

**Written Statement of the Center for Reproductive Rights
Submitted to the United States Senate Judiciary Committee
Subcommittee on Human Rights and the Law**

**For November 18, 2010 Hearing on:
“Women’s Rights Are Human Rights: U.S. Ratification of the Convention on the Elimination of
All Forms of Discrimination Against Women (CEDAW)”**

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

The Center for Reproductive Rights (the Center) is pleased to submit this statement in strong support of ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Founded in 1992, the Center is a global human rights organization that uses constitutional and international human rights law to promote women’s equality by establishing and protecting their access to reproductive health care and their control over reproductive health decisions as fundamental rights that all governments around the world must respect, protect, and fulfill. We have partnered with local lawyers and advocates in more than 50 countries across Asia, Africa, Europe, Latin America, and the Caribbean. The Center has UN consultative status, and has been engaging with UN treaty bodies and other human rights mechanisms, including the Committee on the Elimination of Discrimination Against Women (CEDAW Committee), for the past 15 years. We publish a series of briefing papers that analyzes how the CEDAW Committee and other treaty monitoring bodies have addressed reproductive and sexual health,¹ and we have submitted numerous shadow letters (reports prepared by non-governmental organizations to provide additional information about a country’s human rights violations) to the CEDAW Committee.

About CEDAW. CEDAW is the only comprehensive international treaty that provides a roadmap for the advancement of women’s human rights and obligates states to eliminate discrimination against women and achieve gender equality across political, civil, cultural, economic, and social life. CEDAW pushes countries to do better by women by putting forward goals for women’s progress and setting standards for nations to work toward.

¹ Center for Reproductive Rights, *Bringing Rights to Bear: An Analysis of the Work of UN Treaty Monitoring Bodies on Reproductive and Sexual Rights* (2008).

In countries that have ratified the treaty, CEDAW has helped women raise awareness and advocate for important changes to improve their lives. The Center has worked with advocates around the globe – in Brazil, Chile, Colombia, Ecuador, Egypt, India, Jamaica, Kenya, Lithuania, Malaysia, Mexico, Nicaragua, Nigeria, Peru, Philippines, Poland, Romania, Slovakia, South Africa, Thailand, and Uganda – using CEDAW’s process of constructive dialogue to call attention to violations of women’s human rights and to recommend critical reforms.

Protecting Women’s Health. In particular, CEDAW is an effective tool in working to ensure that women throughout the world have access to the health care they need. The CEDAW Committee has made clear that the failure to provide health services that only women need is discrimination,² and has consistently and forcefully addressed the major women’s health issues of our time, including:

Ending preventable maternal mortality and morbidity

- Globally, maternal mortality is the second leading cause of death among women and girls of reproductive age, and millions more suffer annually from disabling complications related to pregnancy and childbirth.³
- CEDAW recognizes that preventable maternal death and disability is discrimination against women. The Committee has urged governments to ensure that births are attended by trained personnel, that women have access to health-care facilities and emergency obstetric care, and to increase the availability of pre and postnatal care.⁴
- The Committee also calls on countries to track data on maternal mortality and the effectiveness of measures designed to reduce it, which helps countries take concrete steps forward in achieving these goals.⁵

Ending unsafe abortion

- Complications from unsafe abortions are estimated to account for 13 percent of maternal deaths worldwide,⁶ and “an estimated 220,000 children . . . lose their mothers every year from abortion-related deaths.”⁷

² Committee on the Elimination of All Forms of Discrimination Against Women, General Recommendation 24: Women and Health, U.N. Doc. A/54/38/Rev/1 (1999).

³ World Health Organization, *Women and Health: Today’s Evidence, Tomorrow’s Agenda* (2009), available at http://whqlibdoc.who.int/publications/2009/9789241563857_eng.pdf; UK All Party Parliamentary Group on Population, Development and Reproductive Health, *Better off Dead? A Report on Maternal Morbidity* (May 2009), available at <http://www.appg-popdevrh.org.uk/Publications/Maternal%20Morbidity%20Hearings/Maternal%20Morbidity%20Report%20-%20FINAL%20single%20page.pdf>.

⁴ See, e.g., Nicaragua, ¶ 301, U.N. Doc. A/56/38 (2001); Gambia, ¶ 204, U.N. Doc. A/60/38 (2005); Malawi, ¶ 32, U.N. Doc. CEDAW/C/MWI/CO (2006); Burundi, ¶ 36, U.N. Doc. CEDAW/C/BDI/CO/4 (2008).

⁵ See, e.g., CEDAW Gen. Recommendation 24, supra note 2 at ¶ 26; Namibia, ¶¶ 24-25, U.N. Doc. CEDAW/C/NAM/CO/3 (2007); Turkmenistan, ¶¶ 36-37, U.N. Doc. CEDAW/C/TKM/CO/2 (2006).

⁶ Guttmacher Institute, *Facts on Induced Abortion Worldwide* (October 2009).

- The CEDAW Committee has encouraged countries to reform laws that impose criminal penalties on women seeking abortion services, recognizing that women who cannot obtain safe abortion turn to unsafe abortion, often at the cost of their lives.
- Where abortion is illegal, women who undergo clandestine abortions are often afraid to seek medical help if something goes wrong, and can be mistreated or denied care. The CEDAW Committee has emphasized that women should have real access to quality post-abortion care even in countries where abortion is illegal.⁸

Decreasing the HIV/AIDS infection rate and improving the lives of women living with HIV

- Women make up 50% of the 33.4 million people living with HIV/AIDS worldwide. In sub-Saharan Africa, the majority of individuals with HIV/AIDS are women.⁹ Around the world, laws and policies stigmatize and discriminate against people living with HIV/AIDS; HIV-positive women experience delays and denial of healthcare, and are pressured or forced to undergo surgical sterilization.¹⁰
- The CEDAW Committee urges countries to collect reliable data on HIV/AIDS prevalence as a step toward addressing and reducing it.
- CEDAW also calls attention to women's and children's particular vulnerability to HIV infection, including the link between gender-based violence and the high prevalence of HIV/AIDS and other sexually transmitted infections in women, and encourages countries to take measures to address the needs of HIV-positive women and to prevent discrimination.¹¹

Ending female genital mutilation

- Female genital mutilation threatens the physical and mental health of women and girls. It can also contribute to maternal death and disability and increase the risk of contracting HIV/AIDS. The World Health Organization estimates that 100-140 million girls and women worldwide suffer from the harmful consequences of female genital mutilation; another three million are at risk of being mutilated every year.¹²

⁷ David A. Grimes, et al, *Unsafe Abortion: the Preventable Pandemic*, 368 *The Lancet* at 1914 (Nov. 2006).

⁸ See, e.g., CEDAW Gen. Recommendation 24, supra note 2; Honduras, ¶ 25, U.N. Doc. CEDAW/C/HON/CO/6 (2007); Nicaragua, ¶ 18, U.N. Doc. CEDAW/C/NIC/CO/6 (2007).

⁹ Joint United Nations Programme on AIDS (UNAIDS), 2008 Report on the Global AIDS Epidemic (Aug. 2008), available at, http://www.unaids.org/en/KnowledgeCentre/HIVData/GlobalReport/2008/2008_Global_report.asp; UNAIDS, *AIDS Epidemic Update* (November 2009), available at http://data.unaids.org/pub/Report/2009/JC1700_Epi_Update_2009_en.pdf.

¹⁰ See, e.g., Center for Reproductive Rights, *Dignity Denied: Violations of the Rights of HIV-Positive Women in Chilean Health Facilities* (2010), available at http://reproductiverights.org/sites/crr.civicactions.net/files/documents/chilereport_FINAL_singlepages.pdf.

¹¹ Committee on the Elimination of Discrimination against Women, General Recommendation 15: Avoidance of Discrimination against Women in National Strategies for the Prevention and Control of Acquired Immunodeficiency Syndrome (AIDS), U.N. Doc. A/45/38 at 81 (1990); CEDAW Gen. Recommendation 24, supra note 2.

¹² World Health Organization, *Female Genital Mutilation*, Fact sheet No.241 (February 2010), available at <http://www.who.int/mediacentre/factsheets/fs241/en/print.html>.

- CEDAW condemns female genital mutilation and other harmful practices, articulates concrete steps countries can take to end them, and encourages them to do so.¹³

Expanding access to family planning services, sexuality education and information on sexual and reproductive health

- Access to sexual and reproductive health information and contraception increases the likelihood that girls will complete their education and that women will have healthier pregnancies. The ability to decide whether and when to have children based on one's own particular needs and circumstances benefits women and their families, and promotes women's equal participation in society.
- CEDAW recognizes the importance of access to sexual and reproductive health information and family planning services in empowering women and girls to make good choices and lead healthy lives. The CEDAW Committee has called particular attention to the need for real access to modern contraception, particularly in rural or resource-poor areas.

CEDAW's goals are shared by the U.S. government and its people. The U.S. is working around the world to reduce maternal mortality and increase access to family planning services, and is committed to "promoting the rights of people living with HIV/AIDs, fighting against stigma and discrimination, and supporting women's rights."¹⁴ U.S. ratification of CEDAW would strengthen these efforts and make the U.S. an even more effective leader in global progress on women's health and equality.

Some have argued that the CEDAW Committee's efforts to protect women from the dangers of unsafe abortion are a reason to oppose ratification. As described above, the CEDAW Committee expresses concern where women face imprisonment for obtaining abortion services. The Committee encourages countries to consider removing criminal penalties on women who undergo abortion, to make legal abortion available where women's lives or health are threatened, or in cases of rape and incest, and to give women real access to treatment for complications from unsafe, clandestine abortion. The Committee's approach to this issue is consistent with U.S. law, which recognizes the constitutionally protected right to abortion.¹⁵ The U.S. Supreme Court has repeatedly held that blanket restrictions that do not allow women access to abortion when their health or life is in danger are unconstitutional.

¹³ Committee on the Elimination of Discrimination against Women, General Recommendation 14: Female Circumcision (9th Sess., 1990), in *Compilation of General Comments and General Recommendations by Human Rights Treaty Bodies*, at 211, U.N. Doc. HRI/GEN/1/Rev.5 (2001).

¹⁴ Bureau of International Organization Affairs, *U.S. Human Rights Commitments and Pledges: Produced in Support of the United States Candidacy for Membership in the UN Human Rights Council* (April 27, 2009), available at <http://www.state.gov/documents/organization/122476.pdf>.

¹⁵ *Roe v. Wade*, 410 U.S. 113 (1973); *Planned Parenthood v. Casey*, 505 U.S. 833 (1992).

U.S. Leadership and the Benefits of Engagement. CEDAW is prompting a global conversation on women's human rights. The U.S. should be a key voice in this dialogue, but instead it is missing in action. Our silence on CEDAW stands in stark contrast to our engagement with other human rights initiatives. The U.S. played a significant role in founding the United Nations, is a member of the UN Human Rights Council, and has ratified a number of major international human rights treaties including: The Convention on the Prevention and Punishment of Genocide, the Convention Against Torture, the International Convention on Civil and Political Rights, and the Convention to Eliminate Racial Discrimination. Women's human rights deserve the same sustained, vocal, and collaborative commitment.

CEDAW has been ratified by 186 countries. The U.S. is one of only a handful that have failed to join, and the only industrialized nation not to do so. Ratifying the treaty would give the U.S. greater legitimacy in its efforts to combat violations of the human rights of women worldwide, which would in turn strengthen CEDAW's effectiveness. Through participating in CEDAW and nominating members of the CEDAW Committee, the U.S. would be able to encourage the international community to improve the human rights of women around the globe.

Ratification would also garner benefits at home. By engaging in CEDAW's periodic review process, the U.S. would have the opportunity to participate in a constructive dialogue on women's human rights, identifying areas for improvement and sharing best practices. Ratifying CEDAW would strengthen the existing U.S. commitment to women's rights, and would encourage efforts toward further progress.

Conclusion. In the 31 years since CEDAW was adopted by the General Assembly of the United Nations, it has made a difference in the lives of women, families, and communities around the world. But as the struggle for human rights continues, far too many women are still denied dignity, self-determination, and access to basic healthcare free from coercion or discrimination. By ratifying CEDAW, the United States would signal its commitment to these women both at home and abroad.

We urge the Senate to ratify CEDAW and stand up for women and girls in the U.S. and around the world.

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