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HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

**Mandates of the Working Group on the issue of discrimination against women in law and in practice
and the Special Rapporteur on violence against women, its causes and consequences.**

REFERENCE: OL G/SO 214 (89-15)
USA 30/2012

22 November 2012

Excellency,

We have the honour to address you in our capacities as Chair-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolution 15/23 and 16/7.

We would like to refer to the recent electoral process in the United States of America and to the outcome of the 6 November 2012 Presidential elections. We take this opportunity to congratulate your Excellency's Government on the reelection of President Barack Obama for a second term of office.

The Working Group on discrimination against women in law and in practice is currently focusing on the issue of discrimination against women in law and in practice in political and public life, including during times of political transition. This issue will be the subject of its next thematic report to the Human Rights Council in June 2013.

The Working Group is of the view that this post-electoral period in the United States of America offers key opportunities to advance equality and women's human rights, including in political and public life. The electorate's strong support for the Democratic Party program is a momentous opportunity to ensure that women are fully represented in Government and decision-making positions.

Further, the Working Group notes that the United States of America was one of the first signatories to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1980, and successive Presidents have expressed their support for ratification of the Convention, including President Obama during his first

term in office. The Working Group would therefore like to avail of this opportunity to encourage the incoming United States Authorities to accomplish a long-standing expression of intent to ratify the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, thereby joining the vast majority of United Nations Member States who are party to this Convention. Such an act would represent a concrete and irreversible commitment to full equality and human rights for women in the United States of America and serve as a good practice.

The Convention provides a comprehensive bill of rights for women and, as such, constitutes an essential component of democracy. It requires States parties to secure women's equality with men in all spheres of life: public and political, economic, social, family and culture, as well as in the area of health and safety. The Working Group commends the United States for its advancement of women's equality in many of these spheres and regards the ratification of the Convention as a necessary and appropriate further step for the full implementation and completion of the principle of equality for women and non-discrimination on the basis of sex.

The Special Rapporteur on violence against women would like to recall that gender-based violence impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of CEDAW. This pervasive form of discrimination requires that States take all available measures to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. Furthermore, women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm they have suffered.

Following her mission to the United States of America from 24 January to 7 February 2011 (report contained in A/HRC/17/26/Add.5), the Special Rapporteur highlighted the positive legislative and policy measures undertaken by the Government to combat violence against women and is of the view that ratification of CEDAW and its Optional Protocol would complement and reinforce these efforts.

The Working Group and the Special Rapporteur take this opportunity to congratulate the Government and people of the United States of America for a successful electoral process and encourage the Government to avail itself of this key moment to comprehensively and systematically advance equality and women's human rights in the United States of America.

We would be grateful for your Excellency's Government's feedback on the issues outlined in this letter within 60 days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Kamala Chandrakirana
Chair-Rapporteur of the Working Group on the issue of discrimination
against women in law and in practice

Rashida Manjoo
Special Rapporteur on violence against women, its causes and
consequences