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WOMEN'S HUMAN RIGHTS: FROM VISIBILITY TO ACCOUNTABILITY

DOROTHY Q. THOMAS

This article will focus on the increased recognition of human rights violations in the last decade, particularly in the realm of women's issues. The role of the United States government in the promotion and protection of the human rights of women, both domestically and internationally, has changed in many ways. The most significant change has been the willingness of recent administrations to recognize the concept of women's human rights.¹

In both the Bush and Clinton Administrations, there has been a growing awareness of people out there called "women" who are experiencing human rights violations. This realization has not occurred in a systematic or sustained manner, but it is better than no recognition at all. It is encouraging that the policies of the United States have begun to reflect this newly developed recognition of women's human rights violations.

As early as 1989, Congress required the U.S. government to document human rights violations against women in its annual assessment of countries' human rights performance, known as the *Country Reports on Human Rights Practices*.² This fact contradicts the recent assertion that

¹ See Steven A. Holmes, *Clinton Reverses Policies at U.N. on Rights Issues*, N.Y. TIMES, May 9, 1993, at A1. "Taking a more aggressive stance on international human rights issues than its Republican predecessors, the Clinton Administration is pressing for appointment of a High Commissioner for Human Rights at the United Nations, as well as a special envoy to investigate abuses against women." *Id.*

² The *Country Reports on Human Rights Practices* is an annual report prepared by the Department of the State pursuant to the Foreign Assistance Act of 1961, 22 U.S.C. § 2151 (1993). Specifically, § 2151n(d) requires the Secretary of State to submit annual reports to the Speaker of the House and the Senate Committee on Foreign Relations regarding the status of human rights violations internationally. These reports must be given to Congress by January 31 of each year. PREPARATION OF HUMAN RIGHTS REPORTS, 4 U.S. DEP'T. ST. DISPATCH 41 app. A (1994) [hereinafter HUMAN RIGHTS REPORTS].

Information on human rights matters is compiled from various sources inside and outside the United States, governmental and nongovernmental organizations, and even the victims themselves. *Id.* "To increase uniformity, the introductory section of each report contains a brief setting, indicating how the country is governed and providing the context for examining the country's human rights performance." *Id.*

John Shattuck, Assistant Secretary for Human Rights and Humanitarian Affairs, noted in his

the 1994 report was the first to document such violations. In reality, this documentation began during the Bush Administration and has continued for the last five years.³

The U.S. government's decision to include women's rights in its own monitoring of human rights represents a fairly significant development in the recognition of women's human rights issues. Even though the early reporting was significantly limited and left much to be desired, attention to these issues increased. In the years since, and particularly in the Clinton Administration, there has been a stronger commitment to protect and promote women's rights both in the human rights field and in a range of other fields.⁴

statement before the Subcommittee on International Security that the "annual country reports on human rights practices have grown increasingly detailed in their coverage of gender-specific issues. . . . Although human rights violations against women have never been ignored in the reports, they are now significantly highlighted." *Hearings Before the Subcomm. on International Security, International Organizations and Human Rights*, 1994 WL 224132 (1994) [hereinafter *Shattuck*] (statement of John Shattuck, Assistant Secretary for Human Rights and Humanitarian Affairs).

³ See Joseph Eldridge, *Facing Up to Our Human Rights Record*, N.J. L.J., Oct. 10, 1994, at 17. In 1992, the Bush Administration ratified the International Covenant on Civil and Political Rights ("ICCPR") requiring "the United States to issue a report to the U.N. Human Rights Committee, assessing U.S. compliance with the treaty provisions." *Id.*

Appendix A of the 1993 *Human Rights Report* notes that "the effort from previous years to expand reporting on human rights of women" is continuing, and discusses a new format which will "discuss in the appropriate section of the report any abuses that are targeted specifically against women." HUMAN RIGHTS REPORTS, *supra* note 2. In a new section entitled "Discrimination Based on Race, Sex, Religion, Disability, Language, and Social Status," each report will contain information concerning abuses of women's rights. *Id.*

⁴ See *supra* note 1 and accompanying text; see also Greg Rushford, *Female Hands on the Levers of Power*, RECORDER, Jan. 4, 1994, at 7. "The real story . . . of President Clinton's 1993 appointments is women. Powerful women . . . [w]omen in non-traditional roles." *Id.* Clinton has transformed the federal judiciary, the Cabinet, and the sub-Cabinet into fora where women have begun to flourish. See generally Jeanne Cummings, *Women on Clinton Team Owe Debt to His Mom, First Lady Says*, ATLANTA J. & CONST., Feb. 9, 1994, at A8; *Judicial Diversity: Clinton Appointing More Blacks, Women to U.S. Bench*, ST. LOUIS POST DISPATCH, Oct. 16, 1994, at 4B ("Thirty-seven percent of President Clinton's first 500 appointees were women . . . Clinton has six women as Cabinet-level advisers . . .").

Some examples of Clinton appointees include Ruth Bader Ginsberg, Supreme Court of the United States; Judith W. Rogers, U.S. Court of Appeals of Washington; and E. Olena Berg, Assistant Secretary of Labor. See Rushford, *supra*; see also Cummings, *supra*.

In addition to appointing more women to governmental positions, Clinton's political agenda reflects a growing awareness of women's rights. This has occurred "not only on so-called 'women's issues,' but in economic, public safety, health care and other key domestic areas." Merle Chambers et al., *Clinton Team Takes Women Seriously*, ROCKY MTN. NEWS, Oct. 21, 1994, at Ed.F, 48A. Clinton has also revised the U.S. policy on promoting women's rights internationally "by supporting the civil rights of women and promoting stronger roles for women in the economies of developing nations." *Id.*

One of the more recent indications of this change is the proposed ratification of the

In her remarks,⁵ Susan Davis referred to the U.S. government's changed position on population-related issues. This new position necessarily implicates human rights considerations regarding women and population control.⁶ Although such recognition is not specifically what advocates of women's rights want, certainly it does indicate an emerging understanding of women's rights by both the population and refugee bureaus, and the Agency for International Development. Women's human rights issues must, to some extent, be incorporated into these other areas which involve foreign policy in a way that they have not been incorporated in the past.

At the World Conference on Human Rights, the United States Secretary of State stated that he considers the protection and promotion of women's human rights to be a "moral imperative."⁷ In many subsequent speeches, representatives of the United States government have said that women's human rights are a high priority in the formulation and implementation of U.S. foreign policy.⁸ The government has emphasized its dedication to increasing, and in some sense deepening, the reporting on

Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW"). *After 14 Years, U.S. Moves to OK Women's Rights Pact*, CHI. TRIB., Sept. 29, 1994, at 20. "The treaty . . . requires countries to ensure women equal rights to work, pay, benefits, safe working conditions and other employment rights, as well as equality before the law." *Id.*

⁵ Susan M. Davis, *WEDO and the Public Advocacy Agenda in Creating Sustainable Human Development*, 69 ST. JOHN'S L. REV. 179 (1995).

⁶ See *Women's Rights and Population Control*, THE INDEPENDENT, Sept. 7, 1994, at 17. The Cairo Conference on Population and Development was designed to discuss the problem of world overpopulation. In the words of Vice President Al Gore, there are "four necessities: availability of contraception, an increase in child survival to encourage smaller families, the education and empowerment of women, and economic development." *Id.* These considerations, by virtue of their subject matter, concern women and their human rights.

⁷ U.S. Secretary of State Warren Christopher, Address at the World Conference on Human Rights (June 14, 1993), in 4 U.S. DEP'T. ST. DISPATCH 41 (1993) [hereinafter Christopher]. Secretary Christopher acknowledged the United States' support of various treaties concerning women's rights that were awaiting Senate ratification. *Id.*; see also *supra* note 4 and accompanying text. "In his speech, Mr. Christopher reiterated President Clinton's rejection of policies followed during the Reagan and Bush administrations." Anne Reifenberg, *U.S. Proposes New Steps on Human Rights*, DALLAS MORNING NEWS, June 15, 1993, at 1A. "Women's rights must be advanced on a global basis. But the crucial work is at the national level. It is in the self-interest of every nation to terminate unequal treatment of women." CHRISTOPHER, *supra*.

⁸ See *Shattuck*, *supra* note 2; see also ASSISTANT SECRETARY OF STATE JOHN SHATTUCK, ADDRESS AT THE WOMEN'S NATIONAL DEMOCRATIC CLUB (Sept. 12, 1994). Shattuck noted that President Clinton regarded the cause of women's rights to be a "key element" of United States' policy areas. Examples of such policies include the prosecution of war crimes in the former Yugoslavia, supporting the establishment of a U.N. High Commissioner for Human Rights, and ratification of CEDAW. Additionally, "[t]he elimination of abuses and discrimination against women will be an important factor in [the] overall consideration of the human rights records of countries interested in receiving U.S. aid and trade benefits." *Shattuck*, *supra* note 2.

women's human rights violations in the annual *Country Reports*.⁹ At the United Nations Human Rights Commission in February, the United States emphasized its support for creating the post of Special Rapporteur on Violence Against Women.¹⁰

As a Washington resident who spends an enormous amount of time working on women's rights issues, my perception is that there is an increase in the rhetoric on women's human rights coming out of the present administration. Unfortunately, there has been very little translation of this rhetoric into concrete foreign or domestic policy.¹¹ The United States government continues to give foreign assistance to many countries in which human rights abuses occur daily.¹² One example is the United States'

⁹ *Shattuck*, *supra* note 2, at *7. The instructions for the preparation of the annual reports indicate that human rights abuses to women are to be reported in a separate section created for such a purpose. *Id.*

¹⁰ See Charlotte Bunch, *The Global Campaign for Women's Human Rights: Where Next After Vienna?*, 69 ST. JOHN'S L. REV. 171 (1995).

In a proposal presented in Geneva to the Commission on Human Rights in 1993, the United States suggested the appointment of a special envoy to investigate women's rights abuses worldwide. "The U.S. plan . . . calls for the special envoy to investigate domestic violence, rape, female infanticide and so-called honor and dowry killings, as well as other violence 'related to tradition and customary practices.'" Anne Reifenberg, *U.S. Pushes for U.N. Envoy on Violence Against Women*, DALLAS MORNING NEWS, May 7, 1993, at 1A; see Holmes, *supra* note 1, at A1. The Commission on Human Rights "adopted a consensus resolution directing the human rights mechanisms to integrate women's human rights into their work and deciding to consider the appointment of a special rapporteur on violence against women." Donna J. Sullivan, *Women's Human Rights and the 1993 World Conference on Human Rights*, 88 AM. J. INT'L. L. 152, 154 (1994). This idea was further supported at the World Conference on Human Rights held in Vienna in 1994. *Id.* at 157.

"Under the U.S. plan . . . the special envoy for women would work for the office of the High Commissioner for Human Rights, which the United States, Sweden and Costa Rica have asked the United Nations to create." Reifenberg, *supra*; see *Human Rights: U.S. Seeks Bigger U.N. Role*, Inter Press Service, June 2, 1993, available in LEXIS, World Library, ALLWLD File; see also Holmes, *supra* note 1, at A1; Theodor Meron, *Enhancing the Effectiveness of the Prohibition of Discrimination Against Women*, 84 AM. J. INT'L. L. 213 (1990) (discussing appointment of rapporteur).

¹¹ The United States lags behind other countries in the ratification and support of various human rights treaties including the International Covenant on Economic, Social, and Cultural Rights and the Women's Convention. "Oddly, while the United States is the putative human-rights leader among nations, it has also been one of the most reluctant to submit to the jurisdiction of the international bodies that monitor or enforce human rights." Eldridge, *supra* note 3, at 17; see *State Department Counselor Tim Wirth Briefing on the U.S. Mission to the World Conference on Human Rights*, Federal News Service, June 2, 1993, available in LEXIS, World Library, ALLWLD File (discussing delay in signing human rights treaties in both Reagan and Bush Administrations).

¹² See *U.S. Human Rights: Amnesty U.S. Denounces Security Aid*, Inter Press Service, June 22, 1994, available in LEXIS, World Library, ALLWLD File. Amnesty International released a report concerning the Clinton administration and its programs worldwide which currently give "security assistance to countries that commit serious human rights abuses" and "called on the

assistance program currently operating in Russia, where there are significant women's human rights problems.¹³ In particular, the state both commits and tolerates discrimination against women.¹⁴ This year, the U.S. government will provide two and one half billion dollars in economic and other assistance to the Russian government¹⁵ without ever raising any significant concern about the status of women and the role the Russian government plays in both committing and tolerating what is wide-spread and increasing discrimination against women.

Another example of a country that violates women's rights and yet

administration to develop a foreign policy 'which promotes human rights rather than one which can contribute to their abuse.'" *Id.*

¹³ See *Senate Foreign Relations Committee*, Federal News Service, Oct. 4, 1994, available in LEXIS, World Library, ALLWLD File. "Since the breakup of the Soviet Union in December of '91, the Congress has appropriated more than \$4 1/2 billion . . . in humanitarian and technical assistance to the newly independent states, and has made newly available 1.4 million . . ." *Id.*; see also David J. Kramer, *American Aid to Russia*, MOSCOW TIMES, Sept. 30, 1994, at 559 ("The State Department has decided to shift the focus of U.S. aid from technical assistance . . . to, in essence, subsidization of U.S. trade and investment."). An example of this shift in policy initiatives is apparent in the two economic assistance grants given to Russia "that will foster joint American-Russian manufacturing ventures." *U.S. Trade and Development Agency Awards Grants to Foster American-Russian Business Partnerships*, PR Newswire, Oct. 12, 1994, available in LEXIS, World Library, ALLWLD File [hereinafter *U.S. Trade and Development Agency*].

¹⁴ The fall of communism in the Soviet Union has created special problems for women and has led to gender discrimination in the workplace. Historically, Russian women had very few rights and were often controlled by their husbands or fathers. This reality was codified in the 1836 Code of Russian Laws. Miriam B. Gottesfeld, Comment, *The Worker's Paradise Lost: The Role and Status of Russian and American Women in the Workplace*, 14 COMP. LAB. L.J. 68, 70 (1992). During Lenin's reign, this attitude changed and women came to be regarded as a valuable part of the workforce. This attitude was transformed back to the old view during the Stalin regime. With the adoption of the 1977 Soviet Constitution, women were guaranteed equal rights. Michael J. Bazylar, *The Rights of Women in the Soviet Union*, 9 WHITTIER L. REV. 423, 426 (1987). Despite this guarantee, Russian women today are still experiencing discrimination in the form of occupational segregation. "The garment, textile, and certain areas of the food industry . . . are dominated by women . . . viewed as 'women's work' . . ." Gottesfeld, *supra*, at 72. Women are also "underrepresented in supervisory, managerial, and mechanized jobs." *Id.* at 73.

The collapse of the Communist regime has caused unemployment problems for women and consequently, they are forced into lower-paying jobs. See Emily MacFarquhar et al., *The War Against Women*, U.S. NEWS & WORLD REP., Mar. 28, 1994, at 42; see also Victoria Pope, *To Be Young and Pretty in Moscow*, U.S. NEWS & WORLD REP., Mar. 28, 1994, at 56 (discussing Russian women working in business world); cf. Korchagina, *Discrimination of Women Continues*, MOSCOW NEWS, July 7, 1993, available in LEXIS, World Library, MOSNWS File (discussing discrimination against women in Russian politics).

¹⁵ See *supra* note 13 and accompanying text. The U.S. Trade and Development Agency ("TDA") will grant \$300,000 for a study on a proposed American-Russian civilian helicopter and \$400,000 to study a proposed joint production of pipes for oil and gas pipelines. *U.S. Trade and Development Agency*, *supra* note 13. "The funds were transferred from the United States Agency for International Development to the Trade and Development Agency through the State Department's Coordinator for Assistance to the NIS." *Id.*

receives United States assistance is the government of Thailand. Our government provides Thailand with large amounts of military equipment that is used by the Thai police and border guards.¹⁶ It is interesting to note that as the Thai authorities are receiving this assistance, the U.S. government is busy documenting that those same police and border guards are implicated in the trafficking and forcible prostitution of Burmese women, girls, and others in Thailand.¹⁷

A third country in which this issue arises is Turkey. Recent reports document the use of forcible virginity control examinations on women in custodial situations.¹⁸ In Turkey, the police actually compel women and teenage girls to undergo gynecological examinations to verify their virginity.¹⁹ The U.S. government has failed to acknowledge this foreign state action as a significant human rights concern in the *Country Reports*. In fact, the issue was entirely neglected this year. The United States,

¹⁶ See *Thailand: Army Funding to Help U.S.-Thai Defence Ties*, BANGKOK POST, Sept. 16, 1994, available in LEXIS, World Library, ALLWLD File. The United States gives military assistance to Thailand under the International Military Education and Training Program ("IMET"). *Id.*; see also *Foreign Relations: Wimon Reviews Talks with USA Army Delegation*, BBC SUMMARY OF WORLD BROADCASTS, Sept. 21, 1994, available in LEXIS, World Library, ALLWLD File. "The U.S. military is one of Thailand's primary suppliers of weapons and training . . . the United States is to deliver a 3,000-ton, Knox class frigate to the Thai Navy . . ." *Washington, Bangkok Discuss Permanent U.S. Military Presence in SE Asia*, Agence France Presse, Oct. 31, 1994, available in LEXIS, World Library, ALLWLD File.

¹⁷ See Rebecca J. Cook, *State Responsibility for Violations of Women's Human Rights*, 7 HARV. HUM. RTS. J. 125, 127 (citing HUMAN RIGHTS WATCH, A MODERN FORM OF SLAVERY: TRAFFICKING OF BURMESE WOMEN INTO BROTHELS IN THAILAND (1993)). It is believed that between 20,000 and 30,000 Burmese women and girls are kept as prostitutes in Thailand. Colman McCarthy, *Little and Late: Violence to Women Under Fire*, NAT'L. CATH. REP., Apr. 1, 1994, at 20. The State Department reported that in return for protecting the Thai brothel owners, an individual Thai police officer can receive as much as \$200 a month from the grateful owner. *Id.*

¹⁸ See DOROTHY THOMAS REPORT (on file with author).

¹⁹ See Colin Smith, *Turkey: 'Virginity Test' Puts Czal's Human Rights in Spotlight*, REUTER TEXTLINE, Aug. 4, 1991, available in LEXIS, World Library, TXPRIM File (revealing that police compelled German woman to undergo "virginity test" while in custody). These examinations, however, are not limited to women in police custody. Often these examinations are conducted on teenage girls at the behest of school administrations. See *Virginity Tests Claim Two Teenage Girls' Lives in Turkey*, Xinhua Gen. Overseas News Serv., May 12, 1992, available in LEXIS, World Library, XINHUA File. The results are often tragic. *Id.* (reporting suicide of two girls who passed compelled virginity examination).

Human Rights Watch has issued a report condemning Turkey for performing these examinations on women and teenage girls. See *Turkey: Rights Group Challenges Virginity Tests*, Inter Press Service, June 23, 1994, available in LEXIS, World Library, INPRESS File. "[T]he examinations violate the Universal Declarations on Human Rights, the European Convention of Human Rights, and the Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW), all of which the government has ratified." *Id.* These examinations are not limited to Turkish nationals. See Smith, *supra* (reporting "virginity test" performed on German tourist sharing hotel room with Turkish boyfriend).

nonetheless, maintains a strong economic and diplomatic relationship with Turkey.²⁰

These examples illustrate the contradiction between the United States' stated commitment to women's rights issues and its tendency to provide security and economic assistance to foreign governments without ever questioning whether women's human rights are being violated. It is time for the United States to move beyond being a mere nominative leader. Instead, the United States government should substantiate its commitment to women's human rights by predicating foreign aid upon the recipient's observance of these rights.

Similarly, the United States government must uphold its commitment to women's human rights here at home. There is, in the most blatant sense, an unwillingness of the U.S. government to hold itself accountable to the same standards that it imputes on the world. Despite its participation in the drafting of the major international human rights instruments, the U.S. government has proven its consistent unwillingness to join other countries in ratification of many instruments.²¹ In the instances where the

²⁰ See *Turkey-Foreign Economic Trends*, MARKET REP., Nov. 16, 1993, available in LEXIS, Busfin Library, MKTRPT File. In 1993, Turkey imported almost three billion dollars worth of goods from the United States. *Id.* at 2. Moreover, the United States provided 125 million dollars in economic aid and 450 million dollars in military aid in the 1993 fiscal year. *Id.* Additionally, the United States invested over 583 million dollars in Turkey, thus accounting for over 10% of all foreign investment. *Id.* This foreign investment is attributed to the treaty between the United States and Turkey which encourages American investment in the country. See Reciprocal Encouragement and Protection of Investment, Dec. 3, 1985, U.S.-Turkey, S. TREATY DOC. No. 19, 99th Cong., 2d Sess. (1986) (entered into force May 18, 1992). For further discussion on this treaty, see Kenneth J. Vandeveld, *U.S. Bilateral Investment Treaties: The Second Wave*, 14 MICH. J. INT'L. L. 621, 627-29 (1993).

It should also be noted that Turkey is a long-standing ally of the United States and a staunch member of NATO (North Atlantic Treaty Organization). See Bruce R. Kuniholm, *Turkey and the West*, FOREIGN AFF., Spring 1991, at 34 (discussing Turkey's past, present and future relationship with United States).

²¹ Michael Scaperlanda, *Polishing the Tarnished Golden Door*, 1993 WISC. L. REV. 965, 1015-22. The United States is instrumental in promoting international human rights rules and doctrine but resists in joining other nations in ratifying many of the major U.N. sponsored treaties and instruments. *Id.*

The major international human rights instruments include the International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 (entered into force on Mar. 23, 1976) [hereinafter ICCPR]; the International Covenant on Economics, Social, and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3 (entered into force on Jan. 3, 1976) [hereinafter ICESCR]; the International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, 660 U.N.T.S. 195 [hereinafter ICERD]; the Convention on the Elimination of All Forms of Discrimination Against Women, adopted Dec. 18, 1979, 19 I.L.M. 33 (1980) [hereinafter Women's Convention]; Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, Dec. 10, 1984, G.A. Res. 39/46, U.N. GAOR, 39th Sess., Supp. No. 51, at 197 (Dec. 10, 1984) [hereinafter Torture Convention]. See Richard B. Lillich, *The United*

government has ratified such instruments, it has done so in such a way to

States Constitution and International Human Rights Law, 3 HARV. HUM. RTS. J. 53, 58 (1990) (describing instruments as "five major U.N.-sponsored treaties"); see also David P. Stewart, *United States Ratification of the Covenant on Civil and Political Rights: The Significance of the Reservations, Understandings, and Declarations*, 42 DEPAUL L. REV. 1183, 1185 n.7 (1993) (including American Convention on Human Rights, Nov. 22, 1969, 1144 U.N.T.S. 123, reprinted in 9 I.L.M. 673 (1970) as major human rights instrument); Roger J.R. Levesque, *International Children's Rights Grow Up: Implications for American Jurisprudence and Domestic Policy*, 24 CAL. W. INT'L L.J. 193, 195 (contending Convention on the Rights of the Child, U.N. Doc. A/Res/44/23 (1989) is major human rights instrument) [hereinafter Children's Conventions]. The United States has signed many of these human rights instruments or agreed to them in principle. Stewart, *supra*, at 1185 n.7; Levesque, *supra*, at 195-96. As of the fall of 1994, however, the U.S. government has only ratified two of these instruments—the Torture Convention in 1990, and the ICCPR in 1992. See Helen Dewer et al., *For the Record*, WASH. POST, Oct. 28, 1990, at A16 (reporting Senate ratification of Torture Convention); 138 CONG. REC. S4783 (daily ed. Apr. 2, 1992) (reporting full Senate approval of ICCPR); 5 WEEKLY COMP. PRES. DOC. 1008-09 (June 5, 1992) (announcing President Bush's ratification of ICCPR); see also *infra* note 22 (discussing ICCPR). This unwillingness to ratify many of these treaties has occurred since the formation of the United Nations. In 1948, the U.N. adopted the Genocide Convention in response to events of World War II. See Convention on the Prevention and Punishment of the Crime of Genocide, Dec. 9, 1948, 78 U.N.T.S. 277. President Harry Truman sent the instrument to the Senate for its approval the following year (1949). Scaperlanda, *supra*, at 1017. The Senate, however, did not ratify the Genocide Convention until 1986. See 132 CONG. REC. S1355 (daily ed. Feb. 17, 1986); Karen Tumulty, *Senate Ratifies Treaty that Outlaws Genocide*, L.A. TIMES, Feb. 20, 1986, at 5. President Reagan finally signed the legislation, implementing the Genocide Convention in 1988. The Genocide Convention and Implementation Act of 1987 [Proxmire Act], 18 U.S.C. § 1091 (1988); Reagan Signs Genocide Convention Measure, UPI, Nov. 9, 1988, available in LEXIS, Nexis Library, UPI File. Reagan's support for the Proxmire Act, however, shocked many of his supporters in Congress. See Martin Tolchin, *Reagan's Senate Allies Suppressed by Move on Genocide Pact*, N.Y. TIMES, Sept. 3, 1984, at A4. This unwillingness to implement many of the major human rights instruments stems from a lack of participation in drafting these documents. See Nigel Rodby, *On the Necessity of the United States Ratification of the International Human Rights Conventions*, in U.S. RATIFICATION OF THE HUMAN RIGHTS TREATIES 3 (Richard B. Lillich ed., 1981). The inconsistent nature of American ratification and implementation of treaties relates back to the country's withdrawal from the process of drafting human rights instruments in 1953. *Id.* at 4. During the 1970s, however, the Carter Administration made international human rights a critical component of its foreign policy program. See Scaperlanda, *supra*, at 1021 (citing A. Glenn Mower, Jr., HUMAN RIGHTS AND AMERICAN FOREIGN POLICY (1987)). Carter urged the Senate to ratify four major U.N. sponsored human rights treaties during his administration—ICESCR, ICERD, American Convention on Human Rights, and Women's Convention. See Stewart, *supra*, at 1189. The Reagan and Bush Administrations placed far less emphasis upon human rights instruments. See Stewart, *supra*, at 1185; Frank C. Newman, *United Nations Human Rights Covenants and the United States Government: Diluted Promises, Foreseeable Futures*, 42 DEPAUL L. REV. 1241, 1242, 1245-46 (1993) (condemning Bush Administration's failure to ratify human rights covenants and its insistence that vague and erratic reservations be added to ICCPR). One member of the Reagan Administration insisted that little value should be attached to international human rights treaties dealing with economic and social rights. See Rita E. Hauser, Book Review, 76 AM. J. INT'L L. 666, 667 (1982) (reviewing U.S. RATIFICATION OF THE HUMAN RIGHTS TREATIES, WITH OR WITHOUT RESERVATIONS (Richard B. Lillich ed., 1981)) (indicating comments originated from Elliot Abrams, Assistant Secretary for Human Rights and Humanitarian Affairs).

make it virtually impossible for U.S. citizens to invoke them in domestic courts or to apply them in any significant way here at home.²² Such ratification is, therefore, primarily an empty gesture. Moreover, there are a number of international human rights instruments that the United States has failed to ratify despite a commitment to the contrary, including the Convention on the Elimination of Discrimination Against Women.²³ This pledge was made in July 1993, yet the Convention still has not come up before the Senate for consideration. It is unlikely that ratification will take

²² See Lillich, *supra* note 21, at 61-69 (discussing lack of influence international human rights treaties have on U.S. constitutional law); see also Lloyd N. Cutler, *The Internationalization of Human Rights*, 1990 U. ILL. L. REV. 575, 587 (“[N]o authoritative American court has applied these international rules of human rights to condemn the conduct of the United States or any of its state and local entities”); Levesque, *supra* note 21, at 240 (indicating limited U.S. use of ratified human rights treaties (citing DAVID P. FORSYTHE, *THE POLITICS OF INTERNATIONAL LAW* 141-55 (1990)). *But see* Lillich, *supra* note 21, at 141-55 (noting customarily international law receives better treatment under United States law). Lillich notes that “where the United States has not persistently objected to a particular norm during the process of its formulation, *ipso facto* becomes supreme federal law and hence may regulate activities, regulations, or interests within the United States.” *Id.* at 69 (citing RESTATEMENT (THIRD) OF FOREIGN RELATIONS LAW OF THE UNITED STATES § 111(1) cmts. c & d, reporter’s nn. 2 & 3 (1987)).

It is offered that the ratification of the ICCPR exemplifies the limited impact an international human rights instrument has on the American legal system. Many legal scholars insist that the ICCPR will have a limited influence on the American judicial system. See Michael H. Posner & Peter J. Spiro, Note, *Adding Teeth to the United States Ratification for the Covenant on Civil and Political Rights: The International Human Rights Conformity Act of 1993*, 42 DEPAUL L. REV. 1209 (1993); Jordan J. Paust, Note, *Avoiding “Fraudulent” Executive Policy Analysis of Non-Self Execution of the Covenant on Civil and Political Rights*, 42 DEPAUL L. REV. 1257 (1993); John Quigley, Note, *The International Covenant on Civil and Political Rights and the Supremacy Clause*, 42 DEPAUL L. REV. 1287 (1993). Posner and Spiro maintain the attachment of reservations to the Senate’s ratification of the ICCPR confines the covenant’s domestic influence to the “existing requirements of U.S. law.” Posner & Spiro, *supra*, at 1209. These conditions result in significant disparities between international law and United States law. *Id.* at 1213. Paust calls the ratification of the ICCPR a “sad day in American legal history . . . not worth celebrating.” Paust, *supra*, at 1257. Specifically, the reservation of the non-self-execution clause in the ratified ICCPR fails to create a private cause of action in U.S. courts. *Id.* at 1258; see also Quigley, *supra*, at 1287, 1295. As a result of this clause, the passage of the human rights treaty is “blatantly meaningless” to all American citizens. Paust, *supra*, at 1257.

²³ See Women’s Convention, *supra* note 21. At the June 1993 World Conference on Human Rights in Vienna, Secretary of State Warren Christopher announced that the Clinton Administration would move to secure passage of the Women’s Conventions. See Donna J. Sullivan, Current Developments, *Women’s Human Rights and the 1993 World Conference on Human Rights*, 88 AM. J. INT’L L. 152, 160 n.40 (1994) (citing U.S. Secretary of State Warren Christopher, Address at the World Conference on Human Rights (June 14, 1993), in 4 U.S. DEP’T. ST. DISPATCH 41 (1993)). During a hearing before the Subcommittee on International Security, International Organizations and Human Rights in the House Committee on Foreign Affairs, Assistant Secretary of State John Shattuck reiterated Christopher’s pledge in his testimony. See Sullivan, *supra*, at 160 n.40.

place before the end of this session of Congress.²⁴ It is entirely possible that we might enter 1995, the year of the Fourth World Conference on Women,²⁵ without U.S. government ratification of the principal human rights instrument that protects and promotes women's human rights.

In addition to the non-ratification of the relevant international norms, persistent human rights problems exist in the United States, particularly in the area of women's human rights. Violence and discrimination continue to pose significant problems. For example, discrimination against women continues to exist within the criminal justice system, both as a matter of practice and of law.²⁶ Similarly, violence against women is overwhelm-

²⁴ See Levesque, *supra* note 21. Levesque indicates that the Clinton Administration originally insisted it would seek ratification of the Children's Convention by 1995. *Id.* at 196 n.12 (citing interview with Gary B. Milton, Director, Consortium on Children, Families and the Law). By the end of the 103rd Congress, the Children's Convention had not been ratified. *Id.* Moreover, general sentiment among policy makers is that the President is no longer "expected to sign the treaty in the near future" but that "ratification is a near certainty." *Id.*

²⁵ The Fourth World Conference on Women: Action for Equality, Development and Peace will be held in Beijing, China in September 1995. See Pamela Goldberg & Nancy Kelly, *Recent Developments: International Human Rights and Violence Against Women*, 6 HARV. HUM. RTS. J. 195 (1993). National, regional and international conferences and planning sessions will be held prior to the Conference to enable women's rights advocates to develop meaningful strategies for women facing violence. *Id.* at 203-04. Planners of the Fourth World Conference on Women intend the Conference "to review and appraise the advancement of women since 1985 in terms of the objectives of the 'Forward-Looking Strategies' and to mobilize women and men at both the policy-making and grassroots levels to achieve these objectives." *Id.* (quoting Preparations for the Fourth World Conference on Women: Action for Equality, Development and Peace, U.N. ESCOR, Commission on the Status of Women, 36th Sess., Res. 36/8, U.N. Doc. E/EN.6/1992/1 (1992)). The "Forward-Looking Strategies" refer to the previous world conference on women—the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women—held in July 1985 in Nairobi, Kenya. The report developed by that conference, the Nairobi Forward-Looking Strategies for the Advancement of Women, U.N. Doc. A/Conf. 116/28/Rev. 1 (1986), explicitly condemned violence against women and urged all nations to make the elimination of such violence a priority within each individual nation. Goldberg & Kelly, *supra*, at 199 n.19.

²⁶ See Junda Woo, *Widespread Sexual Bias Found in Courts*, WALL ST. J., Aug. 20, 1992, at B1, B3 (reporting state Supreme Court-sponsored gender bias studies in California, Connecticut, Massachusetts, and Utah); see also *Update: Gender Bias in the Courts*, TRIAL, July 1991, at 112; Lynn Hecht Schafran, *Overwhelming Evidence: Report on Gender Bias in the Courts*, TRIAL, Feb. 1990, at 28; see also Karen Czapanskiy, *Domestic Violence, the Family, and the Lawyering Process: Lessons from Studies on Gender Bias in the Courts*, 27 FAM. L.Q. 247, 250, 258-67 (1993) (arguing that gender bias against women litigants cannot occur until courts respond to bias against women lawyers); Lynn H. Schafran, *Is the Law Male? Let Me Count the Ways*, 69 CHI.-KENT L. REV. 397 (1993).

The courts are slowly starting to respond to bias against women as a matter of courtroom practice. A number of states are conducting studies to determine the extent of gender bias within their individual court system. See Czapanskiy, *supra*, at 249 nn.7, 8 & 10 (including states such as Georgia, Maryland, Florida, Massachusetts, New Jersey, and Nevada).

An overt practice, denounced by legal scholars as often discriminatory against women, is

jury peremptory challenges. See, e.g., David E. Marko, *The Case Against Gender-Based Peremptory Challenges*, 4 HASTINGS WOMEN'S L.J. 109 (1993); John S. Lapham, *Gender-Based Peremptory Challenges Under United States v. De Gross*, 960 F.2d 1433 (9th Cir. 1992), 43 WASH. U. J. URB. & CONTEMP. L. 465 (1993) (urging all states to follow *De Gross'* holding that gender-based challenges violate Equal Protection Clause). But see Deborah L. Forman, *What Difference Does It Make? Gender and Jury Selection*, 2 UCLA WOMEN'S L.J. 35 (1991) (advocating that rationale of unconstitutional race-based jury strikes does not apply to gender-based peremptory challenges).

A recent United States Supreme Court case may have solved this problem of gender-based challenges. *J.E.B. v. Alabama ex rel. T.B.*, 114 S. Ct. 1419 (1994). In *J.E.B.*, a six to three majority held that the Equal Protection Clause prohibits discrimination in jury selection based on gender. *Id.* at 1422. A gender-based peremptory challenge made on the assumption that a potential juror will rule in a certain fashion solely because that person happens to be a man or a woman "reflect[s] and reinforce[s] patterns of historical discrimination." *Id.* at 1428. The Court further noted that "[s]triking individual jurors on the assumption that they hold particular views simply because of their gender is 'practically a brand upon them, affixed by law, an assertion of their inferiority.'" *Id.* (quoting *Strauder v. West Virginia*, 100 U.S. 303, 308 (1880)). Moreover, the Court opined that prohibiting racial-based peremptory challenges, but not gender-based juror strikes "contravenes well-established equal protection principles and effectively could insulate racial discrimination from judicial scrutiny." *Id.* at 1430; see *Batson v. Kentucky*, 476 U.S. 79 (1986).

It is difficult to determine the actual influence and impact that *J.E.B.* will have on courtroom practice. In *J.E.B.*, a male petitioner argued that the all-woman jury at his trial was the result of discriminatory, gender-based peremptory challenges by the State Attorney. *J.E.B.*, 114 S. Ct. at 1421-22. The Court, however, did not limit its holding to those particular facts. "Discrimination in jury selection, whether based on race or on gender, causes harm to the litigants, the community, and the individual jurors who are wrongfully excluded from participation in the judicial process." *Id.* at 1427. One member of the majority, however, opined that the decision should be limited to gender-based challenges made by the State. *Id.* at 1431 (O'Connor, J., concurring). More disturbing, in his dissent, Justice Scalia insists there is neither discrimination nor dishonor in being subject to a race or gender based peremptory strike. *Id.* at 1437 (Scalia, J., dissenting). Additionally, Scalia contends that the erroneous holding should not be extended to all gender-based peremptory challenges. "Nonetheless, the Court treats itself to an extended discussion of the historic exclusion of women not only from jury service, but also from service at the bar . . . All this, as I say, is irrelevant, since the case involves state action that allegedly discriminates against men." *Id.* at 1436 (Scalia, J., dissenting). But see *J.E.B.*, 114 S. Ct. at 1427-28 nn.13, 15 (Powell, J.) (criticizing Justice Scalia's dissent). The second decision by the *J.E.B.* majority may, however, have little impact on actual practice. See Barbara Franklin, *Gender Myths Still Play a Role in Jury Selection*, NAT'L L.J., Aug. 22, 1994, at A1, A15 (noting that "*J.E.B.* has important symbolic impact but its practical effect on jury selection is not expected to be earth-shattering"). Franklin notes that "[f]aced with limited opportunity to detect bias during voir dire, lawyers will continue to use gender in picking jurors . . ." *Id.* An attorney quoted in the article even stated that "[g]ender is a dynamic you have to be conscious of . . . You still have the same conceptions, but now you have to pack it in a way that will pass muster under questioning by the court." *Id.* Franklin points to a statement by Justice Sandra Day O'Connor indicating that studies show that "in rape cases, female jurors are somewhat more likely to convict than male jurors." *Id.*

The American legal system is also beginning to respond to the gender discrimination that still exists as a matter of law. For example, discrimination against women in law exists in the residue of marital rape laws. See Jaye Sitton, *Old Wine in New Bottles: The "Marital Rape" Allowance*, 72 N.C. L. REV. 261 (1993). See generally, Note, *To Have and to Hold: The Marital*

ing, both in the home and in custody.²⁷ Yet, authorities continually fail

Rape Exception and the Fourteenth Amendment, 99 HARV. L. REV. 1255 (1986) (insisting that marital rape exceptions violate equal protection guarantees of all women). However, the marital rape exemption has faced mounting opposition, Sitton, *supra*, at 261, and significant changes in the marital rape laws have occurred since 1986. *See id.* at 263 n.12 (according to National Clearinghouse on Marital and Date Rape, all fifty states now have laws criminalizing marital rape). Some less progressive states, however, have simply replaced the exception with a "marital rape law allowance." *Id.* at 263. Such an allowance prohibits nonconsensual sex between a married couple but creates a lesser crime for wife rape than other rapes. *Id.* at 263. Significantly, the allowance may permit a husband to rape his wife under certain circumstances without punishment. *Id.* at 263. The recent enactment of the Violent Crime Control and Law Enforcement Act of 1994, however, provides a good start to end the bias against women occurring within the criminal justice system. *See* Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (1994) [hereinafter Crime Act]. The Crime Act incorporates the Violence Against Women's Act ("VAWA"), an act which seeks to remedy the actual and legal challenges facing women when confronting violence against them. *See* Crime Act, Title IV, §§ 40001-40703 (stating that VAWA incorporates Safe Homes for Women Act, Civil Rights for Women Act, and Equal Justice for Women in Courts Act). Congress first introduced the VAWA in 1991. S. 15, 102d Cong., 1st Sess. (1991); H.R. 1502, 102d Cong., 1st Sess. (1991). Since 1991, legal commentators have insisted that the enactment of VAWA would significantly reduce the inequality and prejudices women often suffer in the courts. *See* W.H. Hallock, *The Violence Against Women Act: Civil Rights for Sexual Assault Victims*, 68 IND. L.J. 577 (1993) (advocating overwhelming need for VAWA's passage); *see also* Developments in the Law, Legal Responses to Domestic Violence (pt.3) *New State and Federal Responses to Domestic Violence*, 106 HARV. L. REV. 1528, 1544-45 (1993) [hereinafter Developments in the Law] (outlining proposed VAWA of 1993, S. 11, 103rd Cong., 1st Sess. (1993)). *But see* Naftali Bindavid, *The Surprising Volatility of the Violence Against Women Act*, LEGAL TIMES, June 20, 1993, at 16 (reporting that judges predict VAWA "would wreak havoc on the nation's judicial system"). It is offered that the passage of VAWA is a strong stepladder by the federal government to combat violence against women and the biases they suffer when they seek justice. In the past, Congress enacted domestic violence legislation which provided aid to women once they had suffered abuse. *See* Developments in the Law, *supra*, at 1544. The VAWA, however, seeks to prevent the violence from occurring and encourages courts to strongly punish those abusers who are charged with violent crimes against women. *Id.* The VAWA provides federal grants to state and local governments to "develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women." Crime Act, Title IV, § 40121. The Safe Homes for Women Act of 1984 encourages arrest policies in domestic violence cases. *See* Crime Act, Title IV, subtit. B, §§ 40201, 40231. Additionally, the VAWA creates a federal civil rights cause of action for gender-motivated violence. *See* Crime Act, Title IV, subtit. C, §§ 40301-40304. More importantly, the Equal Justice for Women in the Courts Act, Title IV, subtitle D, provides grants to educate state court judges and court personnel on all aspects of violence against women. *See id.* ch. 1, § 40412(1)-(19). This act also provides monies to federal courts to conduct studies "of the instances, if any, of gender bias in their respective circuits and to implement recommended reforms." *Id.* ch. 2, § 40421(a). While the Clinton Administration should be applauded for this Crime Act and its provisions, the bias against women will continue to exist as long as the United States government fails to ratify the international human rights treaties.

²⁷ Studies and statistics indicate that violence against women is reaching "epidemic" proportions. *See* Katherine M. Culliton, *Finding a Mechanism to Enforce Women's Right to State Protection from Domestic Violence in the Americas*, 34 HARV. INT'L L.J. 507, 520 (1993) (noting that domestic violence causes "serious injury to millions of U.S. women"). Culliton quotes Joseph Biden, Chair of the Senate Judiciary Committee, who has pointed out that "[l]ast year,

to prosecute crimes of this nature.²⁸

more women were beaten than were married" *Id.* at 521 n.62. According to the San Francisco-based Family Violence Prevention Fund, 14% of all American women say that they have been beaten. See George Lardner, Jr., *1 in 3 Polled Say They've Seen Women Being Beaten*, L.A. TIMES, Apr. 20, 1993, at 18 (citing details from Family Violence Prevention Fund's nationwide poll of 500 men and 500 women). The U.S. Senate reports that 4 million women per year are severely beaten by their male partners and about 50% of all American women will be assaulted at one point in their life. THE VIOLENCE AGAINST WOMEN ACT OF 1991: THE CIVIL RIGHTS REMEDY: A NATIONAL CALL FOR PROTECTION AGAINST VIOLENT GENDER-BASED DISCRIMINATION, S. REP. NO. 197, 102d Cong., 1st Sess. 37 (1991); see also Dorothy Q. Thomas & Michele E. Beasley, *Domestic Violence as a Human Rights Issue*, 15 HUM. RTS. Q. 37 (1993) (providing further statistics on violence against women).

The statistics often vary slightly. One commentator, for example, indicates that a woman is abused nationwide every 12 seconds. Elena Salzman, *The Quincy District Court Domestic Violence Prevention Program: A Model Legal Framework for Domestic Violence Intervention*, 74 B.U. L. REV. 329, 329 (1994) (citing Ann Jones, NEXT TIME, SHE'LL BE DEAD: BATTERING AND HOW TO STOP IT (1994)). A different author, however, purports the time span to be every 14 seconds. Maria L. La Ganga, *Nevada Judges Must Attend Domestic Violence Forum*, L.A. TIMES, Sept. 9, 1993, at A1 (citing National Clearinghouse on Domestic Violence studies).

Some, however, refute these statistics as widely distorted. See Armin A. Brott, *Battered-Truth Syndrome: Hyped Stats on Wife Abuse Only Worsens the Problem*, WASH. POST, July 31, 1994, at C1. Brott contends that the statistics reflect only estimates based on inferences drawn from data collected from women's shelters and other advocacy groups. *Id.* According to Brott, only "188,000 women are injured severely enough to require medical attention." *Id.* (citing National Family Violence Survey as "most accurate"). Brott distinguishes being "pushed, grabbed, shoved or slapped" from being "kicked, bit, hit with a fist or some other object." *Id.* Brott believes that only victims of the latter abuses should be included in the estimate of battered women. *Id.* This survey also purports that violence against women has dropped by 43% between 1985 and 1992. Brott, *supra*. This last statistic is arguably misleading since domestic violence statistics have only recently been tabulated. See La Ganga, *supra*, at A1 ("Domestic violence statistics are difficult to come by, in part because the crime is not always reported by victims who fear for their lives."); Lardner, *supra*, at 18 ("Prior to 1980, nobody kept any statistics on domestic violence."); see also *Abusing the Facts*, WASH. POST, Aug. 19, 1994, at A26 (criticizing Brott article for "minimiz[ing] different types of violence women experience" to reduce his statistics).

²⁸ See Thomas & Beasley, *supra* note 27, at 43-46 (discussing widespread violence against women and lack of prosecution). "[R]esearch suggests that investigation, prosecution, and sentencing of domestic violence crimes occurs with much less frequency than other, similar crimes." *Id.* at 46. The lack of justice stems from a criminal justice system insensitive to crime against women. "We don't send a lot of wife beaters to jail Wife beating is low on the list of priorities for prison terms." Nancy Blodgett, *Violence in the Home*, 73 A.B.A. J. 66 (May 1987) (quoting Chicago Police Captain Raymond Risby, domestic violence specialist). Others contend that the limited legal response to violence against women is due to the various stereotypes and misconceptions surrounding the violence. See Developments in the Law, *Legal Responses to Domestic Violence* (pt. 1) *Introduction*, 106 HARV. L. REV. 1501, 1502 (1993). Until these stereotypes about rape and domestic violence are eradicated from our society, "our criminal justice system will pose barriers for women it does not pose for others in our society." *Id.* at 1503 n.22 (citing SENATE COMM. ON THE JUDICIARY, THE VIOLENCE AGAINST WOMEN ACT OF 1991, S. REP. NO. 283, 102d Cong., 1st Sess. 34 (1991)). Some courts have begun to seek methods to deal with the stereotype problem. See La Ganga, *supra* note 27, at A1. The forum in Nevada will enlighten judges and law enforcement officials who "don't understand the

In sum, it is really up to us as American citizens to prevent our government from shirking its obligation to women both in this country and abroad. By and large, the United States government is not pressured by its constituents either to admonish international women's human rights abuses or to be accountable under international human rights norms here at home. To illustrate, I recently testified before a House of Representatives committee that deals with all U.S. foreign aid programs. The general malaise became quite clear to me. One of the representatives leaned across the table to me after I had finished my testimony and said, "Oh Ms. Thomas, I feel so badly for you. This must be such difficult work that you are doing out there in the world and, you know, it is terrible that nothing can be done about it." I looked at him and said, "I don't think that is really a question, Congressman, but I have an answer." I think that if I was to say anything to all of you in this room today, I would say that you, most decidedly, are the answer.

dynamics of domestic violence and don't give the victims the support and protection she needs." *Id.* at A1 (quoting Katherine Brooks, Assistant Director of Temporary Assistance of Domestic Crisis). A significant problem also exists with violence against women while they are in police custody or prison. *See* HUMAN RIGHTS WATCH, THE HUMAN RIGHTS WATCH GLOBAL REPORT ON PRISONS 297 (1993) [hereinafter GLOBAL REPORT]; HUMAN RIGHTS WATCH, DOUBLE JEOPARDY: POLICE ABUSE OF WOMEN IN PERU'S ARMED CONFLICT (1992) (charging security personnel of rape and intimidation of women victims). This problem is not limited to third world nations. Robert Shepard, *U.S. Sails Probed for Abuse of Women*, CHI. TRIB., June 20, 1994, at 1 (reporting Women's Rights Prospect, unit of Human Rights Watch, investigating alleged abuses in U.S. prisons); Pat Kossan, *Inmate Guard Sex Fact of Prison Life: Female Cons Say Officers Exploit Them*, PHOENIX GAZETTE, May 19, 1994 at A1; GLOBAL REPORT, *supra*, at 90 (documenting abuse on women prisoners in California); Shepard, *supra* ("[G]ender inequalities in prison facilities and programs violate U.S. anti-discriminatory law as well as Article 26 of the International Covenant on Civil and Political Rights broad anti-discrimination program."); Gayle Reaves, *Violence Against Women: Arrested by Fear*, DALLAS MORNING NEWS, June 8, 1993, at 1A (detailing accusations that Dallas policemen sexually abuse or mistreat women while in custody). Recently, women have begun to fight this abuse through lawsuits against the states. *See* *Women Prisoners of the D.C. Dep't of Corrections v. District of Columbia*, 877 F. Supp. 634 (D.D.C. 1994) (discussing remedies to adverse conditions including change in atmosphere and tolerance of sexual harassment and abuse by guards); *see also* *Was Prison Sex Tolerated?*, ATLANTA J. & CONST., July 12, 1992, at C6 (discussing lawsuit by female prisoners at Georgia Women's Correctional Institute at Hardwick against state).