

**Testimony of  
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**Before the**

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

**The Convention on the Elimination of All Forms of Discrimination Against Women  
Thursday, November 18, 2010  
2:00PM**

Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee: thank you for this opportunity to discuss with you the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, commonly known as CEDAW, or the Women's Treaty. I appreciate not only the attention you are bringing to this particular issue today, but also your ongoing support for women's rights around the world. I am pleased to be here with my colleague, Sam Bagenstos, Principal Deputy Assistant Attorney General for Civil Rights at the Department of Justice. I want to recognize the heroic work of Wazhma Frogh, a recipient of the State Department's International Women of Courage Award, to improve the lives of women and girls who suffered greatly under the Taliban regime and who still are too often treated like second-class citizens in their own country. And I applaud Geena Davis for her efforts to shine a light on this critical issue.

Today, I would like to talk about what the Women's Treaty represents and why U.S. ratification is critical to our efforts to promote and defend the rights of women across the globe.

This hearing could not come at a more critical time for the world's women. Gender inequality and oppression of women is rampant across the globe. The scale and savagery of human rights violations committed against women and girls is nothing short of a humanitarian tragedy. Today, violence against women is a global pandemic. In some parts of the world, such as the Democratic Republic of Congo, Burma, and Sudan, women are attacked as part of a deliberate and coordinated strategy of armed conflict where rape is used as a tool of war. In others, like Afghanistan, girls are attacked with acid and disfigured simply because they dare attend school. Girl infanticide and neglect has contributed to the absence from school of an estimated 100 million girls worldwide. In places where girls are not as valued and there is a strong preference for sons, practices ranging from female genital mutilation, to child marriage, to so-called "honor killings," to the trafficking of women and girls into modern-day slavery highlight the low status of females around the globe.

In far too many places, women's participation in parliaments, village councils and peace negotiations is circumscribed or prevented altogether. Policies instructing that "women need not apply" continue to limit employment opportunities and pay. The majority of the world's illiterate are women and, according to the World Bank, girls constitute 55 percent of all out-of-school children. This has devastating consequences on the health and well-being of families and communities. And today, the HIV-AIDS pandemic has a woman's face, with the number of

infections rising at alarming rates among adolescent girls in many places who face the threat of violence, including sexual violence, in their lives.

Women's equality has rightly been called the moral imperative of the 21<sup>st</sup> century. Where women cannot participate fully and equally in their societies, democracy is a contradiction in terms, economic prosperity is hampered, and stability is at risk. Standing up against the appalling violations of women's human rights around the globe, and standing with the women of the world, is what ratifying the Women's Treaty is about.

### **Why the United States Should Ratify the Women's Treaty**

In my time at the State Department, I have visited scores of countries and met with women from all walks of life, from human rights activists in Russia, to microcredit recipients and small-business entrepreneurs in rural South Asia, to survivors of rape and conflict in the Democratic Republic of the Congo. In my travels, the number-one question I am asked time and time again is, "Why hasn't the United States ratified CEDAW?"

It is understandable that I continue to receive this question everywhere I go. The United States has long stood for the principles of equal justice, the rule of law, respect for women, and the defense of human dignity. We know that women around the world look to the United States as a moral leader on human rights. And yet when it comes to the Women's Treaty, which reflects the fundamental principle that women's rights are human rights, we stand with only a handful of countries that have not ratified, including Somalia, Iran, and Sudan—countries with some of the worst human rights records in the world. We stand alone as the only industrialized democracy in the world that has not ratified the Women's Treaty. And we stand on the sidelines, unable to use the Women's Treaty to join with champions of human rights who seek to use it as a means to protect and defend women's basic human rights.

U.S. ratification of the Women's Treaty matters because the moral leadership of our country on human rights matters. Some governments use the fact that the U.S. has not ratified the treaty as a pretext for not living up to their own obligations under it. Our failure to ratify also deprives us of a powerful tool to combat discrimination against women around the world, because as a non-party, it makes it more difficult for us to press other parties to live up to their commitments under the treaty.

The United States is firmly committed to the principles of women's equality as enshrined in the U.S. Constitution. Our ratification will send a powerful and unequivocal message about our commitment to equality for women across the globe. It will lend much needed validation and support to advocates fighting the brutal oppression of women and girls everywhere, who seek to replicate in their own countries the strong protections against discrimination that we have in the United States. And it will signal that the United States stands with the women of the world.

Importantly, ratification will also advance U.S. foreign policy and national security interests. As the Obama Administration has made clear, women's equality is critical to our national security. President Obama's National Security Strategy recognizes that "countries are more peaceful and prosperous when women are accorded full and equal rights and opportunity. When those rights and opportunities are denied, countries lag behind." And as Secretary Clinton has

stated, “the subjugation of women is a threat to the national security of the United States. It is also a threat to the common security of our world, because the suffering and denial of the rights of women and the instability of nations go hand in hand.” Ratification of this treaty, which enshrines the rights of women in international law, is not only in the interest of oppressed women around the world – it is in our interest as well.

In fact, my office has been working closely with the Office of the Under Secretary of Defense for Policy at the Department of Defense to highlight issues related to women, peace and security. We as a U.S. government recognize the interconnection of women’s progress and the advancement of U.S. objectives across the world. And Admiral Mullen, Chairman of the Joint Chiefs of Staff, recently stated, “Secretary of State Hillary Clinton wisely summed it up last week when she said, ‘If we want to make progress towards settling the world’s most intractable conflicts, let’s enlist women.’ I couldn’t agree more – and I would only add: The time to act is now so we don’t have to ask, yet again, why did this take so long? But as we think about how far we’ve come, we must also consider how far we have still to go.”

### **How the Women’s Treaty Helps Eliminate Discrimination Against Women**

I would like to briefly describe what the Women’s Treaty is, the principles it enshrines, and how it can be used to challenge discrimination against women around the world. The Women’s Treaty was adopted by the United Nations nearly 31 years ago and is the first treaty to comprehensively address women’s rights and fundamental freedoms. The treaty builds on several previous international human rights instruments, including the UN Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights (ICCPR). It obliges parties to end discrimination against women and addresses areas that are crucial to women’s equality, from citizenship rights and political participation to inheritance and property rights to freedom from domestic violence and sex trafficking. It is consistent with the approach that we have already taken on these issues domestically. To date, 186 out of 192 UN member states are party to the treaty.

Around the world, women are using the Women’s Treaty as an instrument for progress and empowerment. There are countless stories of women who have used their countries’ commitments to the treaty to bring constitutions, laws, and policies in line with the principle of nondiscrimination against women. Over the course of my travels, I have seen firsthand its incredible influence in helping women change their societies. Today, I would like to highlight just a few examples that illuminate the treaty’s ability to help women push for equal treatment in their communities.

#### **Morocco**

The Women’s Treaty has been used to fight discrimination against women in family law. For example, in Morocco, for nearly a century, family law was largely determined by differing interpretations of Islamic law, which resulted in oppression and unequal treatment for wives. Brides were not asked to give their consent to marriage during the wedding ceremony. Polygamy was widespread, and husbands had the power to “repudiate” a marriage without court proceedings or their wives’ consent. Women in Moroccan civil society worked tirelessly and even faced imprisonment in their effort to end discrimination against women in family law, but they did not back down. In 1993, Morocco ratified the Women’s Treaty with a set of

reservations, and in 2004, a new Morocco Family Code was enacted that protected women's rights in matters of marriage and family relations. Today, women no longer need a matrimonial guardian to determine whom they will marry. In addition, a woman can now initiate divorce proceedings, which are now determined in a court of law, and there are a series of restrictions in place making polygamy far more difficult to practice.

### Afghanistan

The Women's Treaty has also been used to combat discrimination against women even in countries that fall far short of their commitment to women's equality under the treaty, such as Afghanistan. As we know, under the brutal Taliban regime, Afghan women and girls suffered untold deprivations of their basic human rights, including the right to attend school, thereby penalizing an entire generation. The fact that Afghanistan is party to agreements like the ICCPR and the Women's Treaty has helped to provide legitimacy for women's rights advocates seeking to improve conditions for women and girls. Indeed, Afghan activists recently pushed for a new law to eliminate violence against women. And several Afghan women's organizations have banded together to release their own "shadow report" detailing the government's actions to prevent and respond to violence against women. Thanks to the efforts of women's advocates, the Afghan government—for the first time since ratifying the Women's Treaty—is working to prepare a public report on its implementation of the treaty.

### Mexico

The Women's Treaty has also been used to combat violence against women and sexual assault. In Mexico, for example, the treaty was deployed as a tool against violence in some of the country's most dangerous areas. An estimated 450 girls and women have been killed in Ciudad Juárez and Chihuahua City since 1993. According to Mexican authorities, most of these women were sexually assaulted before their murders. Local human rights groups report that few cases have been investigated and in even fewer have perpetrators been brought to justice. But in 2007, human rights groups won a major victory with the enactment of a national law inspired, in large part, by the Women's Treaty. The new Mexican law requires federal, state and local authorities to coordinate activities to prevent and respond to violence against women, and authorizes the Interior Minister to declare a state of alert if he or she determines there is an outbreak of widespread gender-based violence.

### Philippines

The Women's Treaty has provided activists around the world with a useful framework for women's human rights that has advanced and improved laws prohibiting discrimination against women. For instance, in the Philippines, the treaty was heavily relied upon as a blueprint for framing the first Magna Carta of Women, a comprehensive equal-rights statute that provides political, civil, and economic rights for all Filipino women, with special protections for those who are members of marginalized groups. Women's groups, working in coordination with international organizations, used the Women's Treaty to help develop a definition of gender discrimination and outline the responsibilities of the government to protect its citizens. This historic and far-reaching law was signed into law by President Gloria Arroyo in 2009. Among its several provisions, the Magna Carta affirms Filipino women's rights to education, political participation and representation, and equal treatment before the law.

## Uganda

The Women's Treaty has also been used to achieve equal treatment for women in the critical area of land rights. In some parts of the world, women produce 70 percent of the food and yet earn only 10 percent of the income and own only 1 percent of the land—a situation that is not only unfair, but also relegates women to lives of poverty. In Uganda, a robust women's movement has made efforts to tackle this problem by relying on both the Women's Treaty and national legislation to pursue land ownership rights and challenge customary land tenure practices. Empowered by the Women's Treaty and the enactment of the country's Land Act in 1998, women's groups and activists began a tireless campaign to ensure that women were protected in the tenure, ownership and administration of land. In their fight for equal treatment, these activists continue to rely on the Women's Treaty.

## Conclusion

Fifteen years ago, as First Lady of the United States, Hillary Clinton addressed the UN Fourth World Conference on Women in Beijing and proclaimed that women's rights are human rights. Today, the litany of abuses against women that she described in her address—from violence against women to trafficking to female genital mutilation to girl infanticide—persist. We cannot stand by while girls and women continue to be fed less, fed last, overworked, underpaid, subjected to violence both in and out of their homes—in short, while discrimination against women and girls remains commonplace around the globe. For as long as the oppression of women continues, the peaceful, prosperous world we all seek will not be realized.

It has been over 30 years since the Women's Treaty was first adopted by the United Nations. Since that time, as I have described, the treaty has been used to advocate for and realize equal treatment for women and girls around the world. But much work remains to be done. And it is long overdue for the United States to stand with the women of the world in their effort to obtain the basic rights that women in this country enjoy.

As Secretary Clinton has said, “the United States must remain an unambiguous and unequivocal voice in support of women's rights in every country, every region, on every continent.” By ratifying the Women's Treaty, we will speak with this clarity of voice and purpose. We will strengthen the efforts of those who toil for women's rights, for equal treatment, and for human dignity. And we will make clear our belief that human rights are women's rights and women's rights are human rights, once and for all.

Again, I thank the Chairman and Ranking Member and I look forward to answering any questions that Members of the Subcommittee may have.

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