



**United States Senate Foreign Relations Committee  
Convention on the Elimination of All Forms of Discrimination Against Women  
Statement by Amnesty International USA  
June 13, 2002**

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 years 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 UN 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 UN 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 UN 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 Collin 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 US 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.