

United States Statement
CSW Agreed Conclusions
March 23, 2018

The United States thanks our colleagues for arriving at a strong set of Agreed Conclusions on empowering rural women. Through hard work and flexibility, we have arrived at a document that contains recommendations that can lead to tangible benefits. We offer our thoughts on various aspects of the text.

We take this opportunity to make important points of clarification regarding the reaffirmation of the Addis Ababa Action Agenda. Specifically, we note that much of the trade-related language in the Addis outcome document has been overtaken by events since July 2015 and is immaterial, and our reaffirmation of the outcome document has no standing for ongoing work and negotiations involving trade. Indeed, some of the intervening events happened just months after the release of the outcome document.

We note that within the federal structure of the United States, education is primarily a state and local responsibility. It is our understanding that these Agreed Conclusions do not expand any rights not previously agreed to. The United States will address the goals of this document on education as appropriate and consistent with U.S. law and the federal government's authority.

We also underscore our disagreement with other inaccurate language in this text. These Agreed Conclusions refer to a "world financial and economic crisis" even though we are not currently in a world financial and economic crisis. Using this term detracts attention from important and relevant challenges facing economic stability. Unfortunately, the document mentions none of these significant factors.

The United States notes that the recent increase in food insecure people globally is driven largely by an increase in conflict. Whereas poverty may cause local and regional food insecurity, it is not reflective of a global food insecurity crisis.

On illicit financial flows, we would like to point out that this term has no agreed upon international meaning. Our preference is to focus on the underlying illegal activities that constitute illicit financial flows, such as bribery, tax evasion, money laundering, and other corrupt practices. We support taking concrete actions to combat these illegal activities, and have actively participated in many multilateral processes addressing these issues, including the UN Convention Against Corruption. Discussions of these topics are best left to technical experts

with the appropriate expertise and mandate to address these issues. We believe it is not appropriate to consider illicit financial flows in the CSW.

The United States would like to underscore the critical importance of the ILO's 1998 Declaration on Fundamental Principles and Rights at Work to women's economic empowerment in the changing world of work. The Declaration represents the solemn commitment of all ILO member States to respect, promote, and realize workplace principles concerning the fundamental rights of freedom of association and the effective recognition of the right to collective bargaining; elimination of all forms of forced or compulsory labor; effective abolition of child labor; and elimination of discrimination in respect of employment and occupation.

This resolution inappropriately discusses trade-related issues, which fall outside the subject matter and expertise of this Commission. The United States would like to make clear its understanding that the language in this text related to facilitating, fostering, and improving access to markets does not imply a commitment or intention to provide new market access. As we have said on many occasions, market access is a matter for negotiation in trade forums such as the World Trade Organization (WTO). The UN does not have competence in such matters. We wish to note that traders in many developing countries face crippling barriers in neighboring developing countries and from their own customs regimes. We are hopeful that WTO Members' implementation of the Trade Facilitation Agreement will help make progress in facilitating such access to markets.

We reiterate that in all efforts to promote the empowerment of women, states should respect their human rights obligations and commitments, including with regard to freedom of expression, as well as the independence of the media.

In our view, all sources of finance should be used effectively to accelerate the achievement of gender equality and the empowerment of rural women and girls, so we take exception to singling out official development assistance.

With respect to references to the Paris Agreement, we note that the United States announced that it intends to withdraw as soon as it is eligible to do so, consistent with the terms of the Agreement, unless the President can identify suitable terms for re-engagement. Therefore, the Paris Agreement and climate change language in these resolutions is without prejudice to U.S. positions.

We note that references to "policy space" do not affect potential constraints under international law or agreements that apply to any such "policy space."

The United States understands that these Agreed Conclusions do not change the current state of conventional or customary international law, and we do not

read the document to imply that states must join or implement obligations under international instruments to which they are not a party. For example, the United States is not a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR). Accordingly, we interpret this document's references to rights under that Convention to be limited to States Parties to that Covenant, in light of its Article 2(1). Moreover, we consider the resolution's phrase "the right to food" to be synonymous with the right to food as a component of the right to an adequate standard of living, as enshrined in Article 25 of the Universal Declaration of Human Rights.

Our views about the "right to development" are long-standing and well known. The term lacks an internationally accepted definition. Further work is needed to make it consistent with human rights, which the international community recognizes as universal rights held and enjoyed by individuals, and which every individual may demand from his or her government.

Regarding the reaffirmation of the 2030 Agenda, the United States recognizes the Agenda as a global framework for sustainable development that can help countries work toward global peace and prosperity. We applaud the call for shared responsibility in the Agenda and emphasize that all countries have a role to play in achieving its vision. We also strongly support national responsibility stressed in the Agenda. However, each country has its own development priorities, and we emphasize that countries must work towards implementation in accordance with their own national policies and priorities.

We also highlight our mutual recognition, in paragraph 58 of the 2030 Agenda, that implementation of this Agenda must respect and be without prejudice to the independent mandates of other processes and institutions, including negotiations, and does not prejudice or serve as precedent for decisions and actions underway in other forums. For example, this Agenda does not represent a commitment to provide new market access for goods or services. This Agenda also does not interpret or alter any WTO agreement or decision, including the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS Agreement).

The United States fully supports the principle of informed voluntary choice regarding maternal and child health and family planning. We have stated clearly and on many occasions, consistent with the ICPD Program of Action, that we do not recognize abortion as a method of family planning, nor do we support abortion in our reproductive health assistance. The term "sexual and reproductive health" is open to many interpretations. The United States does not understand the term sexual and reproductive health to include the promotion of abortion and educational strategies that may increase sexual risk for youth. We strongly support

health care services, which empower adolescents to avoid sexual risks, prevent early pregnancy and sexually transmitted disease, thereby improving their opportunity to thrive into adulthood.

The United States views sexual harassment as a form of employment or academic discrimination that may amount to gender-based violence in the form of sexual assault, although most sexual harassment does not rise to the level of sexual assault. U.S. law recognizes that sexual harassment is a form of gender discrimination. We recognize that sexual harassment can occur not only in the workplace, but in work-related situations and in digital and online spaces, and that women, girls, men, and boys can be targeted.

The United States cannot support language in the resolution that seeks to promote technology transfer that is not clearly indicated to be on mutually agreed terms and voluntary. For the United States, any such language will have no standing in future negotiations. The United States continues to oppose language that we believe undermines intellectual property rights.

Regarding paragraphs 46(u) and 46(aaa), the United States cannot support the language in the referenced paragraphs using the term “protecting” in connection with traditional knowledge because of uncertainty over the scope of such terms and the extent that such terms may imply the existence of legal rights not recognized, or not recognized to the same extent, in U.S. law. For the United States, such language can have no standing in future negotiations.

With respect to “temporary special measures,” the U.S. position is that each country must determine for itself whether they are appropriate. The best way to improve the situation of women and girls is often through legal and policy reforms that end discrimination against women and promote equality of opportunity.

We reiterate that protection and reintegration assistance for victims of trafficking in persons is an essential component of any comprehensive anti-trafficking strategy and, therefore, regret the only paragraph on trafficking in persons omits such language. Adopting a trauma-informed and victim-centered approach not only restores the dignity and human rights of trafficking victims, it also improves governments’ ability to identify victims and effectively prosecute trafficking cases.

We recognize the importance of unpaid care work and have released periodic time-use surveys and estimates of the monetary value of unpaid work, but do not factor the value of unpaid work into our core national accounts, including GDP.

The United States understands the intention of inclusion of “equal pay for equal work and work of equal value” to promote pay equity between men and women, and accepts the formulation on that basis. The United States implements it by observing the principle of “equal pay for equal work.”

The United States believes that each Member State has the sovereign right to determine how it conducts trade with other countries, and that this includes restricting trade in certain circumstances. Economic sanctions, whether unilateral or multilateral, can be a successful means of achieving foreign policy, national security, and other objectives. In cases where the United States has applied sanctions, they have been used with specific objectives in mind, including as a means to promote a return to rule of law or democratic systems, to respect human rights and fundamental freedoms, or to prevent threats to international security. We are within our rights to utilize our trade and commercial policy as tools to achieve noble objectives, and U.S. sanctions are consistent with the UN Charter and international law. We disagree that U.S. sanctions adversely affect civilians or lead to humanitarian crises. We again register our concern that language in this document in effect purports to limit the international community’s ability to respond effectively and by non-violent means against threats to democracy, human rights, or world security. In sum, we believe that targeted economic sanctions can be an appropriate, effective, and legitimate alternative to the use of force.

We would like to reiterate our understanding of the references to “universal health coverage.” We emphasize that States do not have obligations under international law to achieve universal access to healthcare. We encourage governments and public institutions to strive to improve access to quality universal healthcare and to do so in accordance with their national contexts and policies. The United States will continue to work to improve access to quality healthcare while also recognizing the necessary role of partnerships with the private sector and other non-governmental stakeholders.