



CEDAW: An Essential Tool for Overcoming Poverty And Ensuring the Dignity and Rights of Women

Statement to the
Committee on Foreign Relations
Of the United States Senate

Submitted by
The International Center for Research on Women

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The International Center for Research on Women (ICRW) is pleased to submit this statement concerning the importance of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to the full realization of women's rights and potential. The Center commends the Chairman for convening this hearing to review the U.S. position regarding ratification of the treaty.

The ICRW seeks to improve the lives of women in poverty, advance women's equality and human rights, and contribute to broader economic and social well-being through research, capacity building, and advocacy on issues affecting women's economic, health, and social status in low- and middle-income countries.

The promulgation and implementation of CEDAW represents a landmark in efforts to ensure human rights for all. It provides a universal reference regarding issues to be addressed to guarantee women the rights enshrined in other treaties and it provides guidelines for how this can be accomplished. It also provides an important tool for civil society organizations working to improve the status of women.

Why CEDAW?

Why is CEDAW necessary? It is needed to address the effects of long-standing and pervasive discrimination against women. As a result of this discrimination, women and girls are still the poorest, least educated, most unhealthy, and most marginalized segment of the world's population. Women lack control of economic assets and often lack opportunities for education and training. These factors intensify women's poverty, heighten their vulnerability to violence, increase their health risks, and undermine their human rights. Despite these obstacles, women continue to make essential contributions not only to their own households, but also to their communities and societies.

International conventions and treaties prior to CEDAW failed to address the specific ways in which women are prevented from realizing their full human rights. Many of these barriers are codified in statutory or customary law, reflecting official sanction for, or acceptance of, women's second class status.

The internationally-agreed upon Millennium Development Goals,¹ cannot be achieved without eliminating discrimination against women and facilitating their full participation in all aspects of the economic, social, political, and cultural life of their communities and nations. We now have countless examples of development efforts gone wrong because they failed to involve women and to take into account women's roles, experiences, and perspectives. The experience of women in Afghanistan under Taliban rule provides an especially dramatic example of the consequences of failing to respect and protect women's rights. On an even larger scale, discrimination against women and girls is fueling the spread of the HIV/AIDS epidemic now devastating sub-Saharan Africa and threatening other regions of the developing world.

CEDAW in Action: An Instrument For Change

ICRW's research has found that an increasing number of developing country governments and non-governmental organizations are referring to CEDAW as guidance for their national and local efforts to improve the lives of women. Three examples below illustrate, from an on-the-ground perspective, the far-reaching changes to improve women's lives that can be achieved on the basis of CEDAW. They also illustrate CEDAW's use within executive, legislative, and judicial governmental bodies.

Violence Against Women

Around the world, one in three women experience violence in the intimate setting of their homes and their marriages.² The threat of violence is the sub-text of daily life for these women, who represent a range of age, education, social status, employment and geographic location.

A recent study in India by ICRW and in-country research partners found that over half of the women surveyed had experienced physical violence at least once during marriage.³ Nearly two-thirds of those had experienced physical violence three or more times and half had experience violence while they were pregnant. Employed women were found to be a greater risk of violence than women who did not work outside the home. The study found that violence has both emotional and economic impacts on individuals and

¹ The Millennium Development Goals were agreed to at the 2000 United Nations Millennium Summit, the largest gathering of world leaders in history. The Goals represent a renewed commitment to work to eradicate global poverty and support development. The specific areas addressed by the goals are poverty, education, gender equality, child mortality, maternal mortality, HIV/AIDS and other diseases, environment, and global partnership. For more information, see www.developmentgoals.org.

² Heise, Lori and Ellsberg, and Gottemoeller, "Ending Violence Against Women," Population Reports, Vol. XXVII, No. 4 Baltimore: The Johns Hopkins School of Public Health, December 1999.

³ ICRW, "Domestic Violence in India: A Summary Report of a Multi-Site Household Survey," May 2000 [funded by USAID, FAO-A-00-95-00030-00]

families. Women reported loss of motivation and energy, a decrease in productivity, with a high percentage having considered suicide. The economic costs are also very high. A preliminary estimate indicates that a serious incidence of violence, leading to hospitalization or inability to work, results in the loss of 30 to 40 percent of the monthly income of rural households.

Efforts in India to reduce domestic violence build on earlier actions related to its ratification of CEDAW in 1993. Consistent with Article 24⁴ of CEDAW, the government, upon ratification, established a National Commission for Women and assigned it the task of reviewing existing laws to determine their compliance with the provisions of the treaty. The Commission identified 22 discrepancies that required modification of existing laws or promulgation of new laws. Among these, the Commission found that existing law does not protect women from domestic violence and therefore is not consistent with Article 2 of CEDAW, which provides for equal protection under the law.

As a result, a domestic violence bill is currently being debated in the Indian Parliament. The bill would add civil remedies such as protection orders and monetary compensation to existing criminal provisions on domestic violence. The legislation has generated wide debate among the public on the issue of domestic violence and key gaps in the draft law have been identified. Given the intensity of debate, the bill has now been referred to the Standing Committee of the Parliament for revisions and the reintroduction of a more comprehensive law.

Education, Economic Benefits, And Employment

Women's exclusion from opportunities for property ownership, loans, vocational skills, and employment is a fundamental factor in the global poverty that President Bush seeks to address through the substantially increased resources of a Millennium Challenge Account that he pledged at the U.N. Conference on Financing for Development in Monterrey, Mexico. For example, in Honduras, women earn only half of what men earn, while in neighboring El Salvador, women earn less than 70 percent of men's wages in small trade and micro enterprise activities.⁵ Yet, in both countries, approximately 20 to 25 percent of the households depend primarily on women's earnings to meet household requirements.

In South Africa, which ratified CEDAW in 1996, civil society organizations have engaged regional government officials in dialogue about their obligations under the treaty, with special reference to Article 14, which addresses the particular struggles and contributions of rural women⁶. Women farm workers in the Western Cape region of

⁴ Article 24: "States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention."

⁵ Benitez, Manuel, et.al. "A Platform for Action for the Sustainable Management of Mangroves in the Gulf of Fonseca," Washington: ICRW, November 2000.

⁶ Article 14: States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application

South Africa have access only to seasonal or “casual” labor opportunities and do not have independent employment contracts or benefits such as housing.

The Centre for Rural Legal Studies in 1999, under the USAID-funded PROWID project⁷, researched and documented the status of women farm workers in the Western Cape to establish a baseline with regard to compliance with relevant CEDAW provisions. Overall, the research established that low levels of education and access to job training, high levels of domestic violence (67 percent according to employers), limited access to health services, and lack of benefits (such as paid maternity leave) prevent the realization of these women farm workers’ rights. Most women lack knowledge about the laws related to labor and gender equality and have very limited access to legal recourse. These circumstances are compounded by their employers’ lack of awareness and general failure to comply with national legislation.

The South African government’s Commission on Gender Equity (CGE) is building on the experience in the Western Cape to educate government officials in other parts of the country about their obligations under CEDAW. The CGE is moving to address specific issues, such as pay equity in agriculture, that were identified through the research conducted by the Centre for Rural Legal Studies.

CEDAW has also provided a blueprint in South Africa for the development of gender sensitive indicators for monitoring progress for rural women. Various categories of indicators have been developed, including measures related to the focus on rural women in government programs and budgets; gathering and use of data on women living or working on farms; compliance with the anti-discrimination obligations under CEDAW; measures taken to ensure that women living or working on farms are aware of their rights; the provision of education, training, and services to fulfill women’s rights; and gender awareness and sensitivity among departmental employees.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature is a specific form of sex discrimination to which women around the world are routinely subjected. Sexual harassment creates stress, undermines psychological well-being and productivity, and may force victims to leave their employment. It violates the right to a safe and healthy work environment.

The impact of sexual harassment is a growing concern around the world. The U.S. and other industrialized countries have put in place laws to prevent sexual harassment and to

of the provisions of this Convention to women in rural areas. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development...

⁷ PROWID was a grants program conducted by ICRW, in collaboration with CEDPA, that sought to improve the lives of women in developing countries and economies in transition by promoting development based on practical insights gained from field-tested interventions. Operating from 1995 to 2000, PROWID grants supported 45 different activities implemented by partner organizations in over 30 countries, including action-oriented policy research, pilot interventions, and advocacy that contributed to economic and social development with women’s full participation.

prosecute those who engage in such harassment. At the international level, the definition of sexual harassment is being debated.

In India, the issue was addressed by the Supreme Court in 1998, when it issued guidelines and norms regarding sexual harassment. These guidelines were developed with reference to provisions in CEDAW and recommendations of the International Labour Organization. Subsequently, the National Commission on Women developed a work place Code of Conduct based on the Supreme Court guidelines, which was circulated widely to Ministries and government departments. Last year, the Commission initiated an on-going assessment of the implementation of the new guidelines and norms.

The experience in India and other places demonstrates the use of CEDAW as an important reference in legal judgements. The international standards and norms codified by CEDAW provide important guidance at the national and sub-national level on issues related to discrimination against women.

Conclusion

The United States has long been a leader in promoting the rights of women. Its ratification of CEDAW would serve to strengthen further its leadership in this area and give important added weight to the norms and standards embodied in the treaty. CEDAW is serving in very real and concrete ways to improve the lives of women around the world. ICRW therefore urges the speedy ratification by the United States of the Convention on the Elimination of All Forms of Discrimination Against Women.