

Treaty for the Rights of Women Deserves Full U.S. Support

By Nora O'Connell and Ritu Sharma, Women's EDGE

In a recent address, President Bush declared, "A thriving nation will respect the rights of women, because no society can prosper while denying the opportunity to half its citizens." The *Arab Human Development Report*, released in July, cited the lack of empowerment of women as one of the primary causes of the development gap between Arab countries and the rest of the world. Never before has the international community so strongly embraced the connection between the status of women's human rights and the stability of a society as a whole.

Yet each day, we read horror stories about women's appalling lack of basic human rights—most recently, the sentence to stone to death a woman in Nigeria for adultery. In the face of these facts, is it shocking that the U.S. remains in the company of a handful of countries that includes Afghanistan, Iran, and the Sudan—and is alone among industrialized nations—that has not ratified the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW).

For the first time in eight years, the U.S. Senate has taken long-overdue action to rectify this and ratify CEDAW. In July, the Senate Foreign Relations Committee reported it out of committee favorably with bipartisan support and it is expected to come before the full Senate in September. It is time for the U.S., as the world leader on women's human rights, to ratify this treaty.

CEDAW affirms basic human rights for women and girls and is a tool to provide education, health care, and freedom from violence, and to stop atrocities such as honor killings. Although the U.S. signed the treaty in 1980, it was never ratified by the U.S. Senate.

In the meantime, 170 other countries have ratified CEDAW and it has made a tangible

impact on women's lives. In Turkey, CEDAW was used to rescind a government policy that forced female students to undergo virginity exams. In Tanzania, the High Court cited CEDAW in its decision striking down a law that prevented women from inheriting clan land from their fathers. In its decision the judges stated, "The principles enunciated in the above named documents [including CEDAW] are a standard below which any civilized nation will be ashamed to fall." In Colombia, the courts cited CEDAW in their ruling to provide legal recourse to female victims of domestic violence. The state now ensures protection for all such women. In India, it resulted in an increase in girls' education. And the list goes on.

CEDAW, like any treaty, is not a silver bullet. Human rights abuses still occur in countries that are party to the Treaty. But by setting an international standard that countries have voluntarily agreed to, it serves as a powerful self-help tool for supporters of women's human rights to get their governments to do better. Our failure to ratify this treaty undermines our credibility when speaking out on human rights abuses against women around the world, such as those committed under the Taliban in Afghanistan. Even worse, it weakens its power as a tool for women in other countries to help themselves.

This treaty, like any treaty, will be considered with a set of Reservations, Understandings and Declarations (RUDs) that clarify the terms under which we will abide by it. Reservations note exceptions to specific provisions of the treaty, while understandings clarify interpretations where language may be ambiguous, and declarations set the terms for ratification. The Senate Foreign Relations Committee reported CEDAW out with eleven RUDs.

Despite the fact that the State Department determined the treaty is “abortion neutral” and CEDAW makes no mention of abortion, the U.S. went the extra step of adding an “understanding” from Senator Helms to clarify that the treaty does not create or promote a right to abortion and that in no case should abortion be promoted as a method of family planning.

Concerns about the impact of CEDAW on U.S. sovereignty are equally well-addressed in the RUDs. Those include a reservation that preserves individual freedom in private conduct; an understanding on the supremacy of the U.S. Constitution; and a declaration that the treaty is non-self-executing, which means that any changes in U.S. law resulting from CEDAW must go through our normal lawmaking process. It also includes an understanding that the recommendations of the CEDAW committee, which reviews countries’ reports on their progress in implementing the treaty, are purely advisory and cannot compel state parties to take action.

Additional RUDs make it clear that that the U.S. is not obligated to assign women to combat, conduct comparable worth adjustments, or provide paid maternity leave.

Given that the most potentially controversial aspects of the treaty, including concerns about its impact on abortion and on U.S. sovereignty have been addressed in RUDs, it is not surprising that CEDAW has historically enjoyed bipartisan support in the U.S. In fact, in 1993, 68 Senators including Republican Senators Orrin Hatch, John McCain, Ben Nighthorse Campbell, and several others wrote a letter to President Clinton to take whatever steps necessary to ratify CEDAW.

The Bush administration twice notified the Senate Foreign Relations Committee that it supports the ratification of CEDAW, but a small minority on the far right has been pressuring them to change their position, citing objections to the treaty that are addressed in the RUDs or taking the nonbinding recommendations of the CEDAW committee out of context.

In the fall of a high-stakes election year, Republicans will be looking to President Bush for leadership on their agenda. However, since the Senate Foreign Relations Committee notified the administration of its intention to ratify CEDAW, the administration has sent mixed messages about presidential support. The White House, for example, called for

yet another Department of Justice review of CEDAW, but it has not been forthcoming about the timeline for the study and when the results will be released.

As a treaty that establishes a badly needed human rights standard for the treatment of women and girls, CEDAW deserves strong U.S. backing. Compliance with the treaty is voluntary, but CEDAW will have the effect of creating increased international and domestic pressure for countries to abide by these basic norms. Women throughout the world deserve no less. The U.S. ratification of CEDAW will put political weight behind President Bush’s recent statement: “A thriving nation will respect the rights of women, because no society can prosper while denying the opportunity to half its citizens.”

(Nora O’Connell

<noconnell@womensedge.org> is a senior policy adviser at Women’s EDGE and Ritu Sharma is cofounder and executive director of Women’s EDGE (online at www.womensedge.org). They are analysts on international women’s issues for Foreign Policy In Focus (www.fpij.org.)