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November 16, 2010

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

It is a privilege to write to urge members of the U.S. Senate to ratify the Convention on the Elimination of Discrimination against Women (CEDAW). I write on behalf of the Jacob Blaustein Institute for the Advancement of Human Rights (JBI), which I direct. JBI, founded in 1971, has long supported efforts to encourage U.S. ratification of CEDAW. I also write from the perspective of the first American member of a parallel UN treaty monitoring committee, the Committee against Torture, on which I have had the honor of serving since 2000.

Since its adoption in 1979, the CEDAW, as the women's convention is called, has been uniquely important to women worldwide struggling for non-discrimination and to exercise basic human rights. The completion of the CEDAW marked the consolidation of an array of earlier human rights norms related to women—such as those embodied in the Convention on Nationality of Women and the Convention on Political Rights of Women, signed by President John F. Kennedy in the 1960s—into a single specialized treaty. CEDAW's substantive elements address non-discrimination; the right to nationality; the right to participate in public life, including the right to participate in elections; and the right to education, employment, and health care. CEDAW establishes equality between women and men as a standard for measurement, and calls for States to implement appropriate measures to counter a wide range of discriminatory practices and laws and to secure basic rights for women in practice. As UN Secretary-General Kofi Annan has pointed out, CEDAW has raised awareness of discrimination against women worldwide and the need to examine statutes and legal measures that may appear gender neutral but have in fact had adverse impacts on women.

The effort to end discrimination against women has been substantially advanced by the adoption and ratification of the CEDAW by an

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measures they have taken to give effect to the CEDAW, and the CEDAW Committee members examine these reports and offer comments and suggestions concerning compliance by the State party. Through inter-active dialogue with leading officials from the ratifying states, the CEDAW Committee members engage directly in improving the awareness and testing the commitment of States parties to the CEDAW to its provisions. By ratifying the Convention, the US would have an opportunity not only to vote for the members of the CEDAW Committee, but to run itself for election to the Committee.

CEDAW ratification thus offers a significant opportunity for the US to engage directly with rogue regimes and violator countries on an array of specific elements regarding the advancement of women and the protection of their human rights. Having had the honor of serving as a member of the Committee against Torture, I can attest to the benefits of ongoing engagement with countries that such a position offers. Since the 1980s, the US has become a party to three of the major UN human rights treaties: the International Covenant on Civil and Political Rights, the International Convention on the Elimination of Racial Discrimination, and the Convention against Torture; and it has had experts elected to each of these monitoring committees. By ratifying the CEDAW, the United States would gain an opportunity to bring American expertise and leadership to this body as well.

I have seen first-hand how an American perspective—knowledge of the norms but also of the facts on the ground—have shaped the work of the UN treaty bodies, not only in conducting country compliance reviews, but also in evaluating complaints submitted by individuals who claim to be victims of violations of the Conventions and crafting general treaty-based recommendations regarding women's rights. I have no doubt that the US would play a leadership role on the CEDAW Committee following its ratification. Notably, many of the members of the Committee, and women from around the globe, have asked for the US to become a part of this body, in order to strengthen the scrutiny of their own countries (not least because American experts often ask unusually pointed questions to affirm compliance).

Just a few weeks ago, members of the U.S. delegation to the Universal Periodic Review at the United Nations Human Rights Council reaffirmed the importance that the United States ascribes to strengthening the effectiveness of human rights mechanisms at the United Nations and to pursuing "principled engagement" with the world through that institution. Ratifying the CEDAW would allow the United

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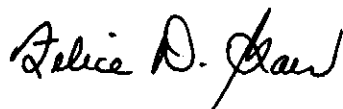
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States to pursue this strategy of “principled engagement” strategy while also strengthening America’s authority in calling for progress on women’s rights in its relations with other States, inside and outside the context of the United Nations.

The United States’ failure to ratify the CEDAW thus far, given the benefits that would result from such an action, is all the more troubling given that despite the fact that it played an instrumental role in drafting the treaty, today, the United States is one of only seven of the 193 countries worldwide that have not ratified the CEDAW, along with Iran, Sudan, and Somalia. The United States’ failure to ratify the CEDAW is at odds with its history of strong support for the advancement of women’s rights and equality, and its presence on a list of States with abominable track records regarding women’s rights is a source of embarrassment that should be remedied.

Moreover, U.S. ratification of the CEDAW would not require the United States to make major changes to its laws and policies governing women’s rights and gender equality. Indeed, as a result of America’s longtime commitment to the promotion of women’s rights and empowerment at home, U.S. ratification of the CEDAW will have the effect of making the United States a party to a treaty with which it is more than already substantially in compliance. While ratification of the CEDAW will indeed require the United States to participate in “constructive engagement” with the CEDAW Committee regarding its continued efforts to advance the rights of women, at the same time, such dialogue will also provide a forum in which the U.S. can promote its long record of accomplishments in this area.

In sum, I urge all U.S. senators to vote in favor of U.S. ratification of the CEDAW. The treaty is not only consistent with U.S. practice at home, but also offers a unique opportunity for the U.S. to reaffirm and enhance its longstanding commitment to promoting women’s rights and non-discrimination on grounds of sex around the world. The United States has long accepted the principle that women’s rights are human rights; it is time for the Senate to act on that principle and to approve U.S. ratification of the international treaty that does the most to make this principle a reality.



Felice Gaer
Director