

The Convention on the Elimination of All Forms of Discrimination Against Women: A Leading Example of What's Wrong with International Law

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The Convention on the Elimination of All Forms of Discrimination Against Women: A Leading Example of What's Wrong with International Law

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Much political hay is made of the fact that the United States has not become party to the Convention on the Elimination of All Forms of Discrimination Against Women, or CEDAW. Yet the list of CEDAW states parties often reads more like a most-wanted list of international violators of women's rights than of protectors of women's rights. This discrediting fact, among many others discussed herein, explains why the U.S. is exactly correct to withhold its imprimatur from such a treaty.

Background on CEDAW in the U.S.

Supporters of CEDAW, which was adopted in 1979 by the UN General Assembly, like to describe it as an international bill of rights for women. And at its most superficial level, CEDAW, with its preamble and 30 articles, does define women's rights and what constitutes discrimination against women. The text outlaws "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

At first glance that definition might seem acceptable. But upon closer inspection it begins to break down: What is a "distinction...made on the basis of sex" as opposed to an "exclusion or restriction?" Or more pointedly, what, in interactions between men and women, is not a "distinction made on the basis of sex?" Those answers are left up to a UN-selected panel of international gender experts who could theoretically describe as a discriminatory "distinction" almost every aspect of human relations. What's worse, such a verdict by the panel of CEDAW enforcers would heavily burden the states parties, because they are committed a priori "to adopt the measures required for the elimination of such discrimination in all its forms and manifestations." Throughout the text the CEDAW language is comparably expansive, and impinges upon the national sovereignty of signatories. No surprise, then, that a substantial number of countries have signed the treaty only with elaborate reservations.

But sign they nonetheless did, and as of June last year, 170 countries had seen fit to ratify the convention, wishing away its potential harm and clinging to the high-mindedness of its name. The U.S. under President Jimmy Carter went part of the way to join these finger-crossers, signing the treaty on July 17, 1980. But the U.S. senate has never ratified the convention, despite persistent attempts by U.S. and foreign NGOs, as well as some U.S. lawmakers, to push it forward.

Among the most recent acts of CEDAW boosterism was Rep. Lynn Woolsey's (D-CA) Jan.7 introduction of a resolution urging the senate to ratify the treaty. Woolsey has introduced the resolution in every congress since taking office in 1993. Just as consistently, the Senate has rebuffed CEDAW, though last year during the reed-thin Democratic majority, the Senate Foreign Relations committee took it up. It did not come to the Senate floor during the 107th Congress.

Both last fall and for years beforehand, the vigilance of Sen. Jesse Helms (R-NC), a longtime opponent of measures that compromise U.S. sovereignty, was the dominant reason why CEDAW never came up for ratification. The senator's retirement is a real loss for the forces aligned against the treaty. Now more than ever, groups such as the Independent Women's Forum and others who have taken the full measure of CEDAW's flaws must redouble their efforts to inform lawmakers of its unsuitability and to prevent its ratification. And just as advocacy groups need to step up their educational efforts on poor treaties, Capitol Hill desperately needs a politician who will take up the Helms tradition of heading off at the pass all manner of international-law adventurism, beginning with CEDAW.

Maintaining vigilance won't be easy. A senior administration official who follows this issue says that the pro-CEDAW bias in the career foreign service is as strong as it is among NGOs and certain parts of Capitol Hill. Bureaucrats persistently attempt to strike out from administration officials' speeches language that points out "concerns about CEDAW," and seek to replace it with watered-down observations about "the breadth of CEDAW." Other career bureaucrats continually seek opportunities to press for the ratification of CEDAW during policy discussions, the official notes. Amid such pressure, there is a small positive development: After enjoying its time in the sun at the Senate Foreign Relations Committee last fall, CEDAW is now poised to be downgraded from the State Department's list of treaties to be considered by the Senate.

The Trouble with CEDAW

The flaws of the treaty are manifold. Many of them stem from the fact that CEDAW, by committing states parties "to implement the principles set forth" in the text and "to adopt the measures required for the elimination of such discrimination in all its forms and manifestations," impinges upon national sovereignty. CEDAW's committee of experts has said that "neither traditional, religious or cultural practice nor incompatible domestic laws and policies can justify violations of the Convention." Yet numerous aspects of CEDAW are at odds with principles and measures of U.S. governance, economics, and law.

For one thing, CEDAW institutionalizes socialist economics and undemocratic politics. In Article 11, CEDAW demands government-set quotas for female political candidates and government officials. It also demands that governments set wages. It calls for jobs of "equal value" — however that is judged — to be granted "equal remuneration." This "comparable worth" system of government wage-setting is anathema in the U.S, yet by ratifying the treaty the U.S. would be committing itself to it. Other

government fiat and programs demanded by Article 11 include a guarantee of “maternity leave with pay” and a “network of childcare facilities” — worthy benefits, to be sure, but not as mandates imposed by the UN on Washington and by Washington on private employers.

Article 10 of the treaty harkens back to the preamble language that outlaws all gender “distinctions.” The article demands the “elimination of any stereotyped concepts of the roles of men and women. . . in particular, by the revision of textbooks and school programs.” On a whim, the panel of UN-selected gender experts who implement the treaty could judge any U.S. textbook to be in violation of Article 10, and U.S. lawmakers would be pressured to comply with the finding by banning or censoring the book.

Find that hard to believe? Consider that in 2001 the UN gender experts censured Belarus for celebrating Mother’s Day. Article 5 of the treaty calls for governments to “modify the social and cultural patterns of conduct of men and women with a view to achieving the elimination of . . . all . . . practices which are based on. . . stereotyped roles for men and women.” As the Independent Women’s Forum has noted in the past, there’s every reason to expect that if the U.S. were to ratify CEDAW, litigious feminist groups in the U.S., backed by the UN experts, would use CEDAW to target the U.S. military for not allowing women in combat, Cub Scouts for not including girls, and Little League teams for male overrepresentation. These institutions could be accused of violating not only a U.S.-signed treaty, but also that favorite NGO code of ethics called “customary international law.”

Critics of CEDAW such as former Sen. Helms have also noted CEDAW language that supports abortion and population control, and that is at odds with U.S. laws. As Sen. Helms put it in 2000: “The treaty has been intended, from the very beginning, to be a vehicle for imposing abortion on countries. . . For example, this committee has instructed Ireland, a country that restricts abortion, to ‘facilitate a national dialogue on the restrictive abortion laws’ of Ireland and has declared in another report that under the CEDAW treaty ‘it is discriminatory for a [government] to refuse to legally provide for the performance of certain reproductive health services for women’ - that is to say, abortion.” The CEDAW experts have also called on Burundi to legalize abortion. Regardless of one’s stand on abortion, it is clear that CEDAW is meddling in state sovereignty where population policies are concerned.

A supra-national committee of treaty enforcers is highly problematic in itself, and the committee members associated with CEDAW are themselves equally problematic. The CEDAW enforcers are supposedly selected on the basis of their expertise in women’s rights. From their pulpit at the UN they pronounce annually, and publicly, on the record of treaty signatories, send inspectors into those countries, and demand that their judgments be accepted.

Yet some of the enforcers are from countries where women have few rights at all. For example, one member who is serving until 2004 is from Cuba, a totalitarian communist state that offers neither men nor women basic freedoms of expression,

association, religion, or emigration. Another “expert” who passes judgment on other countries is from Nigeria, a state that as recently as last year saw its courts sentence a woman to death by stoning for “adultery.” Intimate knowledge of their own countries’ poor records doesn’t lead the experts to shine a spotlight there; instead the committee goes after incomprehensible targets such as Australia, a model of women’s emancipation and freedoms, for inspections and criticism. The committee was so intrusive that the Australian government formally complained to the UN in 2000. There’s reason to expect that if it ratified the treaty, the U.S., with its relatively open channels of information, would be unreasonably targeted by the CEDAW committee as well.

Luckily for Australia and other unreasonable targets, the CEDAW committee is becoming bogged down by UN bureaucracy. Last year, 254 country reports to CEDAW were outstanding from member countries. In addition, the CEDAW experts had fallen behind in reviewing the few reports they had received, and had to convene a special extra meeting to get through them. CEDAW’s own enforcement structures may be weakening.

The final major criticism of CEDAW is that what few good principles it does purport to uphold are already upheld in other treaties. The U.S. is a strong backer of those other treaties. They include the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Club of Rogues

Critics of the U.S. resistance to ratifying CEDAW like to say that non-membership leaves the country in league with such countries as Sudan, Somalia and Iran which have not ratified CEDAW, either. The critics’ implication — that non-membership is a sign of poor women’s rights — ignores the fact that many of the world’s greatest violators of women’s rights are states parties to CEDAW. Indeed, the fact that so many CEDAW states parties are singled out in human-rights reports for their mistreatment of women and abuse of basic human rights points to the ineffectiveness and flaws of CEDAW.

Consider how the following sixteen CEDAW states parties, ranging from Belarus and China to North Korea and Saudi Arabia, violate basic human rights, including women’s rights, according to the State Department’s latest annual report on Human Rights Practices (2001) (<http://www.state.gov/g/drl/rls/hrrpt/2001/>). This list of sixteen is by no means exhaustive.

Azerbaijan: “The Government's human rights record remained poor. The Government continued to restrict citizens' ability to change their government peacefully. Some prison inmates and detainees died in part due to mistreatment by the authorities. Police tortured and beat persons in custody and used excessive force to extract confessions. Arbitrary arrest and detention was a problem. In most instances, the Government took no action to punish abusers, although perpetrators were prosecuted in a few cases. Prison conditions remained harsh and life threatening, and some prisoners died as a result of these conditions. Lengthy pretrial detention was a problem. The judiciary is

subject to outside influence. The Government continued to hold a number of political prisoners. Some local nongovernmental organizations (NGO's) reported that the Government held approximately 200-300 political prisoners, although others claimed the number was much higher. A number of these individuals were convicted of alleged participation in armed efforts to overthrow the Government. The Government infringed on citizens' privacy rights.

The Government continued to restrict freedom of speech and of the press, and the press faced increased harassment during the year. Government officials repeatedly sued journalists for defamation, arrested them, and shut down their newspapers. As a result, journalists practiced self-censorship. The Government largely controlled radio and television, the primary source of information for most of the population. During December the Government took significant steps towards improving the media, including the announcement that five private television stations would be granted long sought-after operating licenses by the frequencies committee. The Government restricted freedom of assembly and forcibly dispersed some demonstrations. The Government continued to restrict freedom of association and refused to register some political parties. Opposition political parties have been evicted from their offices, and security officials harassed their members, especially in outlying areas. There were restrictions and abuses of religious freedom, and harassment of some "non-traditional" religious groups by lower-level and local government officials continued. The Government criticized and harassed certain domestic human rights activists, and non-transparent registration procedures resulted in numerous delays and denials of the registration of human rights and many other groups. Violence and discrimination against women and discrimination against certain religious and ethnic minorities was a problem. The Government limited some worker rights. Trafficking in persons was a problem.”

Belarus: “The authorities continued to limit severely the right of citizens to change their government. In the period prior to the September presidential elections, the regime committed widespread human and civil rights violations, including physical mistreatment of opponents, manipulation of the regime-dominated mass media, intimidation of election observers, and manipulation of the vote count. The authorities did not undertake serious efforts to account for disappearances in previous years of well-known opposition political figures and discounted credible reports during the year regarding the regime's role in those disappearances. Security forces continued to beat political opponents, detainees, and others. There were reports of severe hazing in the military during the year. Prison conditions remained poor. Security forces arbitrarily arrested and detained citizens, and the number of apparently politically motivated detentions greatly increased, although many of those detained were held for brief periods. The security services infringed on citizens' privacy rights and monitored closely the activities of opposition politicians and other segments of the population. Severe restrictions continued on freedom of speech and of the press, and the authorities did not respect freedom of peaceful assembly or association. During the year, the regime introduced several new decrees further severely restricting these freedoms. The

authorities continued to restrict freedom of religion, favoring the Russian Orthodox Church at the expense of the Roman Catholic, Protestant, Greek Catholic, and Autocephalous Orthodox churches. The regime restricted freedom of movement. Regime security agents closely monitored human rights organizations and hindered their efforts. Domestic violence and discrimination against women remained significant problems, and anti-Semitism persisted. The authorities continued to restrict severely workers' rights to associate freely, organize, and bargain collectively; and after the Presidential elections launched a major effort to cut off resources to the trade unions by prohibiting employers from withholding union dues. The International Labor Organization has sanctioned the regime for these violations. There were reports of forced labor. Trafficking in women and girls was a continuing problem... In October 2000, two women were arrested for speaking Belarusian. Police claimed that they looked very suspicious because they spoke the Belarusian language to each other.”

Burma: “The Government's extremely poor human rights record and longstanding severe repression of its citizens continued during the year. Citizens continued to be subject at any time without appeal to the arbitrary and sometimes brutal dictates of the military. Citizens do not have the right to change their government. There were credible reports, particularly in ethnic minority areas, that security forces continued to commit extrajudicial killings and rape. Disappearances continued, and members of the security forces tortured, beat, and otherwise abused prisoners and detainees. Prison conditions remained harsh and life threatening, although conditions have improved slightly in some prisons since the International Committee of the Red Cross (ICRC) was allowed access to prisons beginning in 1999. Arbitrary arrest and detention for expression of dissenting political views continued to be a common practice, although this decreased to some extent during the year... Since 1962 thousands of persons have been arrested, detained, or imprisoned for political reasons; more than 1,500 political prisoners remained imprisoned at year's end. The judiciary is not independent, and there is no effective rule of law. However, the Government apparently has halted its campaign to intimidate independent lawyers by arbitrarily arresting and sentencing them on fabricated charges. The Government regularly infringes on citizens' privacy rights, and security forces continued to monitor citizens' movements and communications systematically, to search homes without warrants, and to relocate persons forcibly without just compensation or due process. During the year, persons suspected of or charged with prodemocratic political activity were subjected to regular surveillance and harassment. Security forces continued to use excessive force to violate international humanitarian law in internal conflicts against ethnic insurgencies. The Government also continued to forcibly relocate large ethnic minority populations in order to deprive armed ethnic groups of civilian bases of support.

The Government continued to restrict severely freedom of speech, press, assembly, and association... The junta restricted freedom of religion; it maintained its institutionalized control over Buddhist clergy and restricted efforts by some Buddhist clergy to promote human rights and political freedom. The Government also coercively

promoted Buddhism over other religions in some ethnic minority areas and imposed restrictions on certain religious minorities. Violence against the Muslim minority including incidents in which the Government may have been complicit, increased during the year. The Government imposed restrictions on certain religious minorities.

The Government did not allow domestic human rights organizations to exist and remained generally hostile to outside scrutiny of its human rights record. However, for the first time in 6 years, the government allowed the U.N. Special Rapporteur on Human Rights in Burma to visit the country. In September and October, the Government permitted a high-level team appointed by the ILO Director-General to travel extensively in the country to assess the situation regarding forced labor. During the year violence and societal discrimination against women remained problems, as did discrimination against religious and ethnic minorities. The Government continued to restrict worker rights, ban unions, and use forced labor for public works and for the support of military garrisons. Other forced labor, including forced child labor, also remains a serious problem, despite recent government ordinances outlawing the practice and the ILO's call for sanctions against the country. The forced use of citizens as porters by the army--with attendant mistreatment, illness, and sometimes death--remained a common practice. Trafficking in persons, particularly in women and girls mostly for the purposes of prostitution, remained widespread.”

China: “The Government's human rights record throughout the year remained poor and the Government continued to commit numerous and serious abuses. Authorities still were quick to suppress any person or group, whether religious, political, or social, that they perceived to be a threat to government power, or to national stability, and citizens who sought to express openly dissenting political and religious views continued to live in an environment filled with repression. Overall, government respect for religious freedom remained poor and crackdowns against unregistered groups, including underground Protestant and Catholic groups, Muslim Uighurs, and Tibetan Buddhists continued. Several leaders of the unregistered South China Church were arrested in July and subsequently sentenced to death; some of those sentences were suspended and some were appealed. Also in July, authorities arrested Hong Kong businessman Li Guangqiang and charged him with smuggling for bringing Bibles into the country. Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process. Conditions at most prisons remained harsh. In many cases, particularly in sensitive political cases, the judicial system denies criminal defendants basic legal safeguards and due process because authorities attach higher priority to maintaining public order and suppressing political opposition than to enforcing legal norms or protecting individual rights. The Government infringed on citizens' privacy rights. The Government continued to implement its sometimes coercive policy to restrict the number of children a family may have. The Government maintained tight restrictions on freedom of speech and of the press and continued its efforts to control and monitor the Internet; self-censorship by journalists continued. The Government severely restricted freedom of assembly and continued to restrict freedom of association. The Government continued to restrict freedom of religion and intensified controls on some unregistered churches. The

Government continued to restrict freedom of movement. Citizens do not have the right peacefully to change their Government. The Government does not permit independent domestic nongovernmental organizations (NGO's) to monitor publicly human rights conditions. Violence against women (including imposition of a sometimes coercive birth control policy, including instances of forced abortion and forced sterilization); prostitution; discrimination against women; abuse of children; and discrimination against persons with disabilities and minorities are all problems. Particularly serious human rights abuses persisted in Tibet and in Xinjiang, where security tightened. The Government continued to restrict tightly worker rights, and forced labor in prison facilities remained a serious problem. Child labor exists and continues in rural areas as adult workers leave for better employment opportunities in urban areas. Trafficking in persons is a serious problem.

Arbitrary arrest and detention also remained serious problems. Because the Government tightly controls information, it is not possible accurately to determine the total number of persons subjected to new or continued arbitrary arrest or detention. According to international press reports, over 200,000 persons are serving sentences, not subject to judicial review, in reeducation-through-labor camps. Many thousands more remain incarcerated in prisons. The Government denied that it holds any political or religious prisoners, and asserted that authorities detained persons not for their political or religious views, but because they violated the law. However, the authorities continued to detain citizens for political and religious reasons. During the year, the Government used laws on subversion and endangering state security to threaten, arrest and imprison a wide range of political, religious, and labor activists and dissidents, including former Government officials, NGO organizers, activists for artistic freedom, and independent advocates for legal reform that directly and publicly opposed the Government and the CCP. After 2 years of intense repression marked by propaganda campaigns, beatings, and imprisonment, thousands of organizers and adherents of the banned Falun Gong (FLG) movement were in reeducation-through-labor camps or in prison, most without benefit of formal judicial process. Various sources reported that over 200 Falun Gong practitioners died in detention as a result of torture or mistreatment.

In 2000 officials stated that there were approximately 1,300 individuals in prisons serving sentences under the Law Against Counterrevolutionary Activity, a crime that no longer exists; many of these persons were imprisoned for the non-violent expression of their political views. According to Amnesty International (AI) 211 persons remain in prison for their activities during the June 1989 Tiananmen Square demonstrations. Since December 1998, at least 30 leaders of the China Democracy Party (CDP) have been given long prison sentences on subversion charges.”

Cuba: “The Government's human rights record remained poor. The Government continued to violate systematically the fundamental civil and political rights of its citizens. Citizens do not have the right to change their government peacefully. Prisoners died in jail due to lack of medical care. Members of the security forces and prison officials continued to beat and otherwise abuse detainees and prisoners, including human rights activists. The Government failed to prosecute or sanction adequately members of

the security forces and prison guards who committed abuses. Prison conditions remained harsh and life threatening. The authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving the country. The Government used internal and external exile against such persons, and it offered political prisoners the choice of exile or continued imprisonment. The Government denied political dissidents and human rights advocates due process and subjected them to unfair trials. The Government infringed on citizens' privacy rights. The Government denied citizens the freedoms of speech, press, assembly, and association. It limited the distribution of foreign publications and news, reserving them for selected faithful party members, and maintained strict censorship of news and information to the public. The Government restricted some religious activities but permitted others. The Government limited the entry of religious workers to the country. The Government maintained tight restrictions on freedom of movement, including foreign travel and did not allow some citizens to leave the country. The Government was sharply and publicly antagonistic to all criticism of its human rights practices and discouraged foreign contacts with human rights activists. Violence against women, especially domestic violence, and child prostitution were problems. Racial discrimination was a problem. The Government severely restricted worker rights, including the right to form independent unions. The Government prohibits forced and bonded labor by children; however, it required children to do farm work without compensation.”

Cote D’Ivoire: “The Government's human rights record remained poor, and although there were improvements in a number of areas, serious problems continued in a number of areas. Members of the security forces committed more than 150 extrajudicial killings during the year, which was a significant decrease from in the previous year. Several persons allegedly disappeared after police dispersed a demonstration. Security forces frequently resorted to lethal force to combat widespread violent crime. Security forces regularly beat detainees and prisoners to punish them or to extract confessions. Police routinely harassed and abused noncitizen Africans. Following an alleged coup attempt on January 7-8, security forces and vigilante gangs harassed, beat, and detained foreigners. President Gbagbo blamed foreigners from Burkina Faso, and thousands fled the country. Prison conditions remained harsh and life threatening, in spite of some improvements. The Government generally failed to bring perpetrators of most abuses to justice. The Government continued arbitrary arrests and detention, and prolonged detention remained a problem. Numerous persons, including opposition members, journalists, and military officers in particular, were detained without trial for long periods. The judiciary did not ensure due process and was subject to executive branch influence, particularly in political cases. Security forces infringed on citizens' privacy rights. The Government restricted freedom of speech, the press, assembly, and movement. Police forcibly dispersed numerous demonstrations. Despite some formal restrictions on freedom of association, the Gbagbo Government generally respected this right in practice. The Government at times limited freedom of religion. At least 26 percent of the country's population, including many lifelong residents of the country, remain politically disenfranchised noncitizens. Discrimination and violence against

women, abuse of children, and female genital mutilation (FGM) remained serious problems. Muslims and practitioners of traditional indigenous religions continued to be subject to discrimination. Violent ethnic tensions persisted, and societal discrimination based on ethnicity remained a problem. Child labor, forced child labor, and trafficking in persons, including children also persisted.”

Iraq: “The Government's human rights record remained extremely poor. Citizens do not have the right to change their government. The Government continued to execute summarily alleged political opponents and leaders in the Shi'a religious community. Reports suggest that persons were executed merely because of their association with an opposition group or as part of a continuing effort to reduce prison populations. The Government continued to be responsible for disappearances and to kill and torture persons suspected of--or related to persons suspected of--economic crimes, military desertion, and a variety of other activities. Security forces routinely tortured, beat, raped, and otherwise abused detainees. Prison conditions are extremely poor and at times life threatening. The Government reportedly has conducted "prison cleansing" campaigns to kill inmates in order to relieve overcrowding in the prisons. The authorities routinely used arbitrary arrest and detention, prolonged detention, and incommunicado detention, and continued to deny citizens the basic right to due process. Saddam Hussein and his inner circle of supporters continued to impose arbitrary rule. The Government continued to infringe on citizens' privacy rights.

The Government restricts severely freedoms of speech, the press, assembly, association, religion, and movement. The U.N. Special Rapporteur on the situation of human rights in the country issued a report in January detailing ongoing, grievous violations of human rights by the Government. The U.N. Commission on Human Rights and the U.N. General Assembly passed resolutions in April and November criticizing the Government's suppression of these freedoms. Human rights abuses remain difficult to document because of the Government's efforts to conceal the facts, including its prohibition on the establishment of independent human rights organizations, its persistent refusal to grant visits to human rights monitors, and its continued restrictions designed to prevent dissent. Denied entry to the country, the Special Rapporteur bases his reports on the Government's human rights abuses on interviews with recent emigrants, interviews with opposition groups and others that have contacts inside the country, and on published reports from outside the country. Violence and discrimination against women occur. The Government has enacted laws affording a variety of protections to women; however, it is difficult to determine the practical effects of such protections. The Government neglects the health and nutritional needs of children, and discriminates against religious minorities and ethnic groups. The Government restricts severely trade union rights. Child labor persists, and there were instances of forced labor.”

Kazakhstan: “The Government's human rights record was poor; although there were significant improvements in a few areas, serious problems remained. The Government severely limits citizens' right to change their government and democratic institutions remained weak. Members of the security forces committed a small number of extrajudicial killings during mistreatment of detainees and abuse of military conscripts.

Police tortured detainees in the form of beatings, and otherwise mistreated detainees. In June the head of the Prosecutor General's office admitted to increasing instances of physical abuse of subordinates. Prison conditions remained harsh and life-threatening; however, the Government took an active role in efforts to improve prison conditions and the treatment of prisoners, and observers have noted significant improvements in prison conditions. The Government continued to use arbitrary arrest and detention, and prolonged detention was a problem. The judiciary remained under the control of the President and the executive branch, and corruption in the judiciary remained deeply rooted. The Government infringed on citizens' privacy rights.

There were instances when the Government harassed and monitored independent and opposition media, and as a consequence, many journalists practiced self-censorship. In April the Parliament approved amendments to the media law that expand the liability of media outlets, treat Web sites as media outlets and limit direct rebroadcast of foreign media. The Government imposes some restrictions on freedom of assembly and imposes restrictions on freedom of association. At times the Government harassed those whom it regarded as religious extremists. There were some limits on freedom of movement, although the Government took significant steps to improve this freedom. Some human rights monitors reported that the Government monitored their activities.

Violence against women, including domestic violence was a serious problem. There was discrimination against women, persons with disabilities, and ethnic minorities. The Government discriminated in favor of ethnic Kazakhs. The Government limited worker rights; it tried to limit the influence of independent trade unions, both directly and through its support for state-sponsored unions, and members of independent trade unions were harassed. Child labor persisted in agricultural areas. Trafficking in women and children, primarily teenage girls, was a problem and local nongovernmental organizations (NGO's) accused some customs and border officials of complicity in trafficking.”

Laos: “The Government's human rights record remained poor throughout the year, and there were a number of serious problems. Citizens do not have the right to change their government. There were credible reports that security personnel in a remote village killed a noncombatant civilian in the course of making arrests. At times members of the security forces abused detainees, especially those suspected of insurgent or antigovernment activity. Prisoners are abused and tortured, and prison conditions generally are extremely harsh and life threatening. Police used arbitrary arrest, detention, and surveillance. Lengthy pretrial detention and incommunicado detention are problems. The judiciary is subject to executive influence, is corrupt, and does not ensure citizens' due process. The Government infringed on citizens' privacy rights. The Government restricts freedom of speech, the press, assembly, and association. However, it permitted some access to the foreign press and the Internet. The Government restricts freedom of religion. During the year, police and provincial authorities arrested and detained approximately 60 members of Christian churches. At least 13 members of religious communities remained in custody at year's end. Forced renunciation campaigns and church closings intensified in some areas. The Government imposes some restrictions on

freedom of movement. Some societal discrimination against women and minorities persists, although the Government actively supported a policy of encouraging greater rights for women, children, persons with disabilities, and minorities. The Government restricts some worker rights. Trafficking in women and children is a problem.”

Liberia: “The Government's human rights record remained poor, and there were numerous, serious abuses in many areas. The security forces committed many extrajudicial killings, and they were accused of disappearances of numerous persons. Security forces tortured, beat, and otherwise abused or humiliated citizens. The Government investigated some of the alleged abuses by the security forces; however, offenders rarely were charged or disciplined. Prison conditions remained harsh and sometimes life threatening. Security forces continued at times to use arbitrary arrest and detention, and lengthy pretrial detention remained common. The judicial system, hampered by political influence, economic pressure, inefficiency, corruption, and a lack of resources, was unable to ensure citizens' rights to due process and a fair trial. In some rural areas where the judiciary had not been reestablished, clan chieftains administered criminal justice through the traditional practice of trial-by-ordeal; authorities tacitly condoned this practice. Approximately 20 political prisoners remained in jail, although some were released during the year. Security forces violated citizens' privacy rights, conducted warrantless searches, harassment and illegal surveillance, and looted homes. The Government restricted freedom of speech and of the press; it detained, threatened, and intimidated journalists. Police forcibly dispersed one student demonstration. Security forces restricted freedom of movement, using roadblocks to extort money from travelers and displaced persons fleeing fighting, primarily in Lofa County. Security forces frequently harassed human rights monitors. Violence and discrimination against women remained problems. The welfare of children remained widely neglected, and female genital mutilation (FGM) continued to increase. Societal ethnic discrimination remained widespread, ethnic differences continued to generate violence and political tensions, and the Government continued to discriminate against indigenous ethnic groups that had opposed Taylor in the civil war, especially the Mandingo and the Krahn ethnic groups. Forced labor persisted in rural areas. Child labor remained widespread, and there were reports of forced child labor. Ritualistic killings also persisted. Rebels fighting in the north also committed serious human rights abuses.”

Libya: “The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens do not have the right to change their government. Qadhafi uses summary judicial proceedings to suppress domestic opposition. Security forces torture prisoners during interrogations and as punishment. Prison conditions are poor. Security forces arbitrarily arrest and detain persons, and many prisoners are held incommunicado. Many political detainees are held for years without charge. The Government controls the judiciary, and citizens do not have the right to a fair public trial or to be represented by legal counsel. The Government infringes on citizens' privacy rights, and citizens do not have the right to be secure in their homes or persons, or to own private property. The Government restricts freedom of speech, press, assembly,

association, and religion. The Government imposes some limits on freedom of movement. The Government prohibits the establishment of independent human rights organizations. Violence against women is a problem. Traditional attitudes and practices continue to discriminate against women, and female genital mutilation (FGM) is practiced in remote areas of the country. The Government discriminates against and represses tribal groups. The Government continues to repress banned Islamic groups and exercises tight control over ethnic and tribal minorities, such as Amazighs (Berbers), Tuaregs, and the Warfalla tribe. The Government restricts basic worker rights, uses forced labor, and discriminates against foreign workers. In October Libyan mobs killed at least 150 African workers. Government authorities put down the violence, but then expelled hundreds of thousands of African migrants. There have been reports of slavery and trafficking in persons.”

Nigeria: “The Government's human rights record was poor; although improvements continued in several areas during the year, serious problems remain. The national police, army, and security forces committed extrajudicial killings and often used excessive force to quell several incidents of ethno-religious violence. In the year's most egregious case, army soldiers reportedly killed approximately 200 unarmed civilians and destroyed much of the town of Zaki Biam in Benue State in apparent retaliation for the killing of 19 soldiers. Army, police, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners; however, there were no reports of torture of political dissidents. The Government continued to take steps to curb torture and beatings of detainees and prisoners. In most cases, neither the state anticrime task forces, the police, nor the armed forces were held accountable for excessive, deadly use of force or the death of persons in custody. Shari'a courts sentenced persons to harsh punishments including amputations and death by stoning. Two amputation sentences were carried out during the year. In September two persons, Mohammed Wada and Adamu Idi, were found guilty of theft and sentenced to amputation by a Shari'a court in Katagum, Bauchi State; however, the sentences were not carried out by year's end. No sentences for stoning were carried out during the year. Prison conditions were harsh and life threatening, and along with the lack of food and medical treatment, contributed to the death of numerous inmates. Police and security forces continued to use arbitrary arrest and detention. Prolonged pretrial detention remains a major problem. The judiciary is subject to political influence, and is hampered by corruption and inefficiency. The judicial system often was incapable of providing criminal suspects with speedy and fair trials. Government authorities generally respected citizens' privacy rights, however, authorities at times continued to infringe on these rights. The Government generally respected freedom of speech and of the press; however, there were problems in some areas. The Government generally respected freedom of association and assembly; however, it placed some limits on them in practice. Police and security forces banned several public meetings and demonstrations during the year. The Government restricts freedom of religion in certain respects. The implementation of an expanded version of Shari'a law in 12 northern states continued, which challenged constitutional protections for religious freedom and occasionally sparked ethno-religious violence. The Government occasionally restricted freedom of movement, particularly during periods and in areas of unrest. In 1999 the Government established a governmental panel, the Human Rights Violations

Investigation Panel (HRVIP), to review cases of human rights violations since 1966; public hearings before the panel in Abuja, Lagos, Kano, and Port Harcourt concluded during the year, and the Panel's report is due in early 2002. The Federal Government inaugurated the National Action Plan for Human Rights Steering Committee and Coordinating Committee, which is expected to assess and report on human rights in the country, and make and implement recommendations to improve human rights.

Domestic violence against women remained widespread, and some forms were sanctioned by traditional, customary, or Shari'a law. Discrimination against women remained a problem. Female genital mutilation (FGM) remained widely practiced, and child abuse and child prostitution were common. Localized discrimination and violence against religious minorities persisted. Ethnic and regional discrimination remained widespread, and interethnic, religious, and regional tensions increased significantly. Thousands of persons were killed in ethno-religious violence throughout the country. Some members of the Ijaw ethnic group in the oil-producing Niger Delta region who seek greater local autonomy continued to commit serious abuses, including killings and kidnappings. Some restrictions on worker rights continued; however, there were improvements during the year. Some persons, including children, were subjected to forced labor. Child labor continued to increase. Trafficking in persons for purposes of prostitution and forced labor was a problem, and collusion of government officials in trafficking was alleged. Vigilante violence increased throughout the country, particularly in Lagos and Onitsha, where suspected criminals were apprehended, beaten, and sometimes killed.”

North Korea: “The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens do not have the right peacefully to change their government. There continued to be reports of extrajudicial killings and disappearances. Citizens are detained arbitrarily, and many are held as political prisoners; prison conditions are harsh. The constitutional provisions for an independent judiciary and fair trials are not implemented in practice. The regime subjects its citizens to rigid controls. The leadership perceives most international norms of human rights, especially individual rights, as illegitimate, alien, and subversive to the goals of the State and party. During the year, the Government entered into a human rights dialogue with the European Union; two meetings were held, but no significant results were reported. The Penal Code is Draconian, stipulating capital punishment and confiscation of assets for a wide variety of "crimes against the revolution," including defection, attempted defection, slander of the policies of the party or State, listening to foreign broadcasts, writing "reactionary" letters, and possessing reactionary printed matter. The Government prohibits freedom of speech, the press, assembly, and association, and all forms of cultural and media activities are under the tight control of the party. Radios sold in North Korea receive North Korean radio broadcasts only; radios obtained abroad by the general public must be altered to work in a similar manner. Cable News Network (CNN) television is available in one Pyongyang hotel frequented by foreigners. Under these circumstances, little outside information reaches the public except that approved and disseminated by the Government. The Government restricts freedom of religion, citizens' movements, and

worker rights. There were reports of trafficking in women and young girls among refugees and workers crossing the border into China.”

Saudi Arabia: “The Government's human rights record remained poor. Citizens have neither the right nor the legal means to change their government. Security forces continued to abuse detainees and prisoners, arbitrarily arrest and detain persons, and hold them in incommunicado detention. In addition there were allegations that security forces committed torture. On October 1, the Council of Ministers approved a new law regarding punitive measures that would forbid harming detainees and to allow those accused of crimes to hire a lawyer or legal agent. The law became effective in November; however, at year's end, there were no reports of its implementation. Prolonged detention without charge is a problem. Security forces committed such abuses, in contradiction to the law, but with the acquiescence of the Government. The Mutawwa'in continued to intimidate, abuse, and detain citizens and foreigners. Most trials are closed, and defendants usually appear before judges without legal counsel. The Government infringes on citizens' privacy rights. The Government prohibits or restricts freedom of speech, the press, assembly, association, religion, and movement. However, during the year, the Government continued to tolerate a wider range of debate and criticism in the press concerning domestic issues. Other continuing problems included discrimination and violence against women, discrimination against ethnic and religious minorities, and strict limitations on worker rights.

The Government views its interpretation of Islamic law as its sole source of guidance on human rights and disagrees with internationally accepted definitions of human rights. However, in 2000 and during the year, the Government initiated limited measures to participate in international human rights mechanisms, such as its approval of the October legislation, which the Government claimed would address some of its obligations under the Convention Against Torture or Other Cruel, Inhuman, or Degrading Treatment or Punishment.”

Sierra Leone: “The Government's human rights record was poor in several areas; while there continued to be significant improvements in some areas, serious problems remained. There were reports that CDF forces, operating in support of the Government, committed extrajudicial killings reportedly summarily executing suspected rebels and their collaborators and carried out indiscriminate attacks on villages believed to house RUF members and supporters, resulting in several civilian deaths. There were credible reports that CDF forces operating on behalf of the Government beat and otherwise abused persons and the Government has not acted to curb these abuses or punish those responsible. Reports of abuses by the CDF, which had increased significantly in 2000, declined during the year. Prison and police lockup facilities conditions generally are harsh; at best they are Spartan, and at worst life threatening. There were numerous deaths in custody. The country remained under a State of Emergency imposed in 1998. Under the Constitution, many civil liberties are suspended under the state of emergency. Government forces on occasion continued to arrest and detain persons arbitrarily. Some prisoners were held incommunicado. Prolonged pretrial detention and long delays in trials, due to the State of Emergency and the inability of the judicial system to function in

some parts of the country and during some parts of the year, remained problems. Freedom of the press improved during the year, and security forces did not arrest, beat, or use libel laws against journalists; however, government security forces on a few occasions harassed some journalists. At times the Government limited freedom of assembly in practice. Violence, discrimination against women, and prostitution remained problems. Abuse of children is a problem; however, numerous children who fought with the CDF and RUF were released during the year. CDF units continued to induct child soldiers; however, there were fewer cases than in previous years. Female genital mutilation (FGM) remained widespread. Residents of non-African descent face institutionalized political restrictions. Forced labor continued to be a problem in rural areas. Child labor persists.

During the year, there were fewer reports of serious abuses by RUF rebels, who in the past had committed numerous violent acts, including killings, abductions, deliberate mutilations, and rape. Prior to the resumption of the DDR process in May, rebel forces raided refugee sites and extorted and stole food. The RUF forces continued the longstanding practice of using previously abducted villagers (including women and children) as forced laborers, child soldiers, and sex slaves. While more than 2,600 abducted children were released by the RUF, most of those let go were male. International aid groups believe that girls who were abducted by the RUF may remain as sex slaves. Rebel atrocities caused the internal displacement of hundreds of thousands of civilians over the past several years; however, such displacement was reduced significantly during the year. At year's end, approximately 200,000 persons remained outside the country on their own or in refugee camps, primarily in Guinea and Liberia.”

Tajikistan: “The Government's human rights record remained poor, and the Government continued to commit serious abuses. The February 2000 parliamentary elections represented an improvement in the citizens' right to change their Government; however, this right remained restricted. Some members of the security forces committed extrajudicial killings. There were a number of disappearances and kidnappings. Security forces at times tortured, beat, and abused detainees and other persons. These forces also were responsible for threats, extortion, looting, and abuse of civilians. Certain battalions of nominally government forces operated quasi-independently under their leaders. The Government continued to use arbitrary arrest and detention and also arrested persons for political reasons. Impunity remained a problem, and the Government prosecuted few of the persons who committed these abuses. Prison conditions remained harsh and life threatening. Lengthy pretrial detention remained a problem. The judiciary is subject to political and paramilitary pressure and there often are long delays before trials. The authorities infringed on citizens' right to privacy. The Government continued to restrict severely freedom of speech and the press and exercised controls over the electronic media. Journalists practiced self-censorship. The Government restricted freedom of assembly and association by exercising strict control over political organizations. A number of parliamentary candidates were prevented from registering for the elections. There were some restrictions on freedom of religion and on freedom of movement. Violence and discrimination against women was a problem, as is discrimination against persons with disabilities and religious and ethnic minorities. Child labor was a problem.

There were some instances of forced labor, including children. Trafficking in women and children was a serious problem.”

Vietnam: “The Government's poor human rights record worsened in some respects and it continued to commit numerous, serious abuses. The Government continued to repress basic political and some religious freedoms and abuses by the Government increased. The Government continued to restrict significantly civil liberties on grounds of national security and societal stability. Although the CPV continued its efforts to strengthen the mechanism for citizens to petition the Government, the authorities continued to deny citizens the right to change their government. Prison conditions remain harsh, particularly in some isolated provinces. Police beat suspects during arrests, and sometimes beat suspects during detention and interrogation. Incidents of arbitrary detention of citizens, including detention for peaceful expression of political and religious views, increased. The judiciary is not independent, and the Government denied some citizens the right to fair and expeditious trials. The Government continued to hold a number of political prisoners. Although thousands of prisoners had their sentences reduced in two general amnesties during the year, it is unknown whether any political or religious prisoners were among them. On October 19, a Catholic priest, Father Nguyen Van Ly, was sentenced to an unusually harsh 15 years in prison. The Government restricts citizens' privacy rights, although the trend toward reduced government interference in the daily lives of most citizens continued. The Government significantly restricts freedom of speech, the press, assembly, and association. The Government continued its longstanding policy of not tolerating most types of public dissent. In response to sometimes violent demonstrations by ethnic minorities in the Central Highlands, the Government sent in military troops augmented by civilian militias and temporarily closed off almost all access to the area by foreigners. Security forces reportedly committed numerous abuses including beating suspected demonstrators, although limited access to the area make these reports difficult to confirm.

The Government allowed elected officials and ordinary citizens in approved forums somewhat greater freedom of expression and assembly to express grievances. During the National Assembly's December session, the Government permitted several small demonstrations in Hanoi. However, on at least four occasions, police in Ho Chi Minh City (HCMC) prevented demonstrators from camping out on a sidewalk to stage a sit-in, but on one occasion, they allowed a group of protesters to march down city streets for a 2-day period. Police in HCMC also allowed a short demonstration in front of a foreign diplomatic office in September. The Government prohibits independent political, labor, and social organizations; such organizations exist only under government control. The Government restricts freedom of religion and bans the operation of religious organizations other than those approved by the State. Dissident groups of Buddhists, Hoa Hao, and Protestants, in particular, faced harassment by authorities. In April the Government bestowed official recognition on a Protestant organization in the southern part of the country. Since April member congregations, as well as several congregations not associated with the organization, experienced decreased harassment by security officials. In July a festival gathering of up to 300,000 Hoa Hao in An Giang province took place with official permission, and in August an estimated 15,000 persons attended

the Roman Catholic La Vang pilgrimage. The Government imposes some limits on freedom of movement of particular individuals whom it deems threatening to its rule. The Government does not permit local private human rights organizations to form or operate. Violence and societal discrimination against women remained problems. Child prostitution is a problem. Government and societal discrimination against some ethnic minorities is a continuing problem. The Government restricts some core worker rights, such as freedom of association, although the Government is cooperating with the International Labor Organization (ILO) and international donors to improve implementation of the existing Labor Law and draft or amend labor and labor-related legislation. Child labor is a problem. There were reports that children worked in exploitative situations. Prisons reportedly required inmates to work for little or no pay. Trafficking in women and children for the purpose of prostitution within the country and abroad continued to be serious problems, and there were reports of the trafficking of women to mainland China and Taiwan for arranged and forced marriages. The Government continued efforts to combat these problems.”

Conclusion

While CEDAW advocates on Capitol Hill would have American voters and their political representatives believe that accession to the treaty will “help the day-to-day life of women,” the facts argue to the contrary. CEDAW states parties are among the world’s most egregious violators of women’s rights and basic human rights. Moreover, CEDAW and its unaccountable committee of enforcers tread upon the ability of signatory states to pass their own laws and uphold their own legal, political, and economic traditions, and single out for criticism countries whose records on women’s issues are comparatively good. Far from being a document worthy of our ratification, CEDAW is a leading example of the perils of treaty-making unguided by considerations of sovereignty and a proper understanding of the role of international law.