additionally, Resolution 181 in the Book of Resolutions calls for The United Methodist Church "to urge governments to ratify the Convention on the Elimination of Discrimination Against Women, which was adopted by the United Nations in December 1979."

The twenty-two year old United Nations Convention on the Elimination of All Forms of Discrimination Against Women is the only comprehensive international standard for eliminating discrimination against women. It addresses women's rights within social, political, cultural, economic and social life. The United States is the only industrialized nation in the world that has not ratified the treaty. To date, 169 countries have ratified this treaty. Afghanistan, Iran and several other developing nations have not ratified this document.

CEDAW is consistent with U.S. constitutional principles opposing discrimination against women. U.S. law is already in substantial compliance with CEDAW. Where discrepancies exist between CEDAW's principles of nondiscrimination and U.S. law, CEDAW permits progressive implementation. The treaty includes 30 specific articles addressing such issues as nondiscrimination in areas of education, health care, protection under the law, economic and social life and encourages equal involvement of women in political life.

Once a country ratifies the treaty, it is responsible for reporting progress toward implementation at least every four years. The process, as witnessed by our staff, is thorough and offers an opportunity to, not only indicate progress and challenges, but also to receive valuable feedback from the "panel of experts."

The United States should be leading the international fight against gender discrimination. By ratifying this convention, the U.S. could exercise greater political and moral leadership on human rights in the international community and would strengthen its position as a champion of international human rights.

Submitted by:

LINDA BALES, *Program Director,*  
*Louise & Hugh Moore Population Project,*  
*General Board of Church & Society, The United Methodist Church,*  
*Washington, DC 2002.*

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INTERNATIONAL HUMAN RIGHTS LAW GROUP,  
 LAWYERS COMMITTEE FOR HUMAN RIGHTS,  
*June 27 2002*

HON. JOSEPH R. BIDEN, JR., *Chairman,*  
*Committee on Foreign Relations,*  
*U.S. Senate, Washington, DC.*

HON. JESSE HELMS, *Ranking Member,*  
*Committee on Foreign Relations,*  
*U.S. Senate, Washington, DC.*

DEAR SENATORS: We, the undersigned human rights and civil rights organizations write to strongly urge the Senate to give its advice and consent to ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Ratification of CEDAW by the United States will send an important message to women in this country and around the world by reaffirming our nation's deep commitment to women's rights and equality and providing global leadership on critically important international human rights for women. We urge the Senate to reject the Administration's proposed Reservations, Understandings, and Declarations, which we believe are unnecessary and inconsistent with the purpose, scope, and objectives of CEDAW (see attached legal analysis).

More than twenty years have passed since the United States signed CEDAW and presented the treaty to the Senate Foreign Relations Committee. In the interim, 169 nations have ratified the convention, and numerous U.S. states, cities, counties, and 120 domestic organizations have formally called for the ratification of CEDAW.

Domestically, ratification of CEDAW is important because, despite the enactment of laws to establish equality for women, discrimination against women persists in the United States. Problems such as violence against women, economic inequality, and access to affordable childcare continue to plague our society and impede women seeking to achieve full equality. Ratifying CEDAW will send a strong message that our nation is deeply committed to equality for all women.

United States ratification of CEDAW will serve to reaffirm the important leadership role the United States plays in promoting human rights, democracy, and freedom throughout the world. Nowhere is the need for this leadership more apparent than the serious human rights violations suffered by women in Afghanistan under the Taliban. Failure by the United States to ratify this treaty not only undermines our global leadership and influence in human rights, but also negatively impacts our ability to shape and determine future human rights standards.

We strongly urge the Senate to give its advice and consent to ratification of CEDAW, a treaty that has as its object and purpose the elimination of discrimination and oppression and the realization of economic, political, cultural and social equality for all women.

Sincerely,

MICHAEL POSNER,  
*Lawyers Committee for Human Rights.*  
 GAY MCDUGALL,  
*International Human Rights Law Group.*  
 WADE HENDERSON,  
*Leadership Conference on Civil Rights.*

LEGAL ANALYSIS OF PROPOSED ADMINISTRATION RESERVATIONS TO CEDAW

*Article 2*

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

and

#### Article 3

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 with men.

and

#### Article 5

States Parties shall take all appropriate measures:

(a) 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;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

#### *Proposed Administration Reservation*

*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 nongovernmental 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.*

#### *NOW LDEF/LCHR Comment*

This proposed reservation is undesirable. Even if there were a conflict between U.S. law and 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 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. If the concern of the Administration is that CEDAW might require the U.S. to forbid private discrimination which is protected by the Constitution, it is our position that, under settled principles, CEDAW may not be construed so as to forbid what is protected by the Constitution. At most, a reservation saying



that under this article the U.S. is not required to forbid private discrimination which is protected by the Constitution would be acceptable.

*Article 2* (for text, see above)

and

*Article 7(b)*

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government

*Proposed Administration Reservation*

*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.*

*NOW LDEF/LCHR Comment*

This reservation is objectionable. Although the Department of Defense (“DoD”) and the military policies on women in combat remain in flux, legal restrictions on women’s participation in the military have now been lifted. *See, eg*, Defense Authorization Act of 1994. The military’s desire for flexibility is not an appropriate reason for taking a blanket reservation permitting continued discrimination. After 15 years of conducting its own detailed studies, the DoD has 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). Rather than abdicating any obligation to open direct combat positions to women, the U.S. should, at a minimum, commit to continuing current efforts to open all combat 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 A/32/2 IS at 4* (1977).

Despite recent advances for women, both the Army and the Marines continue to exclude women from infantry, armor and field artillery units, and thus block women from advancing along the three main routes to those branches’ senior leadership. The military’s policy of restricting women’s participation in direct combat units denies women significant opportunities for job advancement. Most three-star and four-star positions require combat experience; at the end of FY 1993, there were 114 three-star and 36 four-star admirals and generals in the four combined services. None were women. Further, contrary to the proposed reservation, women cannot volunteer for military service without restriction, as women are precluded from certain designated combat positions.

*Article 11(1)(d)*

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.

*Proposed Administration Reservation*

*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.*

*NOW LDEF/LCHR Comment*

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 A/32/218 at 4 (1977). 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), General Recommendation No. 13 (encouraging State Parties to ratify ILO Convention No. 100), and ILO Convention No. 100 (“equal remuneration” interpreted as “rates of remuneration established without discrimination based on sex”). 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.

Federal legislation is currently silent on the issue of comparable worth. While the Supreme Court has suggested that Title VII may permit claims based on comparable worth, see *County of Washington v. Gunther*, 452 U.S. 161 (1981), lower courts construing Title VII have held that it cannot redress broader pay inequities. E.g., *AFSCME v. Washington*, 770 F.2d 1401 (9th Cir. 1985). However, there continue to be significant developments expanding the implementation of comparable worth principles to redress wage discrimination in female-dominated occupations. For example, over twenty states have adjusted their wages to correct for sex or race bias. See Institute for Women’s Policy Research, *Pay Equity Remedies in State Governments: Assessing Their Economic Effects* (1994). Further, the Fair Pay Act of 1994 (H.R. 4803) currently pending in Congress would expand the protections of the Equal Pay Act to cover work of “equivalent” value in both the public and private sector. Ratification of the Convention without the proposed reservation would reiterate the U.S. commitment to increase women’s access to fair wages.

*Article 11(2)(b)*

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances.

*Proposed Administration Reservation*

*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.*

*NOW LDEF/LCHR Comment*

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. 260 1–54, mandates that employers of 50 or more employees provide twelve weeks of unpaid leave after childbirth or for other family or 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. While the number of U.S. employers offering paid maternity leave is small, the Congress has already made a commitment to study the issue. In 1993, Congress established a Commission on Leave to conduct a comprehensive study of, among other things, “policies that provide temporary wage replacement during periods of family and medical leave.” 29 U.S. 2632.

*Articles 1–30*

[For the complete text of the Convention on the Elimination of All Forms of Discrimination Against Women see page 79 of this hearing document.]

*Proposed Administration Understanding*

*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 Gov-*

ernment shall, as necessary, take appropriate measures to ensure the fulfillment of this Convention.

*NOW LDEF/LCHR Comment*

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). 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 can leave some implementation to the states so long as the United States government sees to it that this is done. 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.

Article 5 (for text, see above)

and

*Article 7*

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

and

*Article 8*

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

and

*Article 13*

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

*Proposed Administration Understanding*

*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.*

*NOW LDEF/LCHR Comment*

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.

*Article 12*

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality

of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

*Proposed Administration Understanding*

*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.*

*NOW LDEF/LCHR Comment*

This understanding is unnecessary. Article 12 makes clear that States 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 superfluous.

*Articles 1–30*

[For the complete text of the Convention on the Elimination of All Forms of Discrimination Against Women see page 79 of this hearing document.]

*Proposed Administration Declaration*

*The United States declares that, for purposes of its domestic law, the provisions of the Convention are non-self-executing.*

*NOW LDEF/LCHR Comment*

This declaration is not constitutionally required and it is undesirable. There is no reason for insisting 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 principal 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 will unnecessarily delay U.S. compliance with some provisions and set 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.

*Article 29(1–2)*

1. 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, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 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.

*Proposed Administration Declaration*

*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.*

*NOW LDEF/LCHR Comment*

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. Since the dispute resolution mechanism in CEDAW similarly provides for submission by one of two States to an international

body for dispute resolution, there is no justification for the U.S. objection. The only difference between the two procedures is, in fact, that, under CEDAW, the dispute is submitted to the International Court of Justice. The U.S. is already a party to over 75 treaties which provide for submission of disputes to the Court. 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 Court.

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STATEMENT SUBMITTED BY THE NATIONAL EDUCATION ASSOCIATION

CHAIRMAN BIDEN AND MEMBERS OF THE COMMITTEE: Thank you for the opportunity to submit testimony on the importance of ratification of the Treaty for the Rights of Women, the Convention on Elimination of all Forms of Discrimination Against Women (CEDAW).

NEA believes that all nations must respect and protect the basic human and civil rights of every individual, and that all persons, regardless of gender, must have equal opportunity for employment, promotion, compensation and leadership. Our 2.7 million members—the majority of whom are women—know first hand the difference that access to education makes in building a strong, tolerant society, and in allowing individuals to fulfill their potential.

Women with access to education can ensure a better future for themselves and their children. While girls who do not go to school have little chance to escape poverty and oppression. According to the World Bank, UNICEF, and the United Nations Development Program, investment in girls' education is the most cost-efficient route to economic development and stability. Yet, two-thirds of the 125 million children worldwide who have never attended primary school are girls, and women and girls experience discrimination in education around the globe.

The Treaty for the Rights of Women, CEDAW, requires nations that have ratified it to take action to end discrimination in education, including in professional and vocational training, access to curricula, and other means of receiving an equal education. Where ratified, the Treaty has already made significant inroads in improving access to education for women and girls. For example:

- Following its ratification of the Treaty, Slovenia changed its school admission policies to benefit girls.
- Pakistan introduced co-education in primary schools following its ratification of the Treaty, and saw sharp increases in female enrollment, especially in rural areas.
- India has made increasing girls' educational opportunities a key priority, creating the universal Integrated Child Development Services program. Girls now account for nearly half of all pre-schoolers in India.

Ratification of the Treaty would enable the United States to play a stronger role internationally in advocating for women's rights, including in the area of education. The Treaty would offer an important tool to advance U.S. foreign policy priorities such as increasing access to education for women and girls in Afghanistan. Ratification would also promote and improve education for women and girls in the United States by, for example, opening doors to non-traditional careers and expanding school sexual harassment prevention programs.

Nearly 170 nations have ratified CEDAW, the Treaty for the Rights of Women, including all Latin American/Caribbean nations, the overwhelming majority of European and African nations, and a large number of Asian and Middle Eastern nations. The United States' continued failure to ratify the Treaty jeopardizes our foreign policy objectives and reinforces the message that our nation is inconsistent in the human rights standards we set for other countries and ourselves.

We urge the Senate to take immediate action to ratify this important human rights Treaty.

Thank you.

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STATEMENT SUBMITTED FOR THE RECORD BY NOW LEGAL DEFENSE AND EDUCATION  
FUND IN SUPPORT OF SENATE RATIFICATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

We thank you for holding a hearing on the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW"). As you are well aware, the

struggle for human rights and equality for women has yet to result in full equality in this country and abroad, and the struggle continues today. United States ratification of this important international treaty will reiterate the commitment of the United States to the human rights and full equality of women. NOW Legal Defense and Education Fund strongly urges you to ratify CEDAW and to reject the Administration's proposed Reservations, Understandings, and Declarations.

NOW Legal Defense and Education Fund is a leading national non-profit civil rights organization that performs a broad range of legal and educational services to define and defend women's rights. NOW Legal Defense was founded as an independent organization in 1970 by leaders of the National Organization for Women. NOW Legal Defense's goals include United States recognition of women's human rights and equality.

I. RATIFICATION OF CEDAW WILL ENSURE THAT THE UNITED STATES CONTINUES TO PLAY A LEADERSHIP ROLE IN HUMAN RIGHTS

CEDAW is the only international agreement to comprehensively address the human rights and equality of women. The United States was instrumental in drafting CEDAW, which was adopted by the United Nations General Assembly on December 18, 1979 and entered into force in 1981. President Jimmy Carter signed CEDAW on behalf of the United States on July 17, 1980, and sent it to the Senate Foreign Relations Committee in November 1980, over twenty years ago. Despite the overwhelming domestic support for CEDAW ratification, and despite the fact that the United States publicly stated its intention in 1995 at the Fourth World Conference on Women to ratify CEDAW by the year 2000, the Senate has not yet taken action to ratify CEDAW. Since its adoption, CEDAW has been ratified by 169 countries. The United States remains the only industrialized nation not to have ratified CEDAW and, in failing to ratify CEDAW, is in the company of Iran, Afghanistan, and Somalia.

The world looks to the United States for leadership in the global movement to promote freedom and human rights. That movement undoubtedly includes the struggle for the human rights and equality of women, as recent events in Afghanistan have made clear. First Lady Laura Bush recently emphasized the importance of United States efforts to promote women's human rights and equality. In an address to the United Nations Commission on the Status of Women on International Women's Day, she said:

[W]e affirm our mission to protect human rights for women in Afghanistan and around the world. . . . Our dedication to respecting and protecting women's rights in all countries must continue if we are to achieve a peaceful, prosperous, and stable world. . . . Human dignity, private property, free speech, equal justice, education, and health care—these rights must be guaranteed throughout the world. Together, the United States, the United Nations and our allies will prove that the forces of terror can't stop the momentum of freedom.<sup>1</sup>

President Bush also has stated that "the world must know" that the United States "will always be the world's leader in support of human rights."<sup>2</sup> Yet, failure to ratify CEDAW undermines the United States' credibility and influence in the human rights arena. In order to ensure that the world continues to view United States as a leader in human rights, the Senate must ratify CEDAW.

In addition to sending a message that the United States supports women's human rights and equality, ratification of CEDAW will enable the United States to play a role in shaping international human rights norms relating to women's equality. For instance, only States Parties to CEDAW may elect members to and influence the agenda of the Committee on the Elimination of Discrimination against Women charged with encouraging implementation of CEDAW.<sup>3</sup> Since the United States has not yet ratified CEDAW, it cannot yet participate in that process and in the discussions of how to protect women around the world.

<sup>1</sup> Remarks by Laura Bush to the United Nations Commission on the Status of Women, Mar. 8, 2002; see also Radio Address by Laura Bush, Nov. 17, 2001, ("Fighting brutality against women and children is not the expression of a specific culture; it is the acceptance of our common humanity—a commitment shared by people of good will on every continent. . . . The fight against terrorism is also a fight for the rights and dignity of women.")

<sup>2</sup> Remarks by President George W. Bush in Recognition of Cuba Independence Day, May 18, 2001.

<sup>3</sup> See CEDAW, art. 17.

II. RATIFICATION OF CEDAW WILL REAFFIRM THE UNITED STATES' COMMITMENT TO WOMEN'S HUMAN RIGHTS AND EQUALITY

Perhaps the most important reason to ratify CEDAW is to reaffirm the nation's commitment to women's equality and human rights in the United States. Although the United States has enacted a number of laws to protect women from many forms of discrimination and oppression—including the Nineteenth Amendment, Title VII of the Civil Rights Act of 1964, Title IX of the Education Reform Act of 1972, the Equal Pay Act, the Pregnancy Discrimination Act, the Family and Medical Leave Act, and the Violence Against Women Act—as set out below, discrimination against women persists in many sectors. Ratification of CEDAW will reassure the nation that the United States is still committed to working toward eradicating each of those forms of discrimination and achieving equality for women.

*A. Eradicating Violence Against Women*

One form of discrimination against women that CEDAW addresses is violence against women. CEDAW calls for states to undertake efforts to eliminate all forms of discrimination against women, and Article 1 of the treaty defines "discrimination against women" as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." As the Committee on the Elimination of Discrimination against Women has recognized, "[g]ender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention."<sup>4</sup>

In the United States, forms of violence that disproportionately affect women, such as domestic violence, sexual assault, stalking and sexual harassment, are major contributing factors in women's continued lower socio-economic status. As many as 60% of women receiving welfare have been victims of domestic violence as adults, and as many as 30% reported abuse within the last year. Female victims of domestic violence and sexual assault are more likely than men to be homeless and unemployed, and their physical and mental health are more likely to be threatened. CEDAW therefore encourages States to take measures to eliminate violence against women so that women can equally enjoy basic human rights and freedoms.

Ratifying CEDAW will reinforce the United States' commitment to eliminating violence against women. The United States currently recognizes and punishes the perpetration of domestic violence, rape, sexual assault, stalking, female genital mutilation, sexual harassment and the trafficking in and prostitution of women and girls. Civil and criminal remedies are available to women who have become victims of these crimes, and funds and resources have been made available to aid in the investigation and prosecution of perpetrators as well as the physical, material and emotional rehabilitation of victims. In other words, CEDAW's obligation that State Parties take appropriate measures to combat gender-based violence is consistent with United States law and policy.

Nevertheless, the fact remains that women in the United States are still disproportionately subjected to violence, both in their own homes and in the public sphere. Although the United States has made great strides in addressing gender-based violence and ensuring women's safety, there is still much to be done. According to the Bureau of Justice Statistics, each year approximately 1.3 million women are victims of domestic violence.<sup>5</sup> Another 1 million women are stalked annually in the United States,<sup>6</sup> and one in every six women have been victims of attempted or completed rape.<sup>7</sup> Overall, a woman in the United States is ten times more likely than a man to be raped,<sup>8</sup> and she is more than twice as likely as a man to be injured during a rape or physical assault.<sup>9</sup> These statistics point to the stark reality that despite our best efforts, women are still the victims of violence simply because they are women. Ratification of CEDAW will send a message that the United States will continue to fight against gender-based violence.

<sup>4</sup> See Committee on the Elimination of Discrimination against Women, Gen'l Rec. No. 19, at Sec. 7 (11th Sess. 1992).

<sup>5</sup> United States Dept. of Justice, Office of Justice Programs, Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women, Research Report (Nov. 2000) at iv.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 13.

<sup>8</sup> *Id.* at 43.

<sup>9</sup> *Id.* at 49.

### *B. Promoting Economic Justice for Women*

Ratification of CEDAW will also signal the United States' commitment to elevating women from poverty and achieving their economic equality. For instance, Article 11(1) of CEDAW requires States Parties to "take all appropriate measures to eliminate discrimination against women in the field of employment," including by ensuring "the right to the same employment opportunities," "the right to receive vocational training," and "the right to equal remuneration." While United States law prohibits employment and other economic discrimination against women, the fact remains that women in the United States are still denied the economic opportunities available to men and still make up the vast majority of this nation's poor. Women still make only \$0.74 for every dollar paid to a man for the same work.<sup>10</sup> This is the case despite the fact that a majority of college graduates are women.<sup>11</sup> For women who have earned high school, but not college, degrees, the inequities in pay between men and women—with women making an average of \$9,000 less annually than men with comparable educations—contribute significantly to the number of women who live below the poverty level.<sup>12</sup> Thus, despite advancements in the law, the United States must continue to work to end economic discrimination against women.

Effective implementation of CEDAW's principles would improve the economic status of women in the United States. For instance, CEDAW's emphasis on increasing opportunities for women to receive education and job training in occupations that have traditionally been filled by men would help to move women from lower paying work sectors traditionally associated with women to higher paying skilled positions. Women comprise the majority of low-wage workers in this country, making up 59% of workers earning no more than \$7.91 an hour in 1998.<sup>13</sup> By contrast, nontraditional jobs in those occupations in which women comprise 25% or less of total workers pay 20% to 30% more on average than traditionally female occupations. Non-traditional employment offers women high wages, good benefits and opportunities for advancement, and provides an avenue for many low-income women to move up and out of poverty. Thus job training and education will lead to greater employment opportunities—opportunities that are not predominantly made available, as they are currently, to individuals of one gender and not the other.

The United States has repeatedly demonstrated its commitment to equal opportunity for men and women in the workplace and in the nation's economy in general, but more needs to be done. Ratifying CEDAW will show the nation and the world that the United States stands behind its commitment and recognizes that raising the standard of living among women is an on-going challenge, one in which the United States plans to be a world leader.

### *C. Promoting Access to Support Services, Including Child Care*

CEDAW also addresses the pressing need for working women to have access to reliable and affordable child care. Women make up a significant portion of the workforce in the United States, and they also remain the primary caregivers in their families. Three-quarters of all women with children between the ages of 6 and 17 work outside the home.<sup>14</sup> Women with preschool age children have also entered the workforce in dramatic numbers; by 1996, 62% of working women had young children—a rate five times higher than in 1947.<sup>15</sup> It is inevitable that work and family commitments will come into conflict; yet it is clearly within our nation's best interest that women be given the support and resources they need to be effective and productive in their essential roles as workers, professionals and mothers. Article 11(2)(c) of CEDAW suggests that in order to achieve this interest, states parties to the convention should "encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life." Such "supporting social services" may include childcare. The health of our economy and the health of our families depend on the commitment to assist women to become the best workers and professionals and

<sup>10</sup>See State Action.org, *Solutions for the New Economy: Building Blocks for a Strong and Healthy Economy, Families and Communities*.

<sup>11</sup>Id.

<sup>12</sup>U.S. Dep't. of Labor, Women's Bureau, "20 Facts on Women Workers" (Mar. 2000).

<sup>13</sup>Marlene Kim, *Women Paid Low Wages: Who They Are and Where They Work*, *Monthly Labor Rev.*, Sept. 2000, at 26.

<sup>14</sup>Committee on Ways and Means, U.S. House of Representatives, 1998 Green Book Background Material and Data on Programs within the Jurisdiction of the Committee of Ways and Means, 105th Congress, 2d Sess., at 660 (May 19, 1998).

<sup>15</sup>Committee on Ways and Means, U.S. House of Representatives, 1998 Green Book Background Material and Data on Programs within the Jurisdiction of the Committee on Ways and Means, 105th Congress, 2d Sess., at 660 (April 1997).



mothers that they can be. Ratification of CEDAW will demonstrate this commitment.

*D. Promoting Women's Equality in Other Areas*

CEDAW encourages States Parties to take measures to improve women's lives and ensure their equality in a number of other areas, including health care,<sup>16</sup> education,<sup>17</sup> and politics,<sup>18</sup> among others. Again, the United States should ratify CEDAW to demonstrate its dedication to promoting women's equality and human rights in all areas.

III. THERE IS WIDESPREAD DOMESTIC SUPPORT FOR RATIFICATION OF CEDAW

There is widespread domestic support for ratification of CEDAW. Sixteen states and dozens of cities and counties have passed resolutions urging the United States to ratify CEDAW. Over 120 organizations have similarly called for ratification. In 1993, 68 United States Senators sent a letter to President Clinton in support of CEDAW.

Enthusiasm for CEDAW is so strong that a number of cities and counties are undertaking innovative efforts to implement CEDAW locally. For instance, in April 1998, San Francisco enacted a local ordinance designed to implement the principles of CEDAW in the city. The San Francisco CEDAW ordinance commits the city to "work towards integrating gender equity and human rights principles into all of its operations, including policy, program and budgetary decision-making."<sup>19</sup> To do so, the ordinance sets specific programmatic goals in the areas of economic development, violence against women and girls, and health care. It also requires selected city departments, programs, and other entities to "undergo a gender analysis" and to "develop an Action Plan" containing "specific recommendations on how [each entity] will correct any identified deficiencies and integrated human rights principles and the local principles of CEDAW into its operations."<sup>20</sup> The San Francisco CEDAW ordinance compliments local, state, and federal anti-discrimination laws by proactively promoting women's human rights and taking measures to prevent discrimination before it occurs. It recognizes that women's human rights are advanced not only by prohibitions on discrimination but also by taking women's needs and concerns into account at all levels of decision-making. Similar efforts to implement CEDAW locally are also underway in New York City, Los Angeles, Seattle, Chicago, Boston, Palo Alto, Santa Cruz County, and Santa Clara.

Federal ratification of CEDAW will encourage these innovative local efforts to promote women's equality and human rights, efforts which provide a roadmap for future positive initiatives both here and abroad.

IV. THE UNITED STATES SHOULD RATIFY CEDAW WITHOUT QUALIFICATION AND SHOULD REJECT MOST OF THE ADMINISTRATION'S PROPOSED RESERVATIONS, DECLARATIONS AND UNDERSTANDINGS

The substantive provisions of CEDAW are consistent with the letter and spirit of the United States Constitution and laws, both state and federal. The United States can and should accept virtually all of CEDAW's obligations and undertakings without qualification.

We are deeply troubled, however, by the reservations, understandings, and declarations ("RUDs") proposed by the Administration. We believe that only one understanding, that relating to limitations on free speech, expression and association, is advisable. The remaining RUDs, eight in number, are all designed to support the Administration's view that this treaty should not, in any way, change, or commit us to change, anything in United States law or practice, now or in the future. This approach is troubling as there are several areas where the United States is not in compliance and lags behind much of the industrial world in guaranteeing full equality to women. The Administration appears to have sought to identify such areas and then, by its RUDs, to preclude any obligation to work to improve the record of the United States in these areas. At a minimum, the Administration should commit publicly, and on the record, to seek improvement of its performance in each area, rather than seek to preclude all change through the use of RUDs.

We are very disappointed to observe that the qualifications proposed by the Administration reflect the same three principles as did the qualifications attached to

<sup>16</sup> See CEDAW art. 12.

<sup>17</sup> See CEDAW arts. 5, 10–11, 13–14.

<sup>18</sup> See CEDAW arts. 7–9.

<sup>19</sup> San Fran. Admin. Code, Sec. 12K.4(a) (amended Dec. 2000).

<sup>20</sup> Id. Sec. 12K.4(b).

the Convention on the Elimination of All Forms of Racial Discrimination (the “Race Convention”) and as did those attached by the previous Administration to the International Covenant on Civil and Political Rights (the “ICCPR”). Each of these principles is misguided.

The first principle—that the United States will undertake to do only what it is already doing—is incompatible with the object and purpose of the treaty. The purpose of treaties generally is to undertake new obligations or to make a commitment to the international community to adhere to existing obligations. The mere fact that a treaty establishes standards to which the United States does not currently adhere is not sufficient reason for a reservation. A specific reservation should 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. It will suggest that the United States views these international norms as being applicable only in other countries. In fact, there has been just such a reaction by other countries in regard to the RUDs the United States attached to the ICCPR—at least 10 countries have filed objections with the United Nations.

The second principle—declaring the articles of CEDAW not to be self-executing—is both constitutionally unnecessary and inconsistent with the spirit of Article 6 of the Constitution as the framers conceived it. There is no reason for insisting that neither the Executive nor the courts should give effect to a treaty until Congress adopts legislation. Adoption of this declaration would undermine one of the principal reasons why the Constitution made treaties the law of the land and gave the President and the Senate the power to make such treaties. While some articles of CEDAW may require Congress to pass appropriate implementing legislation, others do not. Determination of which provisions are, and which are not, self-executing should be made article by article after ratification and by each branch of government for purposes within its responsibility.

The third principle, reflected in the “states’ rights understanding,” is also unnecessary and undermines the full implications of the treaty. There are few matters covered by the Constitution 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 federal courts. If the intention is to clarify that the obligations of CEDAW may in some cases be implemented by the states, the Administration should simply say so; it requires no declaration upon ratification, and to make such a declaration only causes confusion.

Overall, the Administration’s qualifying language applies one set of rules to the United States and another set of rules to the rest of the world. No other nations, including our closest allies, have taken this view. We believe it is wrong, and undermines the basic purpose of the treaty. Other countries, including our allies, will continue to view ratification in this manner as hypocritical. They will see it as an attempt by the United States to obtain the benefit of being a party to the treaty without undertaking the obligations that accompany that status.

Furthermore, we are concerned that United States ratification subject to the principle of “no domestic application” may be imitated cynically by other states, which seek the diplomatic benefits of ratification but cling to the view that adherence to international human rights standards violates their sovereignty. The universal application of human rights is a matter of intense struggle in the world today. Many nations seek to excuse their denial of these rights under the guise of cultural relativity. The United States, which has long been a leader in calling for the universal application of human rights (rights which in many instances are modeled on those first recognized in the United States), cannot insist that other nations respect human rights as the universal inheritance of every person while refusing to grant those rights to its own citizens.

#### V. CONCLUSION

In sum, NOW Legal Defense strongly urges the United States to ratify CEDAW (1) to bolster the United States’ world leadership role in human rights, (2) to reaffirm the nation’s commitment to women’s human rights and equality, and (3) to recognize and encourage the widespread local support for CEDAW. NOW Legal Defense further urges the United States to reject most of the Administration’s proposed RUDs as unnecessary and inconsistent with the spirit of CEDAW.

## STATEMENT SUBMITTED BY ZOE HUDSON OF THE OPEN SOCIETY POLICY CENTER

Our experience in Afghanistan serves as a vivid reminder about the crippling effects of discrimination against women and girls. In Afghanistan today, there are two generations of girls who have never stepped foot into a classroom. Women were not allowed to hold jobs, have access to basic health care, vote, or to participate in civil society.

Unfortunately, the women in Afghanistan are not alone. It is estimated that every year, more than two million girls are sold into sexual slavery; one in four women experience domestic violence; and more than 500,000 women die from complications in childbirth. In some countries, women cannot own property or pass it along to their daughters.

The Treaty for the Rights of Women is the one international agreement that establishes a framework to address violence and discrimination against women. Formally called the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Treaty has been ratified by 169 nations. Ratification would not require the United States to change a single law. But it would give us a powerful new tool to partner with other countries to improve the lives of women.

The Treaty for the Rights of Women has already helped women and girls around the world. After ratification, Turkey, Columbia, Costa Rica, Nepal and others adopted new legislation to prosecute and prevent domestic violence. India instituted new education programs and girls now account for half of all pre-schoolers. Australia and Israel launched new education campaigns about cancer. To be sure, more still needs to be done. But the United States cannot ask other countries to remain true to their commitments until we ourselves ratify the Treaty.

The U.S. has a long bipartisan tradition of support for human rights treaties. Presidents Regan, Bush, and Clinton ratified treaties on genocide, civil and political rights, torture, and race. Ratification of the Treaty for the Rights of Women would continue in this tradition—recognizing that guaranteeing the basic rights of women is vital to a strong democracy and healthy families.

As First Lady Laura Bush has stated, the Taliban's isolation of women is "not normal—not by international standards, not by Islamic standards and not by Afghanistan's own standards." The Treaty for the Rights of Women is the one international agreement that articulates those standards. The United States should ratify it this year.

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PEACE & JOY CARE CENTER,  
Carson, CA.

HON. JOSEPH R. BIDEN, JR.,  
U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN: I am writing to express my strong support for the Convention on the Elimination of All Forms of Discrimination against Women, or CEDAW. I appreciate your leadership on this issue and would like to encourage you to hold hearings for CEDAW in the Senate Foreign Relations Committee.

To date, 168 countries have ratified CEDAW. The United States is the only industrialized nation that has failed to do so and as such is in the company of countries such as Iran and Afghanistan. We must work to lead in the support of women's rights at home and around the world. Ensuring the health and safety of women everywhere is in the best interest of all people.

Again, please hold hearings for CEDAW in the near future. There is no better way to celebrate International Women's Day (March 8th) than the Senate's ratification of this important treaty.

Sincerely,

WILMA M. WILSON, RN, MFS, MFT,  
Executive Director.

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STATEMENT SUBMITTED BY WERNER FORNOS, PRESIDENT, THE POPULATION  
INSTITUTE

The United States Senate should, with all deliberate speed, take action towards the ratification of the United Nations Convention on the Elimination of Discrimination Against Women (CEDAW). In its ongoing quest to achieve universal access to family planning and reproductive health, the Population Institute recognizes that

perhaps the most effective intervention toward this goal is the empowerment of women everywhere.

We, in the United States, take for granted the extension of fundamental human rights to women as well as to men. In our view, these rights include, among others, the right to vote, access to education; access to employment; the right to own property; and the right to plan the size of our families.

Women in many parts of the world are less fortunate. Women perform 2/3 of the world's work, but earn only 1/10 of its income. Women grow one half of the world's food, but own only 1 percent of its property. Nearly 2/3 of the world's 876 million illiterate people are women. Nearly 1,500 women die every day because of complications from pregnancy and childbirth. Some 300 million women around the world who either did not want their last child, do not want another child, or want to space their pregnancies, lack access to family planning.

Only a year ago, on May 18, 2001, President George W. Bush stated that "repressed people around the world must know this about the United States . . . . We will always be the world's leader in support of human rights." The record shows that women are among the most repressed people around the world; that women are among the poorest of the world's poor; that women in many regions and countries of the world are denied education, employment and across-the-board equity. Were men in virtually any country in the world subjected to the same indignities, the same suppression of basic rights, as are all too many women in these same countries, they would take arms against their leaders.

The United States—where one of the most cherished symbols of what we stand for, the Statue of Liberty, is depicted as a woman, where Justice herself is depicted as a woman—should be at the forefront of efforts to reverse the deplorable worldwide repression of women. Yet, inexplicably and incredibly, the United States is the only industrialized country not among the 169 nations that have signed CEDAW. The United States cannot expect other nations to follow our lead on supporting human rights for all when we fail to support a document that calls for ensuring human rights for half the population of the world.

Seven years ago, at the United Nations Conference on Women in Beijing, the United States delegation publicly endorsed CEDAW. In a recent letter I received from Senator Barbara A. Mikulski of Maryland, the Senator said the "key provisions" of this treaty are "basic human rights. If even a handful of these provisions were observed, the lives of women around the world would dramatically improve." I could not agree more.

The United States' failure to ratify CEDAW is more than an oversight, it is a travesty of purposeful and unconscionable neglect. If the United States Senate is serious about equity, equality and empowerment of women, it will ratify CEDAW—which does not commit the United States to one solitary thing it is not already doing, nor does it change any U.S. law. If the President is serious about his pledge to the repressed people of the world that the United States is today, tomorrow and always committed to human rights, he will affix his signature to a ratified CEDAW. For anything less, puts the United States in the untenable position of supporting the denial of basic human rights to half of the world's more than 6 billion people. Furthermore, and finally, failure to support this reasonable and necessary document opens legitimate questions regarding the United States' exertion of moral leadership and adherence to the principles of democracy.

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STATEMENT SUBMITTED BY THE NATIONAL COALITION AGAINST DOMESTIC VIOLENCE

The National Coalition Against Domestic Violence (NCADV), which represents a network of approximately 2,000 battered women's shelters and community-based programs, as well as individual battered and formerly battered women throughout the nation, submits this testimony in support of the ratification of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the International Treaty for the Rights of Women.

*The International Consensus on Women's Human Rights*

Discrimination against women infects societies and cultures, hurting women and children around the world. To eliminate this social disease, every nation must call upon its educational and legislative resources and commit to ending discrimination against women. Encouragingly, 169 nations have adopted CEDAW but unfortunately, although we helped draft CEDAW, the United States stands alone among industrialized nations as the sole holdout in ratification. We are among the company of nations such as Afghanistan, Somalia, and Sudan.

*America's Commitment to Human Rights*

The United States has always prided itself in being among the world's leaders in the promotion of human rights, both at home and abroad. But we cannot continue to maintain our stance of moral superiority if we continue to ignore the fundamental human rights of over half the world's population. By not ratifying CEDAW, we undermine the very goals we purport to advance. In addition, our inaction has resulted in a loss of credibility on issues pertaining to international human rights and has degraded our ability to comment on the mistreatment of women and to push for critical portions of our international human rights agenda. It is time for us to resume leadership in the international human rights arena. The time has come for us to adopt CEDAW.

Internationally, violence against women is not new, but in recent years it has received increased attention. The media has been inundated with images and stories of orphaned children forced into sexual slavery in Thailand, of rape camps in war torn Yugoslavia being used as a form of ethnic cleansing and sexual terrorism, and of the repression women faced under the Taliban in Afghanistan, including public executions and stonings. It is now more clear than ever that the effects of discrimination against women are beyond devastating, they are deadly.

We are now at a critical juncture. Afghanistan is in the process of re-building itself and it is in everyone's best interests that in the new Afghan society women have a place alongside men as equal partners in their mutual future. Leaders in Afghanistan and throughout the world, often cite our lack of support for CEDAW as a reason for them to ignore the treaty and the rights of women. Furthermore, American diplomats have complained that whenever they attempt to address the issue of women's rights, they face criticism over the United States' refusal to ratify CEDAW. Although this is clearly done to evade the true issues, it has been an effective tool in deflecting our criticism and has often frustrated diplomatic efforts to effectively discuss and address international human rights.

*CEDAW's Usefulness*

In addition to restoring our legitimacy as an international leader in the arena of human rights, ratifying CEDAW will also result in real gains for women throughout the world. For instance, the women of Nigeria, Christian and Muslim alike, are often subjected to the brutal procedure known as Female Genital Mutilation (FGM). This practice often results in infection and even death. CEDAW can provide relief for individuals who are subjected to this form of oppression, but without the United States joining the Convention, we have no say in how or even if it is enforced and whether or not these women's rights are protected. We have no representation on the Committee on the Elimination of Discrimination Against Women and are thus denied the most effective arena in which to share with the rest of the world, the benefits of our own experiences in eliminating discrimination against women in the United States.

The repercussions of our ratification will not always be as visible as ending gender apartheid in Afghanistan or combating FGM in Nigeria but the less visible advancements of women are equally as important to concerned individuals around the world. While CEDAW does not dictate specific changes, it serves as a framework or guideline for policy making. CEDAW has been cited by many countries which have adopted it, as a reference for change. Since its inception, CEDAW's principles have been used to assist in writing new constitutions in Brazil and Uganda, and as of 2001, had resulted in twenty-two countries adopting laws to advance equal participation of women in decision-making. CEDAW has also been used to advance the interests of women in education. Pakistan recently introduced co-education in primary schools and as a result, there were sharp increases in female enrollment. Similar programs in India have increased the numbers of girls in pre-schools to be nearly equal to boys. These advancements are promising not only for the girls who directly benefit from these programs but also for all those who will be affected by the reduction in poverty that generally accompanies increased levels of education. Australian women have benefited on the employment front as a result of CEDAW. They now have national legislation against sexual harassment in employment. CEDAW has also been used to promote women's health. In Argentina, there now exists a program to prevent early maternity among teens, and when it does occur, to provide necessary pre-natal care. And in the Philippines, there is a new Maternal Health Care Program, and immunizations for newborns. CEDAW has also paved the way to economic improvements for women. For instance, in China, The Women's Act was passed guaranteeing equal rights to property inheritance. All these examples demonstrate that adopting CEDAW is not simply giving lipservice to human rights, the gains are real and measurable.

*The Importance of Women's Human Rights and CEDAW*

Now more than ever, it is imperative that the United States send a message to the world that human rights includes women's rights. We have seen what discrimination against women has done, and we have also seen what international cooperation can accomplish. By advancing the rights and interests of women throughout the world, we will increase access to education, health care, involvement in government, and employment opportunities. Advancements in these areas will also serve to combat poverty, malnutrition, and many other global ailments that serve to strengthen the forces of despair and extremism. Since September 11th, we have all become painfully aware that these issues are not just the problems of other nations. To advance the goals of peace, we must eliminate the seeds of despair and inequality that contribute to the perpetuation of terrorism; ratification of CEDAW is a clear starting point for the accomplishment of this goal.

Social, economic, and political discrimination against women in our society and culture all nurture an environment that accepts violence against women. When women are not empowered in these areas, their lives and the quality of life for them and their children is at risk. We have seen this throughout history and most recently in Afghanistan. Abroad and at home, discrimination and violence against women are closely linked. Statistics of violence against women are appalling, according to a February 2000 study conducted by the United Nations Report on the Commission on the Status of Women, internationally, at least one in three women and girls has been beaten or sexually abused in her lifetime. According to the Center for Disease Control and Prevention, in the United States, 1 in 6 women has experienced an attempted or completed sexual assault.

Congress, and in particular the Senate, has often taken a leadership role in upholding human rights at home and abroad. Continuing in this tradition, we call upon this body to once again reaffirm its commitment to the values that it has time and again demonstrated dedication to. Ratifying CEDAW will not only prove our unwavering support for human rights and equality, it will disarm the true human rights abusers of their greatest ammunition in this international debate, our past inaction. We urge the Senate to move to ratify CEDAW today.

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MAINE/RIO GRANDE DO NORTE CHAPTER,  
PARTNERS OF THE AMERICAS,  
*Cape Elizabeth, ME.*

COMMITTEE ON FOREIGN RELATIONS,  
U.S. Senate, Washington, DC.

Re:U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

HONORABLE MEMBERS: The Maine Chapter of Partners of the Americas urges you to recommend ratification of the U.N. Convention on the Elimination of All forms of Discrimination Against Women, including the Proposed Reservations, Understandings and Declarations of the United States (S. Res. 286), scheduled for hearing before your committee on May 15. We submit this testimony for the Committee's Hearing Record.

Maine's partnership with the state of Rio Grande do Norte in northeastern Brazil is one of 60 POA partnerships linking U.S. States with countries, states or regions in Latin America and the Caribbean. Partners of the Americas is the largest private voluntary organization in the Western Hemisphere engaged in international cooperation and training.

Our partnership is deeply concerned with the rights of women. Our immediate focus is domestic violence, a particularly virulent form of discrimination against women. We exchange judges, legal experts and others with our Brazilian counterparts. But our leadership in ensuring women's rights worldwide is in question when the U.S. has failed to ratify the CEDAW since the U.N. adopted the Convention in 1979. With 169 other countries signing the Convention the U.S. is the only industrial democracy not to ratify the treaty. Ironically, Brazil incorporated the Convention into its constitution in 1988.

We see nothing in the treaty with the proposed reservations, understandings and declarations that contravenes or conflicts with national or state laws. On the contrary, adoption of the Convention can only help where our standards need strengthening, implementing or enforcing. Accordingly, the Maine Legislature and several other states have memorialized the U.S. Senate to ratify CEDAW.

It is not good for our country or its citizens to be on the sideline of this important international treaty without the ability to exercise leadership or to influence its direction. We urge you to vote S. Res. 286 out favorably.

Sincerely,

STEPHEN P. SIMONDS,  
*Secretary.*

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JOY R. SIMONSON,  
*Washington, DC,*  
*May 12, 2002.*

HON. COLIN POWELL,  
*Secretary of State,*  
*U.S. Department of State,*  
*Washington, DC.*

DEAR SECRETARY POWELL: I am writing to urge strongly that the United States Government support U.S. ratification of the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW). The Senate Foreign Relations Committee is expected to hold a long-overdue hearing on this matter in the near future, which will be the appropriate time for you to speak out on behalf of ratification.

In 1980 at the United Nations' Mid-Decade Conference on Women in Copenhagen I was thrilled to see Sarah Weddington, representing the United States, sign the Convention which was the major product of that meeting. The knowledge that the treaty has been ratified by the rest of the industrialized world and not our country is humiliating.

The United States—and this Administration—advocate for human rights throughout the world. There is no doubt that women's rights are human rights. It is surely time for us to take this essential step to underscore our commitment to the well-being of the world's women.

Thank you for your consideration of this urgent appeal.

Sincerely,

JOY R. SIMONSON.

cc: President George W. Bush  
Senate Foreign Relations Committee

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STATEMENT SUBMITTED BY SHERYL J. SWED, PRESIDENT, UNIFEM/USA

On behalf of the United States Committee for the United Nations Development Fund for Women (UNIFEM/USA), I would like to thank you for this opportunity to submit testimony on CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women.

UNIFEM/USA is a voluntary committee that works to support the mission of UNIFEM, the Women's Fund at the United Nations. UNIFEM/USA, one of 19 National Committees worldwide, provides support to UNIFEM by increasing public awareness of UNIFEM's mission, and by fundraising in the United State for UNIFEM's programs.

UNIFEM, the United Nations Development Fund for Women, was created by a United Nations General Assembly resolution in 1976. It is an autonomous agency of the United Nations and is the only fund established specifically to support women. Since its inception, UNIFEM has established itself as a leader in the pursuit of human rights for women by funding innovative initiatives for women in developing countries. Currently, UNIFEM provides financial and technical assistance to programs and strategies in over 100 countries around the world.

UNIFEM/USA and UNIFEM share a vision: *a world where women live their lives free from poverty, violence, and inequality.* The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an essential and powerful tool to achieve this mission. CEDAW is a vital precondition to granting and protecting the basic human rights of women around the world.

The plight of women in Afghanistan is the most recent and visible example of why the world's women need the protection of CEDAW. The leadership that the Congress and the United States demonstrated on Afghanistan now needs to be extended to CEDAW. Without the United States, the Convention lacks the necessary strength to effectively and positively defend women's status and security in nations around the world. Therefore, UNIFEM/USA urges the United States Senate to ratify

CEDAW as a critical demonstration of support from the world's leader on human rights issues. To effectively ensure that CEDAW is taken seriously, the United States must be one of its chief supporters.

CEDAW includes provisions on areas of discrimination as varied as: political and public life; education; employment and equal pay; health care; financial benefits and property; equality in marriage and family; as well as issues of violence and trafficking. Just as gender discrimination can touch each area of a women's life, so too can CEDAW positively affect women's lives in each of these areas. In addition, CEDAW can be an extremely important resource for two key issues in today's world: ensuring women's human rights during the rebuilding of a nation's constitution and legislation, and effectively addressing the HIV/AIDS pandemic.

As detailed in a UNIFEM publication "Bringing Equality Home: Implementing the Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW has been used around the world to benefit women by strengthening policies, enhancing women's legal protections, and moving us closer to our ideal of gender equality.

For example if Afghanistan ratifies CEDAW, this essential and powerful resource can be utilized to make women's human rights an inalienable right in that nation as the new constitution and legislation is drafted and the civil society rebuilt. Women must be included as equals in the new Afghanistan. The women of Afghanistan need CEDAW to ensure that their human rights are protected. By ratifying CEDAW, the United States strengthens the Convention and will be in the position to urge Afghanistan to ratify as well.

As reported in a UNIFEM publication, "Turning the Tide: CEDAW and the Gender Dimensions of the HIV/AIDS Pandemic," just as CEDAW can be a critical tool in ensuring that women's human rights are protected under constitutions and national legislation, so too can CEDAW serve as a vital resource when addressing the rapid spread of HIV/AIDS.

At the United Nations General Assembly Special Session on HIV/AIDS in June 2000, there was overwhelming recognition of the fact that HIV/AIDS poses a greater threat to women and girls than to men. Gender inequality and discrimination greatly increase women's vulnerability to infection and results in heavy burdens on the family and the community. Women and girls have less access to HIV/AIDS-related information, prevention, treatment, and services.

CEDAW can help ensure that gender is a guiding principle in the fight against HIV/AIDS and that gender issues are included in all policies, legislation and allocations. CEDAW can help make this happen by providing a framework for advocacy on human rights, including issues of health care, care-giving, and women's leadership.

Women's inequality and disempowerment in the family and community, in education, in government, in cultural norms, and in the economy has resulted in the rapid spread of HIV/AIDS. Women are not only more biologically susceptible to contracting HIV/AIDS, but are also socially vulnerable as well. Inequality in the family and community, as well as economic dependence and threats of violence, may lead to unprotected sex. Adequate care and treatment is inaccessible.

CEDAW can play an important role in each of these areas, as it specifically targets inequality in relation to health services, education, family, employment, violence against women, and harmful cultural stereotypes and practices. The United States' ratification of CEDAW can strengthen the acceptance and implementation of this Convention and can help "turn the tide" of the HIV/AIDS pandemic.

Ratifying and implementing CEDAW is a critical step in building a culture that respects and promotes women's human rights and women's equality. UNIFEM will continue working with women in developing countries to strengthen policies and programs that ensure a world where women live their lives free from poverty, violence, and inequality. We urge the United States Senate to ratify CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women, to ensure equal access to their full human rights for women around the world.

On behalf of the United States Committee for UNIFEM, the United Nations Developmental Fund for Women, thank you again for this opportunity to submit testimony on this vital issue. I would be more than happy to answer any written questions you may have and look forward to an open dialogue with you on this issue.



WAKE COUNTY CHAPTER,  
UNITED NATIONS ASSOCIATION/USA,  
Raleigh, NC.

HON. JOSEPH R. BIDEN, JR. AND  
HON. BARBARA BOXER,  
*Committee on Foreign Relations,*  
*U.S. Senate, Washington, DC.*

DEAR SENATOR BIDEN AND SENATOR BOXER: On behalf of the Board of Directors and the 140 members of the Wake County Chapter of the United Nations Association in Raleigh, North Carolina, I wish to commend you for your action in scheduling hearings on the Convention to Eliminate Discrimination Against Women (CEDAW). It is shameful that the United States Senate has not yet ratified this convention which was adopted in 1979 by the General Assembly, signed in 1980 by President Carter, and went into effect in 1981.

By providing a forum for countries to address women's rights issues, it can be an effective means of advancing those rights around the world. While the situation in Afghanistan under the Taliban may have been the worst in the world, women's rights are severely limited in many countries. We understand that the convention's provisions are consistent with U.S. law, which already provides strong protections for American women.

Although ratification would not change the rights of women in the U.S., it would strengthen U.S. efforts to improve the status of women elsewhere and our ratification would enhance CEDAW's legitimacy. By failing to ratify CEDAW, the U.S. loses credibility as a global leader for human rights.

Besides being the right thing to do for women, U.S. ratification could lead to increased participation of the U.S. in the evaluation and recommendation of policies that affect women throughout the world. Changed policies could lead to an improvement in the education and employment of women which could lead to a reduction of both the spread of HIV/AIDS and population growth, thereby reducing the disruptive economic and environmental impact they cause.

To ensure approval of ratification, I am sure that you will want to stress in the hearing that the Convention has no enforcement authority that would enable it to supersede U.S. sovereignty or laws.

I trust that the record of hearings will show that our Chapter supported ratification of CEDAW.

Sincerely,

ISAAC T. LITTLETON,  
*President, Wake County (NC) Chapter.*

JOHN VANDERSTAR,  
*Waynesville, NC,*  
*May 4, 2002.*

To the Members of the Senate Foreign Relations Committee:

DEAR SENATORS: It is my understanding that the Committee will soon take up the Convention To End Discrimination Against Women (CEDAW). I applaud this decision and write to urge that you report favorably on ratification of CEDAW by the full Senate.

I am the father of four daughters, now in their 30s. One Sunday morning in church one of my daughters, then age 9 or so, asked me why we always gave God thanks "for all thy goodness and loving kindness to us and to all men," I was stumped for an answer, and I still am stumped. But I am now and have been for many years a committed feminist. That is, I believe women and girls are entitled to take their place alongside men and boys in such of life's adventures as they are individually capable of and must not be channeled solely because of their gender. This I believe is a matter of natural law:

So God created Adam (humankind) in his image,  
in the image of God he created him (them);  
male and female he created them.—*Genesis 1:27.*

Christians embrace this principle firmly:

There is no longer Jew or Greek, there is no longer  
slave or free, there is no longer male and female;  
for all of you are one in Christ Jesus.—*Galatians 3:28.*

I have long been active in the Episcopal Church. Presently I am a Member of the House of Deputies of our General Convention, the "national legislature" of the Church, from the Diocese of Washington (DC), although I am writing from my summer home in North Carolina. I am also a Trustee of the Protestant Episcopal Cathedral Foundation.

Sadly, Christian churches have been as guilty of this sorry history as other institutions in society; Scripture has often been cited in support of treating women as second-class citizens (as it was once cited in support of slavery). But progress is being made, and in 1991 the General Convention of the Episcopal Church endorsed CEDAW.

It is with this background that I appeal to the Senate to take this next step in pursuit of liberation of females from millennia of discrimination by ratifying CEDAW.

Very truly yours,

JOHN VANDERSTAR.

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VICKI L. HINTON,  
*Santa Cruz, CA,*  
*June 7, 2002.*

PRESIDENT GEORGE W. BUSH: It is with great pleasure that we have learned of the Senate Foreign Relations Committee hearings on CEDAW, The Convention on the Elimination of All Forms of Discrimination Against Women, to begin June 13.

We are aware that the United States was one of the nations most active in developing this treaty, which is so important to women throughout the world, and that the United States signed CEDAW in 1980. We are also aware that, following earlier hearings by the Committee, the Treaty was recommended for passage in 1994, prior to the Fourth World Conference on Women held in Beijing, China. We also note that CEDAW is listed by you as a treaty your Administration believes is generally desirable and should be approved.

It is appropriate for the world to see that the United States promotes women's human rights, here at home as well as throughout the world.

Therefore, we most strongly urge you to give your favorable support to the hearing and ratification of the Convention.

Sincerely yours,

VICKI LYNN HINTON.

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CAROL J. VOELKER, PH.D.,  
*La Jolla, CA,*  
*May 30, 2002.*

HON. GEORGE W. BUSH, *President,*  
*The White House, Washington, D.C.*

DEAR MR. PRESIDENT: Your favorable support of the CEDAW hearing and ratification is vital at this time if our country is to be counted among the 169 countries in the world that support gender equality and the elimination of all forms of discrimination against women.

The Convention on the Elimination of All Forms of Discrimination Against Women is a powerful mandate for bringing about concrete changes to realize women's human rights.

Please: it has been 22 years since the United States signed CEDAW. It is past time for the United States Senate to ratify it. Your help is needed to win this battle.

Sincerely,

CAROL J. VOELKER, PH.D.,  
*AARP State Legislative Committee Member,*  
*Soroptimist International Board Member.*

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STATEMENT SUBMITTED BY WOMEN'S ACTION FOR NEW DIRECTIONS AND THE WOMEN  
LEGISLATORS' LOBBY

Women's Actions for New Directions (WAND) and its program, the Women Legislators' Lobby (WiLL), applaud the Senate Foreign Relations Committee's decision to hold hearings on the United Nation's Convention on the Elimination of all Forms

of Discrimination Against Women (CEDAW). WAND/WiLL strongly support the ratification of CEDAW, and urges the Senate to ratify this important human rights document.

WAND is a national, grassroots arms control & disarmament organization that has worked since 1980 to empower women to act politically to reduce violence and militarism, and to redirect excessive military resources toward unmet human and environmental needs. Since articles 7 and 8 of the treaty address equality of opportunity for women everywhere to engage in political and public life, WAND, whose mission begins “to empower women to act politically,” enthusiastically supports this treaty because it will encourage the active and equal participation of women in government.

Violence against women is the most common human rights violation, taking many forms and cutting across ethnicity and socio-economic status. CEDAW is an important international tool to suppress violence and gender discrimination toward women. In fact, the treaty has persuaded governments in Turkey, Nepal, South Africa, and the Republic of Korea to develop laws that protect women from domestic violence.

The Women Legislators’ Lobby (WiLL), a program of WAND, is a national multi-partisan network of women state legislators working together to influence federal policies that impact state and local communities. With members in all 50 states, WiLL members account for one-third of all women legislators and represent over 33 million citizens across the country. Because CEDAW is the only international instrument that comprehensively addresses women’s rights within political, economic, cultural, and social spheres, it is a powerful tool in promoting and assessing women’s equality. The Women Legislators’ Lobby recognizes that until our nation ratifies CEDAW, the United States is constrained in its international promotion of women’s emancipation. To highlight this point, legislators in 23 states have introduced resolutions urging U.S. ratification of CEDAW.

To date, 169 countries have ratified CEDAW. The United States stands alone as the only industrialized democracy that has not ratified the treaty. The United States’ ratification of CEDAW will strengthen the treaty and will assure our nation’s credibility. To encourage non-violence and peace, and to ensure women’s political equality, Women’s Action for New Directions and the Women Legislators’ Lobby stand in solidarity with women worldwide in support of this important treaty.

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STATEMENT SUBMITTED BY THE WOMEN’S COMMISSION,  
COUNTY OF SANTA CRUZ, CALIFORNIA

DEAR SENATOR BOXER AND MEMBERS OF THE SENATE FOREIGN RELATIONS COMMITTEE: It is with the greatest pleasure that we look forward to the upcoming hearings on the ratification of the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW). We most strongly urge your Committee to recommend immediate ratification of CEDAW to the full Senate.

Since 1994, when the previous 13–5 recommendation in favor of ratification was made by your Committee, we have actively sought Senate ratification of CEDAW. It was a great disappointment for the women of the United States that we attended the Fourth World Conference on Women in Beijing, 1995, as representatives of an unratified nation. It is an even greater disappointment that in 2002, the United States is the only unratified nation in the Western Hemisphere, and the only remaining unratified developed nation in the world.

Surely, a status that places us on a level with Afghanistan demonstrates to the world that in the United States, women’s rights are not yet human rights. We are asked to make enormous sacrifices to ensure the liberation of Afghan women—yet here at home the status of American women is not ensured.

Because our Federal government has failed to extend to women in the United States the human rights recognized as essential throughout the world, we have been working locally in Santa Cruz County, California, and with other cities and counties throughout the State towards local legislation and implementation of CEDAW. For several years, this took the form of work on implementation of the Platform for Action. However, a piecemeal approach is not an effective way to operate, when such an excellent blueprint as CEDAW is available to us.

Therefore, following San Francisco’s lead, we determined to pursue a local county-wide CEDAW ordinance. In 2002, we formed a CEDAW Task Force as a part of the Santa Cruz County Women’s Commission, and since then have been speaking about CEDAW and learning about our community’s needs with respect to women’s human rights. Working in coalition with other organizations, we are identifying the issues

of greatest concern to women locally, and extending awareness across groups to increase our support for each other. We have met with neighboring County Commissions on the Status of Women to share ideas. And we have worked with our local Board of Supervisors to gain approval for the concept of meaningful, comprehensive legislation based on CEDAW, which will coordinate and codify much of what is already in place.

However, this is still a piecemeal approach to addressing the problems women face throughout the United States. Gertrude Mongella of Tanzania, Convenor of the United Nations Fourth World Conference on Women, has said: "The problems of women do not differ from country to country; they differ only in intensity." We would say that the problems of women do not differ from State to State. Poverty, lack of access to education and health care, inadequate political representation, the particular concerns of women of color and immigrant women—these affect all women here to varying degrees, and therefore affect the larger community of which women are an inseparable part.

In these times, when the economic stresses that disproportionately affect women have intensified, local governments are balancing their budgets by cutting programs and services that benefit women including, in the County, the dedicated staffing for the Women's Commission. While we will persevere, this means that the local CEDAW effort will have to rely totally on volunteers. A fully ratified CEDAW will serve to strengthen ongoing local efforts throughout the country as well as restoring this nation to its proper place as a world leader in recognizing, affirming, and upholding the human rights of women.

Sincerely yours,

SHEILA DE LANY and ALISON HARLOW,  
*Santa Cruz County CEDAW Task Force Co-Chairs,*  
*Santa Cruz Women's Commission.*

**Material Submitted in Opposition to Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women**

**CEDAW UN Treaty**

June 12, 2002

**FAX TO: President Bush - PLEASE UNSIGN THIS TREATY!**

**Senate Foreign Relations Committee - Jesse Helms, Joseph Biden, Barbara Boxer, Dianne Feinstein - DO NOT RATIFY THIS TREATY!**

Name	Address
<i>Yelm Adams</i>	<i>22041 Kensington Huntington Beach CA 92646</i>
<i>MARINA KASAMAKIS</i>	<i>22081 Kensington Huntington Beach CA 92646</i>
<i>Man S. Newton</i>	<i>460 Vista Lucha Apt. Bk CA 92660</i>
<i>Myron C. Penton</i>	<i>400 Orion Way Apt. Bk CA 92663</i>
<i>Judith Lewis</i>	<i>9701 Sarnie 2116 Park, Ca 92867</i>
<i>Donna Sigalas</i>	<i>696 N. Fern St, Orange, Ca 92867</i>
<i>KEATRICE R. FRODSHAM</i>	<i>24586 OVERLAKE DR., LAKE FOREST 92630</i>
<i>Marelynn R. Halderman</i>	<i>5321 Broken Hill Yorba Linda, Cal 92886</i>
<i>Virginia D. Davies</i>	<i>427 Baywood Dr, Newport Beach, CA 92660</i>
<i>Maree Last</i>	<i>316 Agulena, Bellina Island CA 92662</i>
<i>Judy Beatty</i>	<i>3 Rue Biarritz, Newport Beach, CA 92660</i>
<i>Joanna G. Koch</i>	<i>1 Montanas Norte, Irvine, CA 92612</i>
<i>Elizabeth W. Richards</i>	<i>1452 Key View, Carondelet, CA 92625</i>
<i>Diane Kegan</i>	<i>147 Bayview Dr N.B. 92660</i>
<i>Joyce Hill</i>	<i>7801 Bayview CoDM 92625</i>
<i>Rudolf F. Halderman</i>	<i>5321 Broken Hill, Yorba Linda Ca 92886</i>

Petition in opposition to ratification of CEDAW

# CEDAW UN Treaty

June 12, 2002

**FAX TO: President Bush - PLEASE UNSIGN THIS TREATY!**

**Senate Foreign Relations Committee - Jesse Helms, Joseph Biden, Barbara Boxer, Dianne Feinstein - DO NOT RATIFY THIS TREATY!**

Name	Address
<i>Evangel Clark</i>	<i>34 Alameda Tree Lane Irvine CA 92612</i>
<i>Dolly DeBruin</i>	<i>18210 Bryce Ct. Roundtown Valley, CA 92728</i>
<i>Ann Anderson</i>	<i>23 Avenue, Irvine, CA 92612</i>
<i>Marilo</i>	
<i>Connie Boyd</i>	<i>PO Box 9024 N.E. CA 92657</i>
<i>Margaret Matthews</i>	<i>270 Crescent Bay Drive, Laguna Beach, CA 92651</i>
<i>Patricia R. Frostham</i>	<i>24586 Overlake Dr, Lake Forest CA 92630</i>
<i>John J. Ribicki</i>	<i>1452 Key View, Corona del Mar, CA 92625</i>

Petition in opposition to ratification of CEDAW (continued)

STATEMENT SUBMITTED BY TANYA K. SKEEN, VICE PRESIDENT, FAMILY ACTION COUNCIL INTERNATIONAL, CHARLOTTESVILLE, VIRGINIA

Honorable Chairwoman and Committee members, I would like to thank you for the opportunity to speak to you today. My name is Tanya K. Skeen. I am married and am the mother of 9 children (8 are living) who range in age from 25 to 7. I am also the vice president of Family Action Council International (FACI), a Virginia-based non-profit organization whose mission is to promote measures designed to maintain and strengthen the family as the fundamental unit of society. I have become acquainted with CEDAW through participating as a non-governmental organization in United Nations proceedings, where I have met and discussed family issues with many delegates and ambassadors. I come here, not just as a representative of an organization supportive of the family, but as a representative of millions of American women, women who value their unique role as mothers.

I, and others like me, feel greatly blessed to live in this great country of the United States of America. This is a land of freedom where we may each decide how best to live our lives. My husband and I have chosen to have a large family. We

planned from the beginning that I would stay at home and raise our children. We made these decisions in part because of our religious values. We believe, as a wise man once said, that “no other success can compensate for failure in the home.”

My life as a mother has been the most important part of my life. My husband and I agree with Urie Bronfenbrenner’s observation in an article from *Psychology Today* entitled *Nobody Home: The Erosion of the American Family* (May 1977, p. 43) that every “child should spend a substantial amount of time with somebody who’s crazy about him. . . . [T]here has to be at least one person who has an irrational involvement with that child, someone who thinks that kid is more important than other people’s kids, someone who’s in love with him and whom he loves in return. . . . You can’t pay a woman to do what a mother will do for free.”

There are some who may view me as a downtrodden woman—burdened with the responsibility of raising 8 children when I should be making a “REAL” contribution to society by proving that I as a woman can stand toe to toe with any executive in the board room. They may say I should not be saddled with changing diapers, doing laundry, wiping up spills, taxiing children from here to there, bandaging scraped knees, fixing dinners, and making birthday cakes. But in the process, I am teaching them correct principles, including fair play, respect for others, kindness, honesty and that integrity counts. I am also correcting negative behavior on the spot, teaching them how to clean and to be clean, teaching them to pray and to value great music, teaching them to read and to value the words of the great books, including the “Good Book.”

But this is the life I have chosen for myself. And there are millions of American women who feel the same way I do. Perhaps I represent the traditional woman stereotype that the CEDAW Committee is seeking to combat. The truth of the matter is I cannot imagine a happier, more fulfilling, or more purposeful life.

Contrary to the views of the CEDAW Committee, the idea that motherhood, as a career, is a most valuable role is not so unique. The Universal Declaration of Human Rights adopted by the member nations of the U.N. in 1948 provides that “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State (Article 17) . . . [M]otherhood and childhood are entitled to special care and assistance.” (Article 25)

So why am I here today? It is out of grave concern that CEDAW does NOT protect motherhood and childhood, and, in fact, is destructive to the family. Admittedly, many of the goals of CEDAW are worthwhile. There are certainly abuses perpetrated against women throughout the world that need to be eliminated. And its goal of bringing equality to women is laudable. However, CEDAW goes far beyond the initial purpose of eliminating atrocities against women and puts families and motherhood at risk. It “throws out the baby with the bath water” so to speak. The CEDAW Committee, which is charged with interpreting the international treaty, seems bent on imposing requirements on parties to CEDAW that, I believe, the average American would find astonishing and abhorrent! One woman has stated, “If I wanted to destroy society, I would launch an all-out blitz on women.” While CEDAW purports to protect women, ironically, carrying out the CEDAW Committee’s directives amounts to a blitz on women.

CEDAW would deny the differences between mothers and fathers, men and women.<sup>1</sup> It encourages ratifying nations to develop policies to move mothers to work outside the home, ignoring the special need of infants and small children for their mothers’ presence and nurturing.<sup>2</sup> CEDAW attacks the special role of motherhood. Thus, the CEDAW Committee has objected to the “over-protective measures for pregnancy and motherhood . . .”<sup>3</sup> In effect, CEDAW encourages the separation of children from their parents at the earliest possible age to be placed in daycare so that the mother may work full-time. For example, in Slovenia, the CEDAW Committee recommended the creation of more formal and institutionalized child-care establishments for children under three years of age as well as for those from three to six.<sup>4</sup> This, by the way, is in direct contradiction to the 1959 U.N. “Declaration on the Rights of the Child” that states that “[a] child of tender years shall not, save in exceptional circumstances, be separated from his mother.”

Implicit in CEDAW is the idea that a woman can only be fulfilled when she is freed from the responsibility of raising her children. Referring to the Republic of Georgia, the CEDAW Committee wrote: “The Committee notes with concern . . . the prevalence of stereotyped roles of women in Government policies, in the family, in public life based on patterns of behavior and attitudes that overemphasize the role of women as mothers.”<sup>5</sup> In Belarus, the CEDAW Committee, has even encouraged the elimination of Mother’s Day.<sup>6</sup> While the Committee says that motherhood is a “harmful stereotype,”<sup>7</sup> it encourages the legalization of prostitution<sup>8</sup> and prods governments to bring women engaged in prostitution into the mainstream and under the protection of social law. Thus, for example, the Committee expressed con-

cern to Germany that “although they are legally obliged to pay taxes, prostitutes still do not enjoy the protection of labor and social law.”<sup>9</sup>

It seems ironic, and is a further testament of the indifference and even hostility of CEDAW to motherhood, that in the entire CEDAW treaty, which purports to protect and advance the role of women, the word “mother” is never used. The concept of motherhood is only indirectly referred to in the negative context of a “stereotyped role.”

In the United States, we go to excruciatingly great lengths in selecting who will interpret our laws, and by democratic and constitutional processes, judges are selected whom we entrust to make wise, balanced decisions. In contrast the CEDAW Committee are self-styled, so-called “experts”, working with NGO volunteers, who are selected precisely because their personal agendas are unwaveringly supportive of liberating women from the constraints of home, family and religion. Their role is to interpret the meaning of the treaty’s language and to judge the compliance of ratifying nations. They are not elected, and they likely hold no allegiance to our laws or constitutional principles. Many or most are not, of course, American citizens. Their selection is through a process far removed from democratic principles or from any concept of the judiciary that we as Americans know and accept. And yet they have the power to critique sovereign nations, indeed to advance their philosophy of the family and of the role of women and to insist upon its acceptance by every nation that ratifies this treaty.

Why are we even considering ratifying this treaty which will subject the United States to the interpretations and recommendations of the CEDAW Committee and the personal and or political agenda of its members? And what is their agenda? From all appearances, it is to develop policies that will change our cultural values and religious beliefs, that will push women out of the home into the workforce, that will push the youngest of children into daycare centers, and will shift what are now generally men’s responsibilities to protect and provide for their families onto women. To Indonesia, the Committee “expresse[d] great concern about existing social, religious and cultural norms that recognize men as the head of the family and breadwinner and confine women to the roles of mother and wife, which are reflected in various laws, Government policies and guidelines. It is unclear what steps the government is proposing to take to modify such attitudes, which present a serious obstacle to the advancement of women. . . .”<sup>10</sup> And, is the CEDAW Committee acting within the scope of CEDAW treaty itself? All we have to do is go back and read the treaty, and we see that the answer is yes.

In addition to promoting policies counter to the traditional roles of mother and father, the CEDAW Committee appears to take a hostile attitude toward religion. They seem to believe, perhaps rightly, that religion helps perpetuate the traditional roles of men and women. The CEDAW Committee has instructed one country to reinterpret its holy writ to conform to the CEDAW Committee’s directives.<sup>11</sup> As a further example of this hostility, I made a phone call to one U.N. agency that works to educate NGOs on CEDAW. I was asked to identify my organization and, specifically, to indicate whether we were a religious organization. I said that ours is not affiliated with any specific religion. The person’s response was, “Good, religion does not know what is good for families. Religion is not good for families.”

One argument put forth for our ratification of CEDAW is that the United States should support the many nations of the world who have embraced this treaty. I suggest that we take a closer look at those countries and the circumstances under which they agreed to adopt the treaty. I can tell you that a U.N. delegate from one country, in a private, confidential conversation, said to me in regard to CEDAW: “Where were you when we needed you. When we ratified CEDAW a few years ago, we did not understand it, we did not know what it meant. It is terrible and now we can do nothing about it. Where were you then?”

Some have suggested that possible unacceptable interpretations by the CEDAW Committee can be dealt with through our specifying reservations. The CEDAW Committee has made it perfectly clear, with respect to the reservations of some nations, that they have no intention of honoring them. For example, in the case of China, which inserted reservations with respect to religion, the Committee stated: “Of particular concern is the reservation exempting ‘the affairs of religious denominations or orders’ from the scope of the Convention.”<sup>12</sup> The CEDAW Committee was even more direct with regard to Libya’s religious reservation in stating: “Reservations that [are] incompatible with the goals of the Convention [are] not acceptable.”<sup>13</sup> Furthermore, the General Assembly of the United Nations, in regard to CEDAW, has “called on governments to ratify the Convention, limit the extent of any reservations to it, and withdraw reservations which [are] contrary to the object and purpose of the Convention or otherwise incompatible with international treaty law.”<sup>14</sup>



I want my children to be able to raise their children in a world where mothers are respected, honored and valued. I want my daughters to be able to be “stay-at-home” mothers, if they choose, and to be able to raise their children in a safe, nurturing and loving home, without any interference or discouragement from government policy.

By not having ratified CEDAW to date, the United States has not yielded to the pressure to adopt international law or policy that would undermine and even destroy the traditional roles of mother and father in the family. While there is still room for improvement in the rights and protections afforded women, progress is being made and can continue to be made through existing laws and processes. We do not need CEDAW to achieve these ends, and CEDAW brings significant risks. I plead with you to consider very, very carefully the impact that this treaty would have in matters of gender and family law; and the implications that this treaty would have on the traditional role of motherhood, including the right of a woman to choose full-time motherhood as an honored and respected way of life. CEDAW is BAD LAW, and Family Action Council International urges you to reject it. Thank you.

## NOTES

1. “For the purposes of the present Convention, the term ‘discrimination against women’ shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Article 1.

2. *See, e.g.*, CEDAW Committee notes to Colombia directing that women be integrated into the labor force. CEDAW Committee, 20th Sess. (1999) *Concluding Observations for the Committee on the Elimination of Discrimination Against Women: Colombia*. Para. 382.

3. “The Committee also notes with concern the increase in over-protective measures for pregnancy and motherhood. . . .” CEDAW Committee, 18th Sess. (1998) *Concluding Observations for the Committee on the Elimination of Discrimination Against Women: Czech Republic*, Para. 196.

4. CEDAW Committee, 16th Sess. (1997), *Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Slovenia*, Para. 114.

5. CEDAW Committee, 21st Sess. (1999) “Concluding Observations for the Committee on the Elimination of Discrimination Against Women: Georgia,” Para. 99.

6. CEDAW Committee, 22nd Sess. (2000) “Concluding Observations for the Committee on the Elimination of Discrimination Against Women: Belarus,” Para. 361.

7. “The Committee strongly urged the Government to use the education system and the electronic media to combat the traditional stereotype of women in the noble role of mother’ . . . .” CEDAW Committee, 17th Sess. (1997) “Concluding Observations for the Committee on the Elimination of Discrimination Against Women: Armenia”, Para. 65. Also, CEDAW Committee, 19th Sess. (1998) “Concluding Observations for the Committee on the Elimination of Discrimination Against Women: Peru”, Para. 269: “[The U.N.] recommends, as a matter of priority, the inclusion in gender equality programs of a component to promote the gradual elimination of such harmful stereotypes, and a general awareness-raising campaign to eradicate them.”

8. “The Committee recommends decriminalization of prostitution.” CEDAW Committee, 20th Sess. (1999) “Concluding Observations for the Committee on the Elimination of Discrimination Against Women: China”, Para. 289. “The Committee is concerned that prostitution . . . is illegal in China.” CEDAW Committee, 20th Sess. (1999) “Concluding Observations for the Committee on the Elimination of Discrimination Against Women: China”, Para. 288.

9. CEDAW Committee, 22nd Sess. (2000) “Concluding Observations for the Committee on the Elimination of Discrimination Against Women: Germany”, Para. 325.

10. CEDAW Committee, 18th Sess. (1999) “Concluding Observations of the Committee on the Elimination of Discrimination Against Women : Indonesia,” Para. 289.

11. CEDAW Committee, 13th Sess. (1995) “Report of the Committee on the Elimination of Discrimination Against Women, Supplement No. 38 (A/49/38),” Para. 132.

12. CEDAW Committee, 20th Sess. (1999) “Concluding Observations of the Committee on the Elimination of Discrimination Against Women: China,” Para. 314.

13. CEDAW Committee, 13th Sess. (1995) “Report of the Committee on the Elimination of Discrimination Against Women, Supplement No. 38 (A/49/38),” Para. 132.

14. Twenty-third special session of the General Assembly “Women 2000: gender equality, development and peace for the twenty-first century, June 2000.

## TREATY TRAP: SHOULD THE U.S. RATIFY A FEMINIST CONVENTION?

BY RAMESH PONNURU, JUNE 10, 2002

*(National Review Online)*

The United Nations adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979, but progress toward Eliminating All Forms of Discrimination has been held up by America's failure to ratify the convention. From time to time, feminists have tried to push ratification—in 1999, ten female House Democrats marched over to a hearing of the Senate Foreign Relations Committee to pressure then-chairman Jesse Helms on the matter. (He threw them out for disrupting the hearing.) But it's usually a very low-priority issue.

Recently, however, Democratic senators Joseph Biden and Barbara Boxer have made a renewed push for ratification. The Bush administration is determining its position. Social conservatives, led by Austin Ruse's Catholic Family and Human Rights Institute, are lobbying it to oppose.

The text of CEDAW commits governments that are party to it to abolishing all legal distinctions based on sex that impair the exercise of "human rights and fundamental freedoms." Further, it commits those governments to eliminating all discrimination against women "by any person, organization, or enterprise" and to modifying "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."

Parties to the convention must regularly appear before a U.N. committee to detail the progress they are making toward reaching these rather coercive and utopian goals. The CEDAW committee tends to take an expansive view of its mandate. It has, for example, criticized Ireland for prohibiting abortion, and warned Belarus that its establishment of Mother's Day could promote stereotypes.

The debate within the administration does not fall neatly along the lines one might expect. Some conservatives are looking for a treaty that the administration can support, since they have already spurned enlightened European opinion on Kyoto, the International Criminal Court, the Anti-Ballistic Missile Treaty, and the like. They think that various legal reservations and understandings can limit the damage the convention can do. Richard Wilkins, a law professor at Brigham Young University, persuasively argues that this is wishful thinking.

Opponents of the convention are hoping that Elliott Abrams, the National Security Council official in charge of reviewing the convention, weighs in against it.

*Trafficking in Folly*

Last Wednesday, the State Department released a report on sex trafficking around the world. The department is obligated to issue such a report under a law aimed mainly at "sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age."

Most of the media has treated the report, to the extent it's been noticed at all, as a step forward in the fight against trafficking. But that's not the way the activists who fought for the trafficking law see it. A group of such activists—mostly but not exclusively conservatives—greeted the State Department's briefers with skepticism bordering on incredulity.

State divides countries into three tiers, with Tier One being relatively clean and Tier Three abysmal. Tier Two countries are "making significant efforts" against trafficking. It's Tier Two that has drawn most of the criticism. Countries can get into it without prosecuting a single trafficker, so long as they, for example, set up programs to assist victims of the trade.

The report fails to provide details about the countries involved, or about the methods it uses to classify them. How many prosecutions have there been in India or Thailand? At the briefing, department officials claimed vaguely that there had been prosecutions; International Justice Mission, an anti-trafficking group, says that there are no confirmed convictions, or dismissals of police officials working with the traffickers, in either country.

The activists also say that Tier Two is too large a category to provide useful information. Israel and Romania have done much more to fight trafficking than Moldova or Sierra Leone—but they're all together in Tier Two. Some countries that are well known to have major trafficking problems, such as Australia, aren't in the report at all, State having failed to find 100 confirmed cases of victimization.

Senator Biden is chairman of the Foreign Relations Committee. If he is interested in improving the lot of women around the world, and not just in scoring points with

feminists, he'll put CEDAW back on the backburner—and hold oversight hearings about State's lame efforts against sex trafficking.

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STATEMENT SUBMITTED BY PATRICK FAGAN, THE HERITAGE FOUNDATION

Mr. Chairman, Senator Boxer, and all other members of the Foreign Relations committee, I thank you for this opportunity to submit testimony. To begin I must stress that, while I serve as William H.G. FitzGerald Fellow in Family and Cultural Issues at the Heritage Foundation, the views that I express are entirely my own, and should not be construed as representing any official position of The Heritage Foundation. Again, let me say how grateful I am for the opportunity to submit testimony on the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

Despite the many good elements within CEDAW few Americans are aware that CEDAW is also used by certain agencies within the United Nations system in a campaign to undermine the foundations of society—the two-parent married family, the religions that espouse the primary importance of marriage and traditional sexual morality, and the legal and social structures that protect these institutions.<sup>1</sup> Using the pretext of international treaties that promote women's rights, the social policy sector of the United Nations—specifically, committees that oversee implementation of U.N. treaties in social policy areas and assisted by special-interest groups—is urging countries to change their domestic laws and national constitutions to adopt policies that will adversely affect women and children.<sup>2</sup>

This is a troubling agenda. And it is incompatible with the U.N.'s Universal Declaration of Human Rights. It states that “the family is the natural and fundamental group unit of society and is entitled to protection by society and the state.”<sup>3</sup> The United Nations historically has included in treaties and documents language affirming a nation's right to determine its cultural norms and practices. The U.N. Charter itself states that “Nothing contained [herein] shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter.”<sup>4</sup> And a 1960 General Assembly Resolution states that “All peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory.”<sup>5</sup>

But the U.N.'s long-standing respect for the right of sovereign nations to set their own domestic policies has yielded to a new countercultural agenda espoused in U.N. committee reports and documents, particularly those relating to the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).<sup>6</sup> Under the auspices of the U.N. High Commissioner for Human Rights, along with many laudable recommendations these committee reports urge countries to undertake some very radical and destabilizing initiatives:

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<sup>1</sup>The key U.N. bodies involved include the Office of the U.N. High Commissioner for Human Rights, the U.N. Committee on the Rights of the Child and the U.N. Committee on the Elimination of Discrimination Against Women that work under the Office of the High Commissioner, the Economic and Social Council, and the bureaucracies of the United Nations Children's Fund, the U.N. High Commissioner for Refugees, the World Food Programme, the U.N. Development Programme, the U.N. Environment Programme, and the U.N. Centre for Human Settlements (Habitat).

<sup>2</sup>A compilation of numerous excerpts from the actual reports issued by these committees to the member states and to the U.N. General Assembly is available at <http://www.heritage.org/library/background/bg1407quotes.html>.

<sup>3</sup>Universal Declaration of Human Rights, Article 16, at <http://www.unhchr.ch/udhr/lang/eng.htm>.

<sup>4</sup>United Nations Charter, Article 2, Para. 7.

<sup>5</sup>U.N. General Assembly Resolution 1514 (XV), December 14, 1960, reiterated in General Assembly Resolution 52/119, December 12, 1997: “Popular sovereignty intensifies and fortifies the claim about the vital role that popular sovereignty plays in protecting and enhancing fundamental international human rights.” See Robert John Araujo, “Sovereignty, Human Rights and Self-Determination: The Meaning of International Law,” Brigham Young University Conference on the United Nations and the Family, June 2000, p. 14.

<sup>6</sup>The United Nations Committee on the Elimination of Discrimination Against Women (CEDAW Committee) includes 23 “experts” on women's issues. Its mandate is to monitor progress made by signatories in fulfilling treaty obligations. At biannual meetings, members review reports submitted by states the year after signing the treaty and every four years thereafter. See <http://www.un.org/womenwatch/daw/cedaw/reports.htm> for most of the CEDAW reports cited in this study.

- Remove their prohibitions on prostitution and eventually legitimize it; for example, a CEDAW committee report on Germany—which has legalized prostitution—notes with disdain that “although they are legally obliged to pay taxes, prostitutes still do not enjoy the protection of labor and social law [in Germany].”<sup>7</sup>
- Make abortion a “demand right” protected by national and international law, with unrestricted access for teenagers, and make the non-provision of abortion illegal in all cases, even for reasons of conscience. A report to Croatia, for example, finds “the refusal, by some hospitals, to provide abortions on the basis of conscientious objection of doctors ... [constitutes] an infringement of women’s reproductive rights.”<sup>8</sup>
- De-emphasize the role of mothers and increase incentives for them to work rather than stay home to care for children.<sup>9</sup> The U.N. criticized the republic of Georgia, for example, for “the prevalence of stereotyped roles of women in Government policies, in the family, in public life based on patterns of behavior and attitudes that overemphasize the role of women as mothers.”<sup>10</sup> One country report even criticized the observance of Mother’s Day.
- Encourage governments to alter religious rules and customs that impede its efforts. A report on Indonesia states, for example, that “the most significant factors inhibiting women’s ability to participate in public life have been the cultural framework of values and religious beliefs.”<sup>11</sup> Indeed, with such language, social policy agents working for and at the United Nations are promoting an agenda that attacks the natural rights of the family and the independent sovereignty of nations to determine their own domestic policies on parental rights and the free expression of religious values and beliefs.

The U.N.’s CEDAW implementing committee may insist that its recommendations are in the best interests of women, but in reality they will greatly expand government programs and government power and adversely affect women and children.<sup>12</sup> The consequences could be severe.

Rigorous academic studies show, for example, that separating a child from his mother too early or for too long can have serious long-term damaging effects on the child.<sup>13</sup> Yet the U.N. committees both disparage stay-at-home mothers and urge nations to make publicly funded day care widely available, even for newborns, so that more women can go to work or go back to work sooner after giving birth. Many studies show that family structure affects income, health, and happiness,<sup>14</sup> yet the committees advocate policies that will increase out-of-wedlock births, especially among teenagers. Studies also show that children of married families that worship have better incomes, better health, higher education, and lower rates of crime,

<sup>7</sup> CEDAW Committee, 22nd Sess. (2000), “Report on Germany,” Para. 39.

<sup>8</sup> Report of the United Nations Committee on the Elimination of Discrimination Against Women, 13th Sess., to the General Assembly of the United Nations, 53rd Sess. (1998), “Report on Croatia,” Document #A/53/38, Para. 109.

<sup>9</sup> See Mark Genus, *The Myth of Quality Day Care* (Calgary, Alberta: National Foundation for Family Research and Education, 2000).

<sup>10</sup> CEDAW Committee, 21st Sess. (1999), “Report on Georgia,” Para. 30.

<sup>11</sup> Report of the United Nations Committee on the Elimination of Discrimination Against Women, 18th Sess., to the General Assembly of the United Nations, 53rd Sess. (1998), “Report on Indonesia,” Document #A/53/38, Para. 10.

<sup>12</sup> Nicky Ali Jackson, “Observational Experiences of Intrapersonal Conflict and Teenage Victimization: A Comparative Study Among Spouses and Cohabiters,” *Journal of Family Violence*, Vol. 11 (1996), pp. 191–203. For a review of literature on the effects of family structure on child abuse, see Patrick F. Fagan, “The Child Abuse Crisis: The Disintegration of Marriage, Family, and Community,” Heritage Foundation Backgrounder No. 1115, May 15, 1997, at <http://www.heritage.org/library/categories/family/bg1115.html>.

<sup>13</sup> For a review of the literature, see Robert Karen, *Becoming Attached: First Relationships and How They Shape Our Capacity to Love* (New York: Oxford University Press, 1998). See also Patrick F. Fagan, “How Broken Families Rob Children of Their Future Income,” Heritage Foundation Backgrounder No. 1283, June 1999, and National Foundation for Family Research and Education (Canada), “The Myth of Quality Day Care,” April 2000.

<sup>14</sup> See, for example, Nadine F. Marks and James D. Lambert, “Marital Status Continuity and Change Among Young and Midlife Adults: Longitudinal Effects on Psychological Well-Being,” *Journal of Family Issues*, Vol. 19 (1998), pp. 652–686. For a review of the literature on the effects on income, see Patrick F. Fagan, “How Broken Families Rob Children of Their Future Income,” Heritage Foundation Backgrounder No. 1283, June 1999, Chart 10, at <http://www.heritage.org/library/backgrounder/bg1283.html>. For findings on Great Britain, see F. McAllister, *Marital Breakdown and the Health of the Nation* (London: One Plus One, 1995).

abuse, addiction, and suicide. Married families in developed nations also exhibit less violence against women and children.<sup>15</sup>

Social science research continues to show that the married, two-parent family that worships regularly provides the best environment in which to raise healthy, well-adjusted children. Moreover, polls show that a growing number of mothers want to stay at home to raise their young children, but that if they have to work, they want their children in family care, not government-run day care.<sup>16</sup>

#### *The U.S. Role*

As yet, the CEDAW has not been signed or ratified by the United States. Leaders in Congress and past Administrations considered both treaties too controversial. Because it has not ratified this treaty, the United States has not received a similar assessment of its policies from a U.N. implementing committee. Nevertheless, under President Clinton, U.S. representatives supported the general policy direction of this treaty throughout the international debate over women's rights, and became a major force behind the implementation efforts.

That support was demonstrated by the United States in 1997 when it joined a U.N. voting bloc on social issues, a bloc that includes Japan, the United States, Canada, Australia, and New Zealand.<sup>17</sup> The Clinton Administration joined the coalition on very controversial social issues in proceedings leading up to the five-year follow-up to the 1994 Beijing World Conference on Women (known as Beijing+5). The bloc voted to remove the conscience protection on abortion matters for medical personnel and to legalize voluntary prostitution.<sup>18</sup>

The United States Senate should recognize that issues of personal freedom and the rights of parents, peoples, and institutions are at stake in every U.N. debate on social policies. Rather than supporting U.N. committee efforts to use the CEDAW treaty to push policy changes that would ultimately deconstruct the two-parent married family and counter traditional religious norms in various countries, the Senate should examine the documents emanating from U.N. implementing committees, develop a plan to strengthen the voices of U.N. members that oppose this agenda, and take the lead in restoring the U.N.'s traditional approach of letting sovereign nations determine their own domestic policies on marriage, parenting, and religion.

Washington, for example, should urge nations that signed the CEDAW to consider not cooperating with the U.N. reporting system in this area. The United States should assist small and poor nations that face reprisals for taking this principled approach, perhaps by offering to work with them to develop ways to protect their sovereignty. It should also work to establish a U.N. voting bloc of those countries that want to protect and strengthen the family, religious freedom, and national sovereignty—and, as an ultimate recourse, refuse to fund activities aimed at undermining traditional family and religious norms.

#### *The U.N.'s Countercultural Agenda*

The nuclear family has always received special and honorable treatment because of the value it adds to social order. In many of the U.N.'s foundational declarations and treaties that are still in force, not only is the central role of the family recognized, but the inability of the state to replace the family's role in society is acknowledged and religious freedom is stressed.

For example, the Universal Declaration of Human Rights—in addition to declaring that the family is “entitled to protection by society and the state”<sup>19</sup>—specifies

<sup>15</sup> For a review of the literature, see Linda Waite and Maggie Gallagher, *The Case for Marriage* (New York: Doubleday, 2000), pp. 150–160, Chapter 11.

<sup>16</sup> A 1998 Wirthlin Worldwide poll, for example, found that 74 percent of parents in the market for day care want their children in family or extended family day care. Options for care were, in order of preference: (1) with the mother; (2) with a grandmother or other family member; (3) with the parents working split shifts; (4) at a church-run center; (5) with a trusted neighbor or friend; (6) with a day-care provider at home; (7) with a nanny or au pair; (8) at a commercial day-care center; and (9) at a government-run day-care center. See also Stuart M. Butler and Kim R. Holmes, eds., *Issues 2000: The Candidate's Briefing Book* (Washington, D.C.: The Heritage Foundation, 2000).

<sup>17</sup> The bloc is known as JUSCANZ. Members may vary, and additional states may join depending on the issues they are voting on. The United States first became part of this voting bloc during the United Nations Framework Convention on Climate Change in Kyoto, Japan, in December 1997.

<sup>18</sup> See, for example, George Archibald, “Feminist Proposals Routed at Conference; Sexual Orientation Is the Sticking Point,” *The Washington Times*, June 12, 2000; “U.S. Seeks Softer Stance on Hookers; Clinton-Led Agenda Weakens Porn Curb,” *The Washington Times*, June 7, 2000; and “China ‘Sex Workers’ Treaty Backed; Shalala Does Not See Any Clash in White House Policies,” *The Washington Times*, June 1, 2000.

<sup>19</sup> Universal Declaration of Human Rights, Article 16.

that “Motherhood and childhood are entitled to special care and assistance.”<sup>20</sup> On its surface, at least, this implies that society should enable mothers to nurture their children and not push policies that would force mothers to forfeit precious time with their young children to go to work.

Such an understanding is also manifested in the International Covenant on Economic, Social and Cultural Rights,<sup>21</sup> one of two agreements to implement the Universal Declaration of Human Rights. It states that:

The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children.<sup>22</sup>

The International Covenant on Civil and Political Rights,<sup>23</sup> the second treaty signed to implement the Universal Declaration of Human Rights, states that “The family is the *natural and fundamental group unit* of society and is entitled to protection by society and the State.”<sup>24</sup> It also states that “Everyone shall have the right to freedom of thought, conscience and religion—and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

Yet, on the issue of women’s rights, the U.N. High Commissioner on Human Rights has permitted committees and agents under the U.N. umbrella to directly violate these principles as they communicate with the signatories of the CEDAW treaty. These agents are targeting patterns of behavior and social norms that have had the greatest positive effects on society and the individual: marriage, motherhood and fatherhood, caring for children in the family, chastity, and the special role of religion. They have asked nations to change their domestic laws in ways that ultimately will promote sexual activity among adolescents, increase abortion and legitimize prostitution, and in general alter the foundations of society. The sexual norms they promote, moreover, are primarily those sought by radical feminists. They are becoming the tenets of a new “moral” code against which all religions, domestic policies, and cultures would be judged.

#### *Reinterpreting Treaties and Agreements*

International law and the U.N. Charter recognize a society’s right to self-determination, especially when it comes to marriage and the family. In democratic nations, sovereignty is derived not from individual rulers but from the popular will of citizens. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights state in their opening articles that “All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”<sup>25</sup> Yet the CEDAW committee is violating such rules by modifying and reinterpreting treaties.

For example, in December 1996, human rights officials held a roundtable in New York specifically to determine how to modify existing international agreements with regard to abortion and sexual orientation. Their conclusion:

A human rights approach to women’s health creates an international standard that transcends culture, tradition and societal norms. Although these forces may bind society together, they cannot justify value systems which perpetuate women’s subordination.<sup>26</sup>

In other words, according to the social policy agents of the U.N., not having full access to abortion, even for teenagers,<sup>27</sup> is a form of subordination that violates human rights. But there is little reason to believe that U.N. representatives and bu-

<sup>20</sup> Universal Declaration of Human Rights, Article 25, Para. 2.

<sup>21</sup> Adopted by the U.N. General Assembly on December 16, 1966.

<sup>22</sup> International Covenant on Economic, Social and Cultural Rights, Article 10 (emphasis added). The covenant entered into force on January 3, 1976.

<sup>23</sup> Adopted by the U.N. General Assembly on December 16, 1966.

<sup>24</sup> International Covenant on Civil and Political Rights, Article 23.1 (emphasis added).

<sup>25</sup> *Ibid.*, Article 1.1, and International Covenant on Economic, Social and Cultural Rights, Article 1.1.

<sup>26</sup> United Nations, “Round Table of Human Rights Treaty Bodies on Human Rights Approaches to Women’s Health, with a Focus on Sexual and Reproductive Health and Rights,” Glen Cove, New York, December 1996, p. 7.

<sup>27</sup> In its directions to nations, the CRC committee urges “medical and legal counseling without parental consent” to mean particularly abortion and contraceptive services. See, for example, CRC Committee, 20th Sess. (1999), “Report on Belize,” and CRC Committee, 20th Sess. (2000), “Report on Austria.” See also discussion on “Expanding Children’s Rights.”

reocrats know better than individual societies how they should shape their own cultures and laws on family, marriage, sexual behavior, and the raising and education of children.

As the excerpts from the country reports that follow show, the U.N. committees have found a quiet way to subvert the sovereignty of nations: by changing the meaning of international agreements. Every 10 years, and increasingly now every five years, the U.N. holds conferences on the CEDAW treaty to reevaluate it and change how signatories are to interpret and implement it. In almost every case, the U.N. committees advocate interpretations that are more and more hostile to the married family, the role of parents (particularly stay-at-home mothers), and religious norms. As far as the U.N. bureaucracy is concerned, the language of a treaty is treated as something that is continuously in flux; even though the treaties were negotiated carefully by the signatories, they can be continuously reinterpreted to meet the goals of each phase of an evolving ideological agenda.

#### *Giving Standing to Special Interests*

The U.N., through these committees, also undermines the standing and sovereignty of nations by subtly promoting the status of non-governmental organizations (NGOs) that promote radical social policies in meetings where treaties and agreements are developed and interpreted and the strategies for implementation are designed. At the 1994 U.N. Conference on Population and Development in Cairo, for example, the chairman of the committee drafting the conference document was the president of International Planned Parenthood.

Such standing complicates the objective process of formulating international agreements and policies and weakens the role of official state diplomats at the conferences. It also undermines the ability and authority of state governments to make their own domestic policy decisions. Australia has stepped out in front to object to this type of interference, which gives special-interest NGOs a way to outflank a government's exercise of its legitimate authority. Australia recently informed the U.N. that it would no longer cooperate with U.N. reporting systems because doing so had enabled environmental NGOs in Australia to sue the government for alleged non-compliance with a U.N. treaty in a matter that clearly lay within the purview of the country's national sovereignty—mining.<sup>28</sup> Its decision to oppose the U.N.'s encroachment in matters of traditional sovereignty provides a model for countries that want to resist the U.N.'s new social policy agenda.

#### *Undermining the Fundamental Role of the Family*

To most readers, the very idea that the U.N. might be involved in efforts to denigrate motherhood and the married family sounds farfetched. But few will be able to dispute the contrast between the assertions about family structure that are being put forth in U.N. committee reports and the mounting and contrary evidence provided by social science research that fractured families produce weaker generations of children. In the United States, the growth in single-parent families, divorced families, and out-of-wedlock births has led to more government programs to treat the problems such weak family structures create.<sup>29</sup> If the objective is to increase state control of all functions of society, then the U.N. approach makes sense, but if the object is to make for a better social order there is little to nothing to show for it.

In the social science research, all family forms other than the natural family in which children are raised by a married mother and father, are associated with higher rates of crime, illegitimacy, dependence on welfare, and drug and alcohol addiction, as well as lower levels of education, less income, poorer health, and lower life expectancy. Out-of-wedlock births are associated with higher risk of infant mortality, especially among teenage mothers; retarded cognitive and verbal development; increased behavior and emotional problems; and higher rates of juvenile crime.<sup>30</sup> The social sciences also document the effects of divorce on children,<sup>31</sup> which include juvenile delinquency and child abuse, increased poverty, diminished social

<sup>28</sup> See Shawn Donnan, "Australia Vows to Stop Working with UN Panels," *The Financial Times*, August 30, 2000. At issue was control of mining on property designated by the U.N. as a World Heritage site.

<sup>29</sup> For an overview of the issues and research, see Patrick F. Fagan, "The American Family: Rebuilding Society's Most Important Institution," in Butler and Holmes, eds., *Issues 2000*, at <http://www.heritage.org/issues/chap6.html>.

<sup>30</sup> See Patrick F. Fagan, "Rising Illegitimacy: America's Social Catastrophe," *Heritage Foundation F.Y.I.* No. 19/94, June 29, 1994.

<sup>31</sup> For an overview of the literature, see Patrick F. Fagan and Robert Rector, "The Effects of Divorce on America," *Heritage Foundation Backgrounder* No. 1373, June 3, 2000, at <http://www.heritage.org/library/backgrounder/bg1373.html>.

competence, earlier sexual involvement, more out-of-wedlock births, and higher rates of cohabitation.

Despite such findings, the U.N. is not pursuing programs that would help nations stabilize marriage and strengthen families. Instead, the U.N. committees are pushing policies that ultimately will weaken the traditional married family. The discussion of U.N. reports that follows offers specific examples of this unfolding agenda, a compilation of the directives U.N. committees have given nations over the past six years. Most of these reports are instructions to signatories on how they can best implement the next stages of the CEDAW agreement.

#### *Undermining the Roles and Rights of Parents*

University of Chicago Nobel Laureate Gary Becker concludes from his research that a woman staying at home to raise her children makes a greater economic contribution to her family and community than her husband makes by working in the marketplace.<sup>32</sup> While women in all cultures have made great contributions outside of the family (in art, literature, education, science, medicine, politics, and business), women also achieve greatness by raising healthy and happy children. The U.N. member states acknowledged this in the Universal Declaration of Human Rights, which states that “Motherhood and childhood are entitled to special care and assistance.”<sup>33</sup>

Yet, in the recent past, the U.N. committee recommendations to nations about women’s rights demonstrate a great disdain for motherhood, frequently dismissing the role as mere stereotype. Rather than point out to member nations the fallacy of policies that jeopardize the position of women who want to stay at home to raise their children, U.N. statements denigrate the role of the stay-at-home mother as unfulfilling and damaging to her own welfare and decry national policies that support her.

The U.N. reports instruct nations to eliminate, through legislation, cultural norms that support the role of the mother at home. In the name of elevating the status of women and reducing discrimination, the U.N. committee reports make recommendations that denigrate the standing of women as mothers. The reports recommend, among other policies, that nations:

- Regard motherhood as an unimportant “social construct” and Mother’s Day as “disturbing”;
- Change their constitutions where they protect the role of the stay-at-home mother; and
- Emphasize that professional women working outside the home have a higher social status than those who stay at home.

A CEDAW plenary session report, for example, recommended that the government of New Zealand “recognize maternity as a social function which must not constitute a structural disadvantage for women with regard to their employment.”<sup>34</sup> It also expressed to Ireland “its concern about the continuing existence, in Article 41.2 of the Irish Constitution, of concepts that reflect a “stereotypical view” of the role of women in the home and as mothers.”<sup>35</sup> In that article, the constitution makes a clear statement of the importance of family and mothers to society:

The state, therefore, guarantees to protect the family in its constitution and authority, as the necessary basis of social order and as indispensable to the welfare of the nation and the state. In particular, the state recognizes that by her life within the home, woman gives to the state a support without which the common good cannot be achieved. The state shall, therefore, endeavor to ensure that mothers *shall not be obliged by economic necessity* to engage in labor to the neglect of their duties in the home.”<sup>36</sup>

The U.N. committee members apparently saw such a role as demeaning to women. To overturn it, the CEDAW committee “strongly” urged the U.S. government, for example, to use the education system and the electronic media to combat the traditional stereotype of women in the role of mother.<sup>37</sup> The committee also criticized Belarus for the “prevalence of sex-role stereotypes, as also exemplified

<sup>32</sup> Becker stressed this fact, for example, in a keynote address at a 1998 U.N.-sponsored conference on the family in Caracas, Venezuela.

<sup>33</sup> Universal Declaration of Human Rights, Article 25, Para. 2.

<sup>34</sup> CEDAW Committee, 19th Sess. (1998), “Report on New Zealand,” Para. 269.

<sup>35</sup> CEDAW Committee, 21st Sess. (1999), “Report on Ireland,” Para. 193.

<sup>36</sup> See <http://www.irlgov.ie:80/taoiseach/publication/constitution/english/contents.htm> (emphasis added).

<sup>37</sup> CEDAW Committee, 17th Sess. (1997), “Report on Armenia,” Para. 65.



by—such symbols as a Mother’s Day and a Mother’s Award, which it sees as encouraging women’s traditional roles.”<sup>38</sup>

Recommendations for less developed countries are not as benign as they seem. Concerning Indonesia, the U.N. committee expressed “great concern about existing social, religious and cultural norms that recognize men as the head of the family and breadwinner and confine women to the roles of mother and wife, which are reflected in various laws, Government policies and guidelines. It is unclear what steps the Government is proposing to take to modify such attitudes . . . ”<sup>39</sup>

This theme is repeated in reports to other countries such as Croatia<sup>40</sup> and the Czech Republic.<sup>41</sup> The message to these countries is clear: women should be encouraged to be workers in the marketplace, not to stay at home to raise their young children.

The U.N. is not just “concerned” about the elevated status of stay-at-home mothers. It seeks to deconstruct the status of the family by encouraging states to normalize out-of-wedlock birth. The Island nation of St. Kitts was criticized, for example, for “the apparent lack of legal protection with respect to the rights . . . of children born out of wedlock.”<sup>42</sup> The committees also submitted reports encouraging some states to demote the status of married fatherhood in public policy, institute massive transfers of payments to compensate for the deficits of fractured families, and change family law to eliminate the status of marriage regarding property.

Step by step, each of these recommendations seeks to change cultural values and norms to weaken the standing of the married family in society. Though children born out of wedlock deserve fair and loving treatment, this does not mean that the importance of marriage to the stability of the family, and the role of married mothers and fathers in raising good citizens, should be diminished either in law or in public policy.

#### *State-Sponsored Child Care as Surrogate Family*

To help more mothers enter the workforce, U.N. reports insist that countries modify their laws to ensure that:

- Child care is widely available even for newborns, and
- Government funds preschool education (another form of government child care).

The U.N. implementing committees consistently push for nations to boost government-managed and subsidized day care, despite overwhelming polling data showing that most mothers around the world prefer to stay at home to raise their young children<sup>43</sup> and research demonstrating that child care outside the home often has lasting negative effects on children. For example, a recent analysis by the Canadian National Foundation for Family Research and Education found that on average, children in day care fare worse intellectually, emotionally, and socially than their stay-at-home peers.<sup>44</sup>

In the reports on day care that the U.N. sends to less developed nations, and even in reports to highly developed and rich nations, the best interests of the child are never put forth as a reason to intervene. To Slovakia, for example, the U.N. stated that the “decrease in pre-school childcare is particularly detrimental to women’s equal opportunity in the employment market since, owing to lack of childcare, they

<sup>38</sup> CEDAW Committee, 22nd Sess. (1999), “Report on Belarus,” Para. 27.

<sup>39</sup> CEDAW Committee, 18th Sess. (1998), “Report on Indonesia,” Para. 289.

<sup>40</sup> The U.N. explained that the “Committee is particularly concerned about the consistent emphasis placed on women’s roles as mothers and caregivers in Croatian legislation pertaining to a variety of areas.” Report of the United Nations Committee on the Elimination of Discrimination Against Women, 18th Sess., to the General Assembly of the United Nations, 53rd Sess. (1998), “Report on Croatia,” Document #A/53/38, Para. 103.

<sup>41</sup> The U.N. committee expressed concern about “the increase in over-protective measures for pregnancy and motherhood—[and] the cultural glorification of women’s family roles [that] could exacerbate the negative impact of economic rationalization policies on women.” Report of the United Nations Committee on the Elimination of Discrimination Against Women, 18th Sess., to the General Assembly of the United Nations, 53rd Sess. (1998), “Report on Czech Republic,” Document #A/53/38, Para. 185 and Para. 196, at <http://www.un.org/womenwatch/daw/cedaw/18report.pdf>.

<sup>42</sup> CEDAW Committee, 21st Sess. (1999), “Report on St. Kitts,” Para. 21.

<sup>43</sup> Wirthlin polling data, *op. cit.*

<sup>44</sup> Researchers analyzed data on over 32,000 children for a variety of variables, including sponsor of care (for-profit nursery schools, government-run centers, “the woman down the street”); education of the caregivers; caregiver-to-child ratio; and program quality. Negative effects persisted, regardless even of the “quality” of care. See National Foundation for Family Research and Education (Canada), “The Myth of Quality Day Care,” April 2000.

have to interrupt their employment career.”<sup>45</sup> The committee recommended to Slovenia “the creation of more formal and institutionalized child-care establishments for children under three years of age as well as for those from three to six.”<sup>46</sup> The committee expressed disdain that only 30 percent of the children under age three were placed in formal day care, while the rest were cared for by family members and other private individuals.<sup>47</sup>

The CEDAW committee was direct in recommending that Colombia change its domestic laws:

[A]ppropriate measures [should] be taken to improve the status of working women, including through the establishment of child-care centers and the introduction for training programs, to promote the integration of women into the labor force and diversify their participation through the implementation of legislative measures . . .<sup>48</sup>

With regards to Germany’s policies, the U.N. committee was “concerned that measures aimed at *the reconciliation of family and work entrench stereotypical expectations* for women and men. In that regard the Committee is concerned with the unmet need for kindergarten places for the 0–3 age group.”<sup>49</sup>

The public cost involved in subsidizing day care is least bearable among underdeveloped and developing countries. Yet, the U.N. CEDAW committee ignores this substantial issue in its reports.

#### *Changing Cultures By Changing Sexual Norms*

For society, the benefits of channeling sexuality and reproduction into marriage are significant. Ironically, such a cultural norm ensures, better than any reform, the reduction of violence against women and children, which also happens to be one of the goals of the feminist movement. It also ensures the lowest crime rates, greater social cohesiveness, longer life spans, better health, higher levels of education, and higher levels of income.<sup>50</sup>

Yet, the U.N. actively promotes sex outside of marriage as an acceptable cultural norm, and this agenda is made clear in its policies on abortion, contraception, gender definitions, prostitution, and pornography. The U.N. encourages governments to lend legal and financial support to the effort to change long-held and wise cultural norms. Whereas traditional cultures regulate sexual intercourse by shepherding the act toward marriage, the U.N. promotes unconstrained consensual sex coupled with larger social insurance “safety nets” to address the problematic effects. If the U.N. can change the sexual norms of youth, it can change the structure of the family.

#### *Reshaping Sexual Norms*

Contraception for teenagers is a highly controversial issue, especially when governments advocate access for minors over the wishes of parents. Nowhere in the U.N.’s committee reports or on its Web site does the organization propose abstinence until marriage. Instead, the CEDAW committee repeatedly urge that teenagers have universal access to contraceptives and abortions without their parents’ permission, and access to medical counseling services without their parents’ consent.

For example, the U.N. committee urged Ireland to “improve family planning services and the availability of contraception, including for teenagers and young adults.”<sup>51</sup> Yet, since making contraception available to single people three decades ago,<sup>52</sup> Ireland has seen its rates of divorce, out-of-wedlock birth,<sup>53</sup> sexually transmitted disease,<sup>54</sup> violence, and abortion<sup>55</sup> soar. The U.N. committees also give simi-

<sup>45</sup> CEDAW Committee, 19th Sess. (1998), “Report on Slovakia,” Para. 89.

<sup>46</sup> CEDAW Committee, 16th Sess. (1997), “Report on Slovenia,” Para. 115.

<sup>47</sup> *Ibid.*, Para. 161.

<sup>48</sup> CEDAW Committee, 20th Sess. (1999), “Report on Colombia,” Para. 388.

<sup>49</sup> CEDAW Committee, 22nd Sess. (2000), “Report on Germany,” Para. 27 (emphasis added).

<sup>50</sup> For an overview of the issues and research, see Fagan, “The American Family.”

<sup>51</sup> CEDAW Committee, 21st Sess. (1999), “Report on Ireland,” Para. 26.

<sup>52</sup> Contraception was first legalized by the courts in Ireland in 1973; legalized by the Dail in 1980; liberalized in 1985 by Desmond O’Malley, Minister for Health and long-term member of the U.N.’s oldest NGO, International Planned Parenthood; and further liberalized in 1992 and 1994.

<sup>53</sup> Out-of-wedlock births in 1980 represented 5 percent of all births; by 1998, they represented 28.3 percent of all births.

<sup>54</sup> Sexually transmitted diseases have increased 400 percent between 1982 and 1998, from 1,823 to 7,436 per 100,000 population.

<sup>55</sup> Abortion as a percentage of total live births increased from 4.5 percent in 1980 to 11 percent in 1998.

lar advice to other countries, including Peru,<sup>56</sup> Russia,<sup>57</sup> the Maldives,<sup>58</sup> Yemen,<sup>59</sup> and Macedonia.<sup>60</sup>

The U.N. committees have long sought the protection of abortion in domestic law; but at the 1995 CEDAW conference in Beijing and at the 2000 Beijing+5 conference in New York, enough participating nations repeatedly voted not to include the protection of abortion in the treaty, effectively removing it from the U.N.'s legitimate agenda. Despite such a clear outcome, the U.N. implementing committees continue to advocate a denial of parental authority and instead advocate an expansion of state authority into this intimate domain of family life:

- In countries where abortion is highly controversial, such as Peru, the U.N. committee advocates abortion on the grounds of safety (though abortion is about four times more dangerous to the mother's health than childbirth<sup>61</sup>);
- In countries where laws forbid abortion, such as Mexico, the U.N. committee encourages the local and district governments to "review their legislation so that, where necessary, women are granted access to rapid and easy abortion."<sup>62</sup> The committee even urges the Mexican national government to "weigh the possibility of authorizing the use of the RU-486 contraceptive, which is cheap and easy to use, as soon as it becomes available."<sup>63</sup>
- In countries where the constitution forbids abortion, such as Ireland, the U.N. "urges the Government to facilitate a national dialogue on women's reproductive rights, including on the restrictive abortion laws."<sup>64</sup> The people of Ireland, however, already have rejected two recent referenda to change the national constitution to allow abortions.

The U.N. committee even goes so far as to attack freedom-of-conscience provisions in national law. It has reprimanded Croatia, for example, for the refusal by some of its hospitals to offer abortions to patients because their doctors on staff object.<sup>65</sup> When there is a clash between traditional or sacred norms of personal freedom and the new but radical "rights" promoted by the international feminist movement, the U.N. committees target the old and true to make room for the new. For example, the committee "expressed particular concern with regard to the limited availability of abortion services for women in southern Italy, as a result of the high incidence of conscientious objection among doctors and hospital personnel."<sup>66</sup>

#### *Legitimizing and Promoting Prostitution*

The U.N. recommendations concerning prostitution dramatically illustrate one of that organization's social policy goals: the decoupling of the reproductive act and marriage. A review of CEDAW committee recommendations makes clear that the U.N. implementing committees want to elevate the status of prostitution to that of a profession and afford it the full protection of labor law and the social benefits accorded other professions. The initial steps the committees recommend to nations that prohibit prostitution are benign, but the recommendations progress to full legitimization in nations that already legally allow it. From the reports, the process involves these steps:

- Eliminate the economic vulnerability of poor women who prostitute themselves for income;
- Combat the feminization of poverty;
- Rehabilitate prostitutes;
- End international trafficking in prostitution;
- Enforce some laws concerning prostitution;

<sup>56</sup> CEDAW Committee, 19th Sess. (1998), "Report on Peru," Para. 341.

<sup>57</sup> CRC Committee, 22nd Sess. (2000), "Report on Russia," Para. 48.

<sup>58</sup> CRC Committee, 18th Sess. (1999), "Report on Maldives," Para. 39.

<sup>59</sup> CRC Committee, 20th Sess. (2000), "Report on Yemen," Para. 25.

<sup>60</sup> CRC Committee, 23rd Sess. (2000), "Report on Macedonia," Para. 41.

<sup>61</sup> David C. Reardon, "Abortion Is Four Times Deadlier Than Childbirth," *The Post-Abortion Review*, Vol. 8, No. 2 (April–June 2000).

<sup>62</sup> CEDAW Committee, 18th Sess. (1998), "Report on Mexico," Para. 426.

<sup>63</sup> *Ibid.*, Para. 408.

<sup>64</sup> See <http://www.un.org/womenwatch/daw/cedaw/Irl.htm> (September 19, 1999).

<sup>65</sup> Report of the United Nations Committee on the Elimination of Discrimination Against Women, 18th Sess., to the General Assembly of the United Nations, 53rd Sess. (1998), "Report on Croatia," Document # A/53/38, Para. 109.

<sup>66</sup> Report of the United Nations Committee on the Elimination of Discrimination Against Women, 17th Sess., to the General Assembly of the United Nations, 52nd Sess. (1997), "Report on Italy," Document #A/52/38/Rev. 1, Para. 353 and Para. 360.

- Punish pimps and procurers;
- Decriminalize prostitution;
- Legalize prostitution;
- Regulate prostitution; and
- Grant the full protection of labor and social law to prostitution as a profession.

Consider the progression in the actual report excerpts that follow. The U.N. committee advises the Czech Republic to “take effective action to combat feminization of poverty and to improve the economic situation of women in order to prevent trafficking and prostitution.”<sup>67</sup> The U.N. committee urges Bulgaria “to cooperate at the regional and international levels with regard to the problem of trafficking in women and their exploitation through prostitution. [The U.N.] suggests that in order to tackle the problem of trafficking in women, it is essential to address women’s economic vulnerability, which is the root cause of the problem.”<sup>68</sup>

The last sentence reveals that for the U.N. committee, the “problem” is solely a woman’s economic condition, not also the sexual exploitation of women. But in France, Germany, the Netherlands, Belgium,<sup>69</sup> and other highly developed economies, prostitution prospers; neither poverty nor “economic vulnerability” is the root societal cause of this type of prostitution. Furthermore, in developed Western countries, the feminization of poverty is largely due to the breakdown of marriage, as social science research has demonstrated.<sup>70</sup>

The U.N. committee is also pushing Mexico to legalize prostitution, as it “strongly recommends that new legislation should not discriminate against prostitutes but should punish pimps and procurers.”<sup>71</sup> To tiny Liechtenstein, the U.N. recommends that “a review be made of the law relating to prostitution to ensure that prostitutes are not penalized.”<sup>72</sup> The U.N. policy goal becomes clear in the report to Greece, where prostitution has been decriminalized and “instead is dealt with in a regulatory manner”—though the U.N. “is concerned that inadequate structures exist to ensure compliance with the regulatory framework.”<sup>73</sup> To Germany, the U.N.’s advice is to raise the standing of the legalized profession even higher because, “although they are legally obliged to pay taxes, prostitutes still do not enjoy the protection of labor and social law.”<sup>74</sup>

This progression, from urging countries that prohibit prostitution to move quickly to foster a national debate on legalizing the activity<sup>75</sup> to chastising Germany for not elevating it to the status of a legally protected profession, is even more startling when one considers that for the U.N. committees, the celebration of Mother’s Day is disturbing, and policies and laws that protect the role of the mother at home are offensive.

#### *Redefining Gender: Reconstructing Social Norms*

The U.N. is intent on removing the cultural and legal structures that have shepherded reproduction and the nurturing of children into the married family. The U.N. committees recommend:

- Combating traditional sex roles and stereotypes;
- Defining gender as merely a social construct, not a biological distinction;
- Rewriting textbooks and curricula in all school grades to promote the new definition of gender;
- Funding gender studies that will foster these attitudes;
- Retraining professions in gender issues and gender equity; and

<sup>67</sup> CEDAW Committee, 18th Sess. (1998), “Report on Czech Republic,” Para. 208.

<sup>68</sup> CEDAW Committee, 18th Sess. (1998), “Report on Bulgaria,” Para. 256.

<sup>69</sup> The top eight destination countries for women in illegal prostitution rings include the Netherlands, Germany, the United States, Greece, Italy, Spain, Turkey, and Kosovo. According to Dr. Laura Lederer of Harvard University’s John F. Kennedy School of Government, “Over the last 10 years the number of women and children who have been trafficked have multiplied so that they are now on a par with estimates of the numbers of Africans who were enslaved in the 16th and 17th centuries.” Laura J. Lederer, Ph.D., “The New Slavery,” presented at a Conference on Sex Trafficking, U.S. Senate Caucus Room, September 13, 1999.

<sup>70</sup> For a review of the literature, see Patrick F. Fagan, “How Broken Families Rob Children of Their Chances for Future Prosperity,” Heritage Foundation Backgrounder No. 1283, June 11, 1999.

<sup>71</sup> CEDAW Committee, 18th Sess. (1998), “Report on Mexico,” Para. 414.

<sup>72</sup> CEDAW Committee, 20th Sess. (1999), “Report on Liechtenstein,” Para. 168.

<sup>73</sup> CEDAW Committee, 20th Sess. (1999), “Report on Greece,” Para. 197.

<sup>74</sup> CEDAW Committee, 22nd Sess. (2000), “Report on Germany,” Para. 39.

<sup>75</sup> CEDAW Committee, 18th Sess. (1998), “Report on Mexico,” Para. 414.

- Conducting public relations campaigns on gender issues.

To the layman, the issue of redefining gender sounds like a strange battle in semantics, since the definition of gender is a biological distinction: male and female. But in U.N. policy documents, gender is seen as a “social construct,” a delineation of the ways men and women act differently and the structures society organizes around these differences. In this way, “gender” includes alternative lifestyles like homosexuality.

Redefining gender has two components: eliminating social constraints and creating a new framework whereby homosexuality and other non-traditional lifestyles are accepted as norm.<sup>76</sup> According to the U.N. bureaucracy, all “constructs” should have equal standing in society and law; all aspects of gender that reinforce the biological differences between males and females, including the traditional roles they hold, are to be eliminated.

U.N. committees referring to gender are either referring to the different treatment that men and women receive or the treatment of heterosexuals and homosexuals. Recent international debates at the U.N. illustrate the determination of developed nations to eradicate these gender distinctions in social policy. For example, a number of wealthy nations allied with radical feminist NGOs at the Beijing+5 conference in New York in June 2000 sought to have the term “sexual orientation” included in the final conference document.<sup>77</sup> Despite the fact that enough delegates had voted to delete references to “sexual orientation” and to replace them with “other status,” members of this alliance declared that they would not abide by the agreed-upon language, and would instead interpret references to “other status” to include sexual orientation.<sup>78</sup> Such definitional battles are at the forefront of ongoing debates over cultural issues at the U.N.

#### *Animus Toward Religious Freedom*

Western moral norms are founded generally on the Judeo-Christian tradition. Both have powerful norms for personal behavior. The U.N., because it seeks the acceptance of behaviors that have long been prohibited by these major religions, realizes that its policies eventually will provoke a direct clash with these religions. To quote Radhika Coomaraswamy, the U.N.’s Special Rapporteur on Violence Against Women:

The right to self-determination [of nations] is pitted against the CEDAW articles that oblige the state to correct any inconsistency between international human rights laws<sup>79</sup> and the religious and customary laws operating within its territory . . . While international human rights law moves forward to meet the demands of the international women’s movement, the reality in many societies is that women’s rights [as interpreted by the feminist movement] are under challenge from alternative cultural expressions. “The movement is not only generating new interpretations of existing human rights doctrine—but it is also generating new rights. The most controversial is the issue of sexual rights”. One can only hope that the common values of human dignity and freedom will triumph over parochial forces attempting to confine women to the home.<sup>80</sup>

The moral issue of abortion highlights this clash of cultures. The U.N. committee believes, for example, that religiously affiliated hospitals that refuse to offer abortions discriminate against women.<sup>81</sup> Hospitals and doctors that adhere to their religious beliefs and uphold a tradition that traces back to ancient Greece and Hippocrates are targeted for violating human rights by the Office of the U.N. Commissioner on Human Rights. One illustration of this is the U.N. report to Italy, which noted “*particular concern* with regard to the limited availability of abortion services for women in southern Italy, as a result of the high incidence of conscientious objec-

<sup>76</sup> Also worthy of note is that the Department of State delegation to 1996 Habitat negotiations in Istanbul held out for language that called for equal respect of “various forms of the family,” including homosexual couples. During that same week, on September 21, 1996, President Clinton signed the Defense of Marriage Act (P.L. 104–199), which protects states from having homosexual “marriage” forced upon them.

<sup>77</sup> The alliance included member nations of the European Union and JUSCANZ, a voting bloc made up of Japan, the United States, Canada, and New Zealand, as well as other nations depending on the issues.

<sup>78</sup> See <http://www.iisd.ca/4wcw/csw44/informals.html>.

<sup>79</sup> In this case, the family, moral, and religious issues discussed in this paper.

<sup>80</sup> Radhika Coomaraswamy, *Reinventing International Law: Women’s Rights as Human Rights* in the International Community (Cambridge, Mass.: Harvard Human Rights Program, 1997).

<sup>81</sup> CEDAW Committee, 18th Sess. (1998) “Report on Croatia,” Para. 109.

tion among doctors and hospital personnel.”<sup>82</sup> In such a strongly Catholic part of Italy, it would be paradoxical if the opposite were the case.

In the United States and many other countries, a clear distinction is drawn between the roles of church and state in ensuring religious freedom. This is not applicable to the United Nations. The U.N. committees directly attack the national religious culture of Ireland by suggesting that expressions of the popular will, even in democracies, *are invalid precisely because the people have deeply held beliefs with religious roots*. The people of Ireland have voted down two referenda that sought to legalize abortion. The CEDAW committee objects to this free and democratic expression of the public will. Its report asserts that:

... although Ireland is a secular State, the influence of the Church is strongly felt not only in attitudes and stereotypes, but also in official State policy. In particular, women’s right to health, including reproductive health [i.e., abortion], is compromised by this influence ...<sup>83</sup>

And to highly secular Norway, which protects religious minorities in law, the U.N. writes:

The Committee is especially concerned with provisions in the Norwegian legislation to exempt certain religious communities from compliance with the equal rights law. Since women often face greater discrimination in family and personal affairs in certain communities and in religion, they asked the Government to amend the Norwegian Equal Status Act to eliminate exceptions based on religion.<sup>84</sup>

The U.N. officials’ hostility to religious freedom is also clear in its recommendation to Indonesia, which is vastly different in culture from Ireland: “Cultural and religious values cannot be allowed to undermine the universality of women’s rights,”<sup>85</sup> and “[i]n all countries the most significant factors inhibiting women’s ability to participate in public life have been the cultural framework of values and religious beliefs.”<sup>86</sup>

To Croatia, the U.N. officials’ state, “there is evidence that church-related organizations adversely influence the government’s policies concerning women and thereby impede full implementation of the [CEDAW] Convention.”<sup>87</sup> And the U.N. committee tells China, after it had sought to uphold the tradition of religious freedom in Hong Kong following the takeover from Britain, that it is most concerned with the fact that China “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.<sup>88</sup>

The U.N. committee even recommends that the government of Libya reinterpret the country’s *religious laws and scripture* in order to pave the way for other governments in Islamic countries to do the same.<sup>89</sup>

Clearly, this hostility to any manifestation of religious belief in public policy will bring the U.N. into direct confrontation with peoples that hold traditional beliefs.<sup>90</sup>

#### *What The United States Must Do*

The United States and other signatories of the U.N. Charter recognize that each nation has a right to determine its own domestic policies. The United States protects its own sovereignty and on principle should respect the sovereignty of other nations when their policies do not conflict with vital U.S. interests. Clearly, while the United States is working to strengthen the family domestically through legislation like welfare reform and buttressing parents’ rights, these same efforts among

<sup>82</sup> Report of the United Nations Committee on the Elimination of Discrimination Against Women, 17th Sess., to the General Assembly of the United Nations, 52nd Sess. (1997), “Report on Italy,” Document #A/52/38, Para. 353 (emphasis added).

<sup>83</sup> See <http://www.un.org/womenwatch/daw/cedaw/Irl.htm> (September 19, 1999).

<sup>84</sup> Report of the United Nations Committee on the Elimination of Discrimination Against Women, 14th Sess., to the General Assembly of the United Nations, 50th Sess. (1995), “Report on Norway,” Document #A/50/38, Para. 460.

<sup>85</sup> Report of the United Nations Committee on the Elimination of Discrimination Against Women, 18th Sess., to the General Assembly of the United Nations, 53rd Sess. (1998), “Report on Indonesia,” Document #A/53/38, Para. 282.

<sup>86</sup> *Ibid.*, Para. 10.

<sup>87</sup> CEDAW Committee, 18th Sess. (1998), “Report on Croatia,” Para. 108.

<sup>88</sup> CEDAW Committee, 20th Sess. (1999), “Report on China,” Para. 314.

<sup>89</sup> CEDAW Committee, 13th Sess. (1995), “Report on Libya,” Para. 132 (emphasis added).

<sup>90</sup> Coomaraswamy, *Reinventing International Law*.

nations that have signed and ratified the U.N.'s Convention to Eliminate All Forms of Discrimination Against Women are under attack.

Though it has not ratified either of these treaties, the United States under recent past administrations has supported the efforts of the U.N. implementing bodies to force nations that afford legal and institutional support for the two-parent married family, for the role of mothers and fathers in raising their children, and for the importance of traditional social norms to change those laws and policies. As the leader of the free world and a strong proponent of individual and religious freedoms, the United States must take the lead in efforts to expose the fallacies inherent in this radical new agenda at the United Nations. To this end, members of the United States Senate should:

- Emphasize to the United Nations that the United States will not sign the Convention on the Elimination of All Forms of Discrimination Against Women because of the U.N.'s controversial interpretations of and efforts to implement it.
- Urge U.N. member states to refuse, as Australia has done, to cooperate with U.N. reporting systems when U.N. committees work to undermine their sovereignty. The United States should counter reprisals against countries that follow this recommendation. Norway, Sweden, and Germany, for example, threatened to withdraw their aid from Nicaragua last year unless it removed its Minister of the Family, Max Padilla, from his post. At the Cairo+5 and Beijing+5 preparatory conferences, Padilla had blocked resolutions by a voting bloc known as JUSCANZ<sup>91</sup> to redefine gender, to require all obstetricians and gynecologists to learn to perform abortions regardless of their beliefs, and to remove "conscience clause" protections. For Nicaragua, with its faltering economy,<sup>92</sup> losing that source of revenue was a significant threat to which it would have difficulty adjusting in the short term, so the president removed Padilla from his post. To take the teeth out of such threats, the United States should emphasize that it will assist countries that are threatened for rejecting U.N. proposals. Too many small countries have little recourse and are too dependent on development assistance to fight assaults on sovereignty by the U.N. bureaucracy. The United States must protect the legitimate interests of these countries as well. For example, it should assist representatives from non-governmental organizations (NGOs) that support the family and marriage and countries that oppose the committee's attacks on these valuable institutions in enabling them to attend U.N. conferences be heard alongside those of extreme NGOs that promote anti-marriage and anti-family policies.
- Hold hearings on the efforts of agents of the U.N. to force nations to implement policies that undermine the family, religious freedom, and national sovereignty, and to give particular attention to how the United States has voted and will vote at U.N. conferences on these social issues.
- Require the Department of State to submit an annual performance report on the activities of all U.N. agencies and committees. U.S. contributions to the U.N. agencies should be weighed against performance,<sup>93</sup> consistent with national interests, and meet an acceptable level of professional competence. Congress should set benchmarks for performance with regard to strengthening the family and traditional religious institutions. Funding for U.N. agencies and organizations that work deliberately to undermine the right of sovereign nations to determine their own domestic policies should be restricted. U.N. agencies should be subjected to the same oversight Congress gives domestic programs. Congress demands performance outcome reporting from U.S. government agencies under the Government Performance and Results Act; it should expect no less an accounting from international bodies that spend U.S. tax dollars. It should use these reports each year to determine whether the U.N. programs, agencies, and affiliated organizations deserve continued funding.
- Require the Assistant Secretary of State for International Organizations, in coordination with the State Department's Legal Adviser, in the State Department's annual President's Report to Congress on U.S. Participation in the U.N., to report on the performance and activities of the U.N. CEDAW committee and

<sup>91</sup> See footnote 19.

<sup>92</sup> Nicaragua is one of the hemisphere's poorest countries, with an estimated 50 percent of the population below the poverty line in 1999, an estimated GDP per capita of \$2,650 in 1999, and huge external debt. See CIA World Factbook 2000, at <http://www.odci.gov/cia/publications/factbook/geos/nu.html#Econ>.

<sup>93</sup> For more on this reform, see Virginia L. Thomas, "Restoring Government Integrity Through Performance, Results, and Accountability," Heritage Foundation Backgrounder No. 1380, June 23, 2000.

to develop new instructions for the involvement of the United States in any conventions and meetings addressing issues of the family, marriage, sexual activity, and abortion.

- Attach a rider to funding for the U.N. and the World Bank specifying that any distribution of U.S. funds or contracts awarded to NGOs be made publicly available in a manner similar to that practiced by the U.S. government in its competitive bidding process. Funds should not be appropriated for activities that violate traditional family and religious norms or that undermine a nation's sovereignty.
- Request that the U.S. General Accounting Office assess the flow of funds from the United States to NGOs acting under the auspices of the U.N. in the past eight years to determine whether there has been any indirect support of their countercultural activities.
- Start forming a new alliance at the U.N. with countries that work to protect and strengthen the family, religious freedom, and national sovereignty.

In conclusion, United Nations policy committees have become the instruments of an ideologically extreme policy that would promote a radical restructuring of society, particularly in matters relating to marriage and the family. UN officials are attempting to sway nations to accept an agenda that, from the U.N.'s foundation, has been outside its jurisdiction. These officials and their ideological allies are advancing their agenda primarily by promoting the reinterpretation of the CEDAW treaty at the five- and ten-year follow-up conferences and by the three-year evaluation reports on CEDAW. The object is to continuously encourage nations to change their domestic policies concerning marriage and the family.

The United States should object to interference in domestic life of nations that undermines the traditional family. The United States should instead work to reverse this trend, for the benefit of families, women, and children around the world.

The Congress and the President should devote the time and resources necessary to assess the danger these U.N. policies pose to the sovereignty and stability of nations and to build an alliance of family-friendly nations that will work together to ensure that and the the full capacities of all women are advanced in U.N. policies, while the legitimate rights of parents and the freedom of religion is protected. These are social goods. They are not in opposition, but in a good society, they are mutually supportive. Rather than ratifying CEDAW, the United States Senate would do more to advance the role of women by opposing it. The United States should stand with the forces of freedom, and not with those whose intrusive policies would undermine that freedom. That is natural alliance for America. May it move in this direction.

Thank you for the great privilege and opportunity to testify.

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AMERICAN LIFE LEAGUE,  
Stafford, VA 22555,  
June 3, 2002.

HON. JESSE HELMS,  
*U. S. Senate,*  
*Washington, DC 20510.*

DEAR SENATOR HELMS: Once again, American Life League would like to express our profound gratitude for your tireless defense of children and the family.

This time we thank you for your steadfast opposition to CEDAW. The treaty blatantly promotes abortion and contraception. Moreover, how can any treaty promoting women at the same time promote prostitution?

As you said to Congress on March 8, 2000: "This treaty is not about opportunities for women. It is about denigrating motherhood and undermining the family."

We are urging President Bush to get the United States out of this treaty. And we trust that you will do all that is possible to see that the U. S. has no part of CEDAW.

Thank you again.

Sincerely yours in the Lord Who IS Life,

JUDIE BROWN,  
*President.*

P.S. Be assured of our prayers for you and your family. It will be sad to see you leave the Senate.



DENMARK TOLD TO CHANGE LAWS BY CEDAW COMMITTEE,  
RAISING FEARS IN U.S.FRIDAY FAX, *June 21, 2002*

Volume 5, Number 26

A familiar refrain of proponents of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is that US ratification of the controversial U.N. document would not result in significant changes in US law. Since the United States already recognizes the equal status of women, they say, US ratification is necessary solely to bolster the standing of the Convention in the rest of the world. For instance, Senator Joseph Biden (D-DE), a CEDAW supporter, said at last week's Senate CEDAW hearing that it is "highly, highly, highly unlikely" that the Convention would have any important domestic impact.

In a June 18 article, *New York Times* columnist Nicholas D. Kristof repeated this point, stating that "frankly, the treaty has almost nothing to do with American women, who already enjoy the rights the treaty supports. Instead, it has everything to do with the half of the globe where to be female is to be persecuted until, often, death."

But the most recent examination of Denmark by the CEDAW Committee seems to contradict these arguments. At meetings beginning on June 12, the Committee concluded that even Denmark's extremely progressive laws and social policies were not sufficient, and that Denmark would need to make substantial changes in order to comply with the Convention.

According to a U.N. press release, one CEDAW expert asked "How often had the Convention been invoked in the country's courts?" Another expert pointed out "that Denmark's Constitution contained no specific provision on discrimination against women. It was important to fully integrate the country's domestic legislation with the Convention."

One Committee expert showed concern that, "although Danish women were now allowed employment in all ranks of the Armed Services, even if that involved direct participation in military operations or combat," women had not yet "reached the top level in the military."

A Committee expert also stated that "In order to protect women engaged in prostitution, the tendency should be to penalize those engaged in pimping even more heavily." To allay this concern, a Danish representative reported that "in 1999 the Parliament had amended the criminal code to decriminalize prostitution and passive pimping."

One expert wondered how Danish families divided household duties and chores. "It was gratifying to know that fathers were increasingly taking care of babies," but the expert "also wanted to know how they participated in bringing up older children and shared in housework." In response, a Danish delegate assured the Committee that "continuous monitoring was being carried out" on fathers and their household activities.

Wendy Wright, senior policy director at Concerned Women for America, told the Friday Fax that such statements by the CEDAW Committee show that it does not seek basic equality, but the radical transformation of society, and that it would make the same kinds of demands on the US, if it ratified CEDAW. "If even Denmark doesn't satisfy the CEDAW Committee and must change its constitution, then surely no country's actions will appease these 'experts' on genderless feminism," she said.

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DARK CLOUD SHADES U.N. WOMEN'S TREATY

*Tuesday, June 18, 2002*

By Wendy McElroy foxnews.com

The U.S. Senate is debating ratification of a U.N. treaty that has been pending for over two decades. However, a stubborn cloud hangs over the treaty, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Of the many reasons to oppose CEDAW, one of them is the U.N.'s probable complicity in China's one-child policy that forces women to abort pregnancies if they al-

ready have a child. It is a shadow that darkens all U.N. programs regarding women and children.

The U.N. Population Fund provides mega-financing to developing nations, including China, to assist them in family planning. Currently at issue is Congress' appropriation of 34 million dollars for the UNFPA. Will American tax dollars facilitate coerced abortions?

The UNFPA says "no."

In 1999, Dr. Nafis Sadik—then executive director of the UNFPA—said that in the "32 pilot counties [targeted by UNFPA], the Chinese have agreed to a program that lifts all birth quotas and targets including the one-child policy." In other words, forced abortions would not happen where the UNFPA had to see them.

In a few months, however, China's unofficial one-child policy will become nationwide law. Yet, a recent UNFPA fact-finding "study tour" of China discovered no evidence of coerced family planning. Thus, the flood of first-hand horror stories from Chinese women—the sort of evidence that the U.N. finds compelling on virtually every other issue—is dismissed.

According to critics of the UNFPA, the study-tour was able to reach its see-no-evil, speak-no-evil conclusions because Chinese authorities only allowed UNFPA delegates to tour a tiny area with controlled interviews.

Establishing the facts is essential, but an underlying assumption of the discussion must also be addressed: Namely, that the world is overpopulated and reproduction needs to be governed. Overpopulation is said to cause poverty, starvation, disease, war, environmental disaster . . . virtually all evil is laid at the feet of parents who wish to have children.

The idea of overpopulation is inextricably mixed with the UNFPA, U.N. family planning and forced abortion. This makes it intimately connected to CEDAW, which promotes "reproductive rights." Or does CEDAW promote the right not to have children rather than the right to reproduce? There are several grounds on which to challenge the overpopulation assumption, including:

*Factually:* The UNFPA offers math-enshrouded charts and graphs based on a soaring world population. But how do they really know what the world population is?

Africa, for example, is ravaged by war and disease; much of it is inaccessible and without birth records. Statistician Bjorn Lornborg disputes U.N. data, stating: "The rate of increase has been declining ever since [the early 1960s]. It is now 1.26 percent and is expected to fall to 0.46 percent in 2050."

He also disputes the alleged rise of poverty. "[T]he proportion of people in developing countries who are starving has dropped from 45 percent in 1949 to 18 percent today, and is expected to decrease even further to 12 percent in 2010."

*Politically:* "Overpopulation causes poverty!" is the cry of U.N. voices that wish to restrict reproduction. Totalitarian governments must find that cry convenient: If the Chinese starve, it is not because of disastrous governmental policies. Instead, the "exonerated" government can join the U.N. in pointing an accusing finger at parents who selfishly desire families. Shifting the blame disguises the fact that taxation, monopoly privileges, government waste, and regulation create poverty.

"Poor" areas of the world, like Hong Kong and South Korea, prosper when government gets out of the way.

*Economically:* Even if UNFPA estimates of population are correct, why is that frightening? One answer usually comes back with predictability: because the world's natural resources are being depleted.

In his article "The Population Problem That Isn't," political commentator Sheldon Richman rebuts that point. Richman argues: "[in practical terms, the supply of a resource is not finite. It is integrally dependent on human ingenuity. If we were to think of ways to double the efficiency with which we use oil, it would be equivalent to doubling the supply of oil."

Human ingenuity, not government, solves the problem of scarcity. The nations in which poverty is greatest are those that restrain human ingenuity—that is, freedom—and punish initiative.

Powerful voices are demanding that the U.S. ratify CEDAW. In an article in the *San Francisco Chronicle* entitled "Senate Needs to Ratify the Treaty for the Rights of Women," Sens. Joseph R. Biden Jr., D-Del., and Barbara Boxer, D-Calif., declare CEDAW to be "an international bill of rights." They call the treaty "a tool that women around the world can use in their struggle for basic human rights."

Until the UNFPA ceases to be a tool used by the Chinese dictatorship to brutalize women, the words "basic human rights" and "United Nations" should not be used in the same sentence.

CEDAW allegedly champions women's reproductive rights. The treaty cannot be divorced from the U.N.'s general policies of population control. The U.N.'s hypocrisy in condemning some human rights atrocities while tacitly supporting others taints CEDAW.

More government is not the answer to poverty or human well being. Individual freedom is.

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FAMILY RESEARCH COUNCIL  
Washington, DC 20001,  
June 7, 2002.

HON. GEORGE BUSH,  
*President of the United States,*  
*1600 Pennsylvania Avenue, NW,*  
*Washington, DC 20500.*

DEAR PRESIDENT BUSH: On behalf of the families represented by Family Research Council, we write to express our grave concern about the heavy push being made by radical feminist organizations, as well as many in the U.S. Congress, to urge U.S. consideration and ratification of the dangerous and unnecessary U.N. Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). It has come to our attention that some within your administration are supportive of CEDAW, generating further concern.

CEDAW has been languishing in the Senate for more than two decades; since 1980 when President Carter submitted the treaty to the Senate, it has never been brought up for a vote, not even during the 10 years when the Democratic Party controlled the Senate. Even when Democrats controlled the Senate during the first 2 years of the Clinton administration, they never saw fit to bring this radical treaty to a vote. According to Senator Helms, CEDAW has never been ratified because "it is a bad treaty; it is a terrible treaty negotiated by radical feminists with the intent of enshrining their radical anti-family agenda into international law."

Not only have America's elected officials rejected the ratification of this radical treaty, the American citizenry rejected CEDAW decades ago with the overwhelming defeat of the Equal Rights Amendment (ERA); CEDAW is the ERA multiplied one hundred fold.

CEDAW calls for an absolute leveling of every kind of distinction between men and women at every level of society. This is not about opportunities for women, it is about denigrating motherhood and undermining the family. The nature of the family as the fundamental social structure must be recognized, and the rights of the family must be protected, not "modified." The deliberately vague language and undefined terms in the treaty permit interpretations that are destructive of the social order and harmful to individuals and families, resulting in what is merely a proposal for social manipulation.

Following are just a few examples of what the "expert" committee responsible for implementing CEDAW found problematic in signatory nations:

*Denmark:* The Committee noted with concern that stereotypical perceptions of gender role continued to exist in society [that] kept men from assuming an equal share of family responsibilities.

*Belarus:* The Committee complained that "Mother's Day" and the "Mothers Award" encourage women's traditional roles.

*Armenia:* The Committee urged them to "combat the traditional stereotype of women in the noble role of mother."

*Luxembourg:* The Committee complained about its "stereotypical attitudes that tend to portray men as heads of households and breadwinners, and women primarily as mothers and homemakers."

*Ireland:* The Committee complained that the influence of the Church is still strongly felt and that because of this, "with very limited exceptions, abortion remains illegal in Ireland," and women do not have sufficient access to reproductive health services.

*Slovenia:* The Committee derided the fact that only 30 percent of children under age three were in daycare, claiming the other 70 percent would miss out on education and social opportunities offered in daycare.

*Romania:* The Committee encouraged "the Government to include sex education systematically in schools ..." and to "place priority on the review and revision of teaching materials."

*Kyrgyzstan:* The Committee ordered that “lesbianism be reconceptualized as a sexual orientation and that penalties for its practice be abolished.”

*China:* The Committee called upon them to “decriminalize prostitution.”

*Germany:* Prostitution is legal but the Committee expressed concern that prostitutes still do not enjoy the protection of labor and social law.

As these examples make clear, CEDAW seeks to impose its broad and radical social agenda on signatory nations without respect for sovereign nations’ laws regarding marriage, family, life, and other social issues, and without respect for the religious and moral foundations that support these nations’ laws.

Mr. President, we strongly urge you to oppose and condemn CEDAW on behalf of American women and American families. The United States of America will work to eradicate legitimate discrimination against women the world over, but the U.S. government cannot support the undermining of the family unit, the denigration of motherhood, and the usurpation of our national sovereignty. To support such propositions would be, in our opinion, un-American.

Thank you for your attention to our concerns and for your continued work to protect and defend life and families in the international arena.

Sincerely,

CONNIE MACKEY,  
*Vice President of Government Affairs.*

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LETTERS TO THE EDITOR OF THE WALL STREET JOURNAL IN OPPOSITION TO CEDAW

HUMAN RIGHTS ARE FOUGHT FOR, NOT DECLARED

Editor:

Sen. Joseph Biden invokes the Declaration of Independence in support of the U.S. ratification of CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women (Christina Hoff Sommers, “Look Who’s Preaching to Us!” editorial page, June 26). But the Declaration is Exhibit A against CEDAW.

The Declaration is a document of general aspiration; that is why its premise that all men are created equal and are endowed with unalienable rights applied to both women and men and in time became a powerful weapon in the battle for women’s rights. And the Declaration was much more than aspiration: It was a self-executing political act. The men who signed it thereby took responsibility for realizing its aspirations by establishing free and independent states, failing which they would be hanged.

CEDAW, in contrast, is, like the old Soviet constitution, a long list of policy promises drafted by people who, for the most part, have no intention to take responsibility for achieving those promises. No one thinks CEDAW is going to produce “comparable worth” wage regulation in Haiti or Uganda, or end forced abortions of baby girls in China or North Korea, or provide rudimentary legal rights for the women of Saudi Arabia or Yemen. The governments of these nations (all CEDAW signatories) could, if they wished, actually pursue those policies at home—and take the political credit or blame according to the views of their citizens—rather than just recommending them to others. Sen. Biden is an influential political leader in his own nation; if he really wants to promote nationalized day care (as Vice President Gore proposed to do in the 2000 presidential campaign) or equal wages for stenographers and firemen, he has the means and responsibility to do so without reference to CEDAW.

CEDAW promotes the notion that rights are things that exist in the abstract—mantra from globocrats, NGOs and activist lawyers rather than the responsibilities of nation-states and their political leaders. Those who signed the Declaration of Independence stood and fought for the opposite proposition—that rights are secured by governments whose powers to do so are derived from the consent of the governed.

CHRISTOPHER DEMUTH,  
*American Enterprise Institute for Public Policy Research,  
Washington.*

## END PREFERENTIAL PHYSICAL FITNESS STANDARDS FIRST

Editor:

I wonder how many of those in this country who support CEDAW also support the elimination of preferential physical fitness standards for women. If discrimination is "any distinction ... on the basis of sex" in "any ... field," such differential standards are definitely discriminatory. Article 5 calls for "the elimination of all practices which are based on stereotyped roles for men and women." Isn't it stereotyping to assume women cannot meet minimum standards?

I am a 36-year-old mother of two with a professional career and I can still meet the strictest minimum military standards for men ages 17-21 (52 sit-ups in two minutes, 42 push-ups in two minutes, and a two-mile run in 15:54). The minimum standards for a woman of my age are so absurd (35 sit-ups and 14 push-ups) that I can do them in one quarter of the allotted time and I can complete the two-mile run in the required 22 minutes and 36 seconds backward. Hurray for ending discrimination! Make women meet the same standards. Laws and Conventions don't create equality. Hard work and dedication do.

MOLLY ESPEY,  
*Six Mile, SC.*

## A WOMEN'S TREATY FOR RADICAL FEMINISM

JOHN LEO, SYNDICATED COLUMNIST

Once again the push is on for the Senate to ratify CEDAW, the U.N.'s women's rights treaty that has been hanging around since 1979. CEDAW is the Convention on the Elimination of Discrimination Against Women.

There's a good reason why the Senate has ignored it for a generation: It's an incredibly toxic document, the work of international bureaucrats determined to impose a worldwide makeover of family relations and "gender roles." CEDAW is a blueprint for foisting the West's radical feminism on every nation gullible enough to sign on. (talk about cultural imperialism.) Some 167 nations have signed the treaty, many with no intention of observing it. But the CEDAW ferociously monitors every nation's compliance. It has a few enforcement mechanisms and plans more. The idea is that someday, nations may not be able to resist.

CEDAW is a more perverse version of American radical feminism, circa 1975: It bristles with contempt for family, motherhood, religion and tradition. Parents and the family don't count. The state will watch out for children's rights. The treaty extends access to contraception and abortion to very young girls, and imposes "gender studies" on schools and feminist approved textbooks on students.

The committee enforcing CEDAW criticized Belarus for reintroducing Mother's Day ("a sex-role stereotype") and strongly urged Armenia to combat the image of "the noble role of mother." It complained that voters in Ireland seem to reflect Roman Catholic values and warned Libya that the Koran can only be followed within "permissible" limits set by CEDAW. Feminists will decide what religions may teach. CEDAW busy bodies are always eager to intrude. Recently they leaned on Denmark for not providing data on whether Danish fathers are doing their share of chores around the house.

One of the CEDAW committee's techniques is to use broad language, which is then tightened and given a radical interpretation after signatories have accepted it. CEDAW did not announce that women's "right to free choice of profession and employment" would turn out to mean (as the committee now says) that prostitution must be decriminalized around the world. Similarly, CEDAW'S ban on "any distinction, exclusion or restriction made on the basis of sex" seems to make legal approval of homosexual marriage mandatory. Some analysts think CEDAW'S ban on "orientation" bias will make pedophile sex legal, since some people are "oriented" toward children. Linguistic sinkholes are so common that Muslim women wanted assurance that the term "sexual slavery" would not be defined later as including marriage.

CEDAW reflects the rising importance of international conferences and the United Nations' nongovernmental organizations (NGOs). CEDAW bureaucrats constantly monitor and hector the world's nations to comply. The World Bank now seems primed to serve as an enforcer for CEDAW: One World Bank document is titled "Integrating Gender Into the World's Bank's Work: A Strategy for Action." The feminists talk about the World Bank's "accountability mechanisms." Translation: No CEDAW compliance, no loan.

Worse, CEDAW backers intend to use the new International Criminal Court as an enforcement tool. Patrick Fagan of the Heritage Foundation, who follows CEDAW closely, predicts that the CEDAW committee will bring an ICC case against Catholic hospitals to break the hospitals' refusal to perform abortions. Language setting up the court is so vague that radical prosecutors and judges might be able to jail clerics who refuse to perform same-sex unions or who decline to ordain women.

The lesson here is that small groups of dedicated bureaucrats, out of the public eye, can make rules affecting the domestic affairs of countries that would be difficult or impossible to achieve democratically. The trick is to create "customary international law" out of marginal views, constantly repeated on the world stage. Rita Joseph, an Australian human rights specialist, says: "The basic plan is ingeniously simple. The idea is to couch the feminist agenda in language of human rights" and then assert the ascendancy of human rights over the sovereign rights of nations.

Still, over the past five or six years, as awareness of the radicalization of the United Nations has set in, nonradical American NGOs have mounted resistance, often with the help of the Vatican and Muslim nations. This alliance has had some success in exposing the language and parliamentary games played by the radicals.

CEDAW is coming up again now because of a fumble in the State Department. Someone listed CEDAW as a treaty the administration considered low-level but acceptable. President Bush now has to choose between antagonizing his base by calling for Senate ratification or antagonizing female voters by seeming to come out against women's rights. But if he can't dodge the issue, he will have to oppose the treaty. CEDAW is dangerous as well as stupid.

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