

**Testimony of Marcia D. Greenberger
Co-President, National Women's Law Center**

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

November 18, 2010

Chairman Durbin and members of the Judiciary Committee, thank you very much for the opportunity to testify as you consider the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW affirms principles of human rights and equality for women, principles that embody American law and values. The National Women's Law Center is proud to be a part of the over 160-member CEDAW Task Force, working under the auspices of the Leadership Conference for Civil and Human Rights, which strongly urges the Senate to ratify CEDAW.¹ We are delighted that the Subcommittee on Human Rights and the Law is turning its attention to the long overdue ratification of this fundamental human rights document.

CEDAW has brought 186 nations together to show their commitment to treating women and girls fairly. It is long past time for the United States to become part of this community of nations. The only other countries that have not ratified CEDAW are Iran, Somalia, Sudan and three Pacific Islands, putting the United States in dubious company. By ratifying CEDAW, almost every other country in the world has affirmed the importance of progress for women and girls and agreed to work to achieve that end. That the U.S. has not done so is deeply unfortunate. It fails to reflect our country's proud tradition of leadership on women's rights. It has denied women and girls around the world U.S. leadership on the implementation of CEDAW, and it has denied women and girls in our own country the benefits of important lessons that could be learned about effective strategies and programs adopted in other countries around the world. Simply put, U.S. ratification of CEDAW will strengthen our longstanding role as a global leader standing up for women's rights and human rights.

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

CEDAW calls upon ratifying nations to take "all appropriate measures", as determined by each country for itself, to end discrimination against women and girls. "All appropriate measures" is a flexible standard that provides each country discretion in determining how to tackle these problems. CEDAW calls upon every country to set out a

¹ The Leadership Conference is submitting testimony that further describes the breadth and nature of this coalition.

vision for comprehensive progress, addressing the status of women throughout and in the key aspects of their lives. For example:

CEDAW seeks to prevent violence against women and trafficking. CEDAW's call to end discrimination against women includes a focus on stopping gender-based violence such as family violence and abuse, forced marriage, dowry deaths, acid attacks, female genital mutilation, and compulsory abortion and sterilization. In addition, one important goal of CEDAW is to "suppress all forms of traffic in women and exploitation of prostitution of women." This emphasis has led to concrete progress in ratifying countries. For example, Mexico pointed to CEDAW in creating the Mexican General Law on Women's Access to a Life Free from Violence in 2007, which today has been adopted by all of Mexico's 32 states. Nepal, which is both a "destination country" and "sending country" of trafficked women and girls, responded to recommendations from the CEDAW Committee to take steps to address trafficking by enacting strong new laws, in line with CEDAW's provisions.

CEDAW promotes equal educational opportunities. Nearly two-thirds of the world's illiterate adults are women, and two-thirds of its unschooled children are girls. When women and girls are educated, it benefits not only them, but also their families and communities. Child mortality falls and economic development improves. Women's education leads to healthier, more prosperous societies. CEDAW seeks to end discrimination against women and girls in education. It promotes equal educational opportunity and access to learning resources for women and girls at all levels, from preschool to professional and vocational training, from scholarship receipt to sports participation. It urges countries that traditionally barred or discouraged girls from attending school to open the door to their education. It also seeks to prevent girls from dropping out of school. And it has changed women's and girls' lives as a result. For example, in Bangladesh, CEDAW has provided a framework for efforts to expand girls' access to education, and as a result, girls are now enrolled in primary and lower secondary schools as frequently as boys.

CEDAW seeks to improve women's health. CEDAW calls for an end to discrimination against women in health care. It fights maternal mortality and promotes safe motherhood by seeking to ensure that quality prenatal and obstetrical care is made available to all women who need it. In addition, CEDAW's commitment to women's health embraces efforts to fight HIV/AIDS infection in women and girls, address older women's health needs and ensure appropriate accommodations for women with disabilities. This commitment has led to meaningful changes in ratifying countries. For example, in the 1990s, Colombia adopted a women's health policy based on CEDAW to end discrimination against women in health care and to ensure that the diversity of women's health needs are addressed throughout their lives. In 2008, Hungary improved its informed consent laws in response to an incident in which a woman was sterilized without her consent and used CEDAW to advocate for changes in policy.

CEDAW supports mothers and families. CEDAW urges that motherhood not be diminished or disparaged or discriminated against. It supports families and the welfare of

children. It also is committed to the principle, widely-accepted in the United States and elsewhere, that meaningful participation by both mothers *and* fathers in children's lives benefits children and the family. CEDAW addresses the realities faced by the many parents who must balance work and family. It also calls for properly valuing the unpaid work performed by women within the home, and seeks to promote women's safety within the family through opposition to practices that endanger women and render them vulnerable to exploitation. Ratifying countries have used these principles to protect and promote the rights of mothers and families. For example, in 2007, spurred by CEDAW, Sierra Leone revised its family law to enhance women's safety in the family, proving that both parties must consent to a marriage, abolishing the practice of "wife inheritance," and outlawing domestic violence.

The values forwarded by CEDAW are strongly supported by the American public. Indeed, U.S. law is consistent with the principles set out in CEDAW. But, of course, improvement is always needed. Ratification of CEDAW will demonstrate the United States' continuing effort to promote women's and girls' advancement not only abroad, but also at home.

No one would disagree that there is still progress to be made in the United States. Domestic violence remains a serious problem, with an average of four women murdered each day and 5.5 million women physically assaulted or raped by intimate partners each year. Thousands of women are trafficked into the U.S. each year, where they are forced into prostitution or slavery-like conditions. The U.S. ranks 51st in the world in maternal mortality rates, tied with Saudi Arabia. Indeed, the U.S. is one of the few countries in the world whose maternal mortality rate has *increased* over the last twenty years. We rank 47th in infant mortality, tied with Qatar, Serbia, and the United Arab Emirates. Women in this country can expect to live four fewer years than women in France and Monaco and five fewer years than women in Japan.

Therefore, we like every other country in the world have our own challenges to confront. At the same time, we have extraordinary successes in opening opportunities for women and girls, which can provide valuable lessons for other countries working to ensure that women achieve the highest educational, professional, and civic accomplishments, as well as for those countries where women seek to secure basic rights of citizenship such as attending school and owning property in their own names. CEDAW offers paths to progress for all nations, whether they are starting at the beginning in recognizing women's human rights, or whether, like the United States, they come to the conversation as leaders in expanding justice and opportunity for women. By ratifying CEDAW, we can simultaneously encourage other countries' advancement and our own.

It is unfortunate that opponents of CEDAW have often relied on false claims and distortion in their arguments against ratification. One such charge is that CEDAW outlaws Mother's Day. This is flatly false, and especially absurd given CEDAW's central purpose of supporting and empowering women in all their chosen roles, including the role of mother. Over 100 countries around the world that have ratified CEDAW

celebrate some version of Mother's Day. CEDAW has not ended a single one of these celebrations.

Ratification of CEDAW is also completely consistent with the protection of the United States' sovereignty. Should the United States ratify CEDAW, Congress and our state and local legislative bodies, as well as our other elected officials would be responsible for determining what measures are "appropriate" to advance CEDAW's goals. The Supreme Court has made clear that no treaty, including CEDAW, can override the U.S. Constitution, and should any conflict between a treaty and the Constitution arise, the Constitution would necessarily prevail. Nor would the decisions of any international court or body be binding on the United States as the result of CEDAW. According to the State Department, there are 10,000 treaties currently in force in the U.S., including multiple human rights treaties. These treaties have not compromised the United States' status as a sovereign nation and neither would CEDAW.

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

Thank you for the opportunity to testify today.