



CEDAW: A Declaration of Human Rights for Women

The call for a Women's Treaty emerged from the *First World Conference on Women* in Mexico City in 1975. On December 18, 1979, the United Nations adopted ***the Convention on the Elimination of All Forms of Discrimination against Women***. Until the adoption of CEDAW, no treaty fully addressed women's rights within political, cultural, economic, social, and family life.

CEDAW is the most comprehensive international agreement which seeks the advancement of women. It establishes rights for women in areas not previously subject to international standards. The treaty provides a ***universal definition of discrimination against women so that those who would discriminate on the basis of sex cannot claim that no clear definition exists***. It also calls for **action in nearly every field of human endeavor**: politics, law, employment, education, health care, commercial transactions, and domestic relations. CEDAW also establishes a Committee for periodic review of the progress being made by its adherents.

Nearly all of the 194 UN member states have ratified the Convention, a powerful step towards recognizing that women's rights are human rights.

CEDAW and the United States

The United States is one of only six countries in the world -the others being Iran, Sudan, Somalia, Palau and Tonga - that have yet to ratify the treaty. As a leading advocate for human rights, the United States has a compelling interest to improve conditions for women. With this failure to ratify CEDAW, however, the United States compromises its credibility as a leader for either human rights or women's rights.

History of CEDAW Ratification in the US

- The U.S. was active in drafting CEDAW and President Jimmy Carter signed it on **July 17, 1980**. It was transmitted to the Senate Foreign Relations Committee in November, 1980.
- **During the Reagan Administration CEDAW was largely buried.**
- In **summer 1990**, the Senate Foreign Relations Committee held hearings on the treaty. At that time, the State Department testified that it had not prepared a legal analysis of the treaty to determine how it comports with U.S. law.
- In **spring 1993**, sixty-eight senators signed a letter to President Clinton, asking him to take the necessary steps to ratify CEDAW. In **June of 1993**, former Secretary of State Warren Christopher announced at the World Conference on Human Rights in Vienna that the Administration would move on the Women's convention and on other human rights treaties. The Clinton State Department finally released CEDAW with four reservations, three understandings, and two declarations on issues such as comparable worth, paid maternity leave, freedom of speech, private conduct, and combat assignments.
- In **September 1994**, the Senate Foreign Relations Committee reported out favorably on the treaty, by a vote of 13 to 5 (with one abstention). Unfortunately, this occurred in the last days of

the Congressional session. Several Republican senators put a hold on the treaty, blocking it from the Senate floor during the 103rd Congress.

- When the new Senate convened in **January 1995**, CEDAW was submitted to the Senate Foreign Relations Committee for action, where it remained at the end of the 104th Congress in October 1996.
- On **March 8, 1999**, International Women's Day, Senator Jesse Helms (R-NC) , Chair of the Senate Committee on Foreign Relations, made a statement on the Senate Floor expressing his strong opposition to bringing CEDAW to a hearing and eventual ratification.
- Senator Barbara Boxer (D-CA), on **April 12, 2000**, introduced Senate Resolution 286 in support of CEDAW. This Resolution expresses the sense of the Senate that the US Senate Committee on Foreign Relations should hold hearings and the Senate should act on CEDAW by July 19, 2000.
- With Jesse Helms retired and a brief period of a Democrat Senate majority, CEDAW was approved on **July 30, 2002** by the Senate Foreign Relations Committee in a 12-7 bipartisan vote. However, the Senate adjourned in 2002 without time for a vote on ratification. CEDAW then went back to the Senate Foreign Relations Committee under the leadership of then current chairman Senator Richard Lugar (R-IN).
- On **October 8, 2002**, support for US ratification of CEDAW was expressed by the Feminist Majority President Eleanor Smeal, Her Majesty Queen Noor, Senator Joseph Biden (D-DE) the ranking minority leader of the Senate Foreign Relations Committee, several key members of Congress, and over 170 women's rights and major non-governmental organizations.
- **The Bush Administration did not take a formal position on CEDAW**, though the State Department reported to the Senate Foreign Relations Committee that the treaty is "generally desirable and should be ratified."
- **The Obama/Biden Administration and the chair of the Senate Foreign Relations Committee supported ratification of CEDAW.**

CEDAW by the Numbers

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is a landmark international agreement that affirms principles of fundamental human rights and equality for women around the world.

- **187** - The number of countries, out of 193 countries, that have ratified the treaty.
- **6**- The number of countries that have NOT ratified CEDAW, including the United States, Iran, Somalia, Sudan, and two small Pacific island nations (Palau, and Tonga).
- **67** - The number of votes needed for the U.S. Senate to ratify CEDAW.
- **200** and growing - The number of U.S.-based organizations -- representing millions of Americans -- that support US ratification of CEDAW.

Q. Why Should the United States ratify CEDAW?

The American public strongly supports the principles and values of equality, fairness, education and basic human rights.

Ratifying CEDAW would add the United States' influential voice when the United Nations discusses the status of women and girls in places such as Afghanistan and the Democratic Republic of Congo.

Ratifying CEDAW would continue America's proud bipartisan tradition of promoting and protecting human rights. Presidents Ronald Reagan, George H.W. Bush, and Bill Clinton achieved ratification of similar agreements against torture, genocide, and race discrimination.

Ratifying CEDAW is an effective way to support women and girls, and there are no additional costs or new appropriations required with ratification.

Ratifying CEDAW affirms principles of fundamental human rights and equality for women and girls.

Ratifying CEDAW would provide an effective catalyst for the U.S. to examine areas of persistent discrimination against women and develop strategies for solutions.

- *Domestic violence*: the landmark Violence Against Women Act has done much to prevent domestic violence and meet the needs of victims, yet two million women a year report injuries from current or former partners in the United States.
- *Maternal health*: the United States ranks 41st among a ranking of 184 countries on maternal deaths during pregnancy and childbirth, below all other industrialized nations and below a number of developing countries.
- *Economic security*: U.S. women continue to lag behind men in income, earning on average only 77 cents for every dollar that a man makes.
- *Human trafficking*: the Trafficking Victims Protection Act has played a pivotal role in combating human trafficking. However, estimates suggest that there may be 20,000 women, men and children trafficked into the U.S. each year.

Q. Who in the US supports CEDAW?

The Obama administration strongly supported ratification and included CEDAW as one of five priority treaties. Also, millions of Americans are represented by nearly 200 national, state and local organizations that are united in support of CEDAW. The groups include a broad range of religious, civic, and community organizations such as the American Bar Association, Amnesty International USA, The Leadership Conference on Civil and Human Rights, NAACP, the National Council of La Raza, National Council of Churches Women's Ministries, National Education Association, The United Methodist Church, Sisters of Mercy, and the YWCA. In 2014 the National Conference of Mayors endorsed a resolution of support for CEDAW. To date, more than forty US cities, including Portland, Oregon and Berkeley, California; two dozen counties; and twenty state legislatures have passed resolutions urging CEDAW ratification, with a goal to reach 100 cities in support by 2016.

Q. What are some objections raised by CEDAW opponents?

- Some opponents fear that CEDAW will interfere in parents' role in child-rearing.

FACT: CEDAW calls only for the recognition of the "common responsibility of men and women in the upbringing and development of their children" and "to promote what is in the best interests of the child." This is consistent with U.S. law.

- Some opponents fear that CEDAW encourages abortion by promoting access to 'family planning.'

FACT: CEDAW intentionally does not address the issue of abortion. Many countries where abortion is illegal have ratified CEDAW, such as Burkina Faso and Rwanda. The U.S. State Department says that CEDAW is 'abortion-neutral.' In 1994 the Senate Foreign Relations Committee added an 'understanding' to CEDAW noting that it does not include a right to abortion.

- Some opponents believe that CEDAW is unnecessary in the US because it defines 'discrimination' too broadly and would lead to unwise laws and frivolous lawsuits.

FACT: CEDAW is non-self-executing, meaning that legislation to implement any CEDAW provision would come before the House and Senate the same as for any other bill. CEDAW would not authorize any lawsuit that would not already be allowed under U.S. law. CEDAW urges that the same 'strict scrutiny' apply to U.S. claims of unintentional sex discrimination as now apply to claims of race discrimination. In fact, CEDAW terms resemble those of the UN Convention to Eliminate All Forms of Racial Discrimination (CERD), which the US ratified in 1994 with no result of any frivolous lawsuits. There is no reason to expect them for CEDAW, either.

- Some opponents fear that CEDAW will destroy traditional families by redefining 'family' and the roles of men and women.

FACT: CEDAW does not seek to regulate family life. It only urges governments 'to adopt education and public information programs [to] eliminate prejudices and current practices that hinder full operation of the principle of the social equality of women.'

- Some opponents fear that CEDAW requires women's participation in armed combat.

FACT: There is no reference in CEDAW to women in the military or to women in combat. In 1997, the CEDAW Committee report urged 'full participation of women in the military in decision-making, negotiations, and peace-making to take note of the effect upon women and families of military decisions in times of conflict.'

- Some opponents believe that CEDAW conflicts with the Quran.

FACT: Muslim nations throughout the world have ratified CEDAW.

- Some opponents fear that CEDAW will conflict with US policy and the Constitution.

FACT: Ratification of CEDAW is consistent with US foreign and domestic policy. The US has a track record of ratifying international human rights treaties. Among those treaties are the following:

- International Convention on the Prevention and Punishment of the Crime of Genocide (1988),
- International Covenant on Civil and Political Rights (1992),
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1994),
- International Convention on the Elimination of All Forms of Racial Discrimination (1994), and
- International Labor Organization Convention on the Worst Forms of Child Labor (1999).

CEDAW is consistent with US constitutional principles opposing discrimination against women. In fact, US law is already in substantial compliance with CEDAW. Where discrepancies exist between CEDAW's principles of nondiscrimination and US law, CEDAW permits progressive implementation. The US can submit — and previous administrations have proposed — reservations, understandings and declarations with its instrument of ratification to address discrepancies, as it has done with other human rights treaties.

Q. How Does CEDAW work?

Countries that ratify CEDAW commit to take action to end discrimination against women and girls and to affirm their principles of fundamental human rights and equality. CEDAW is clear that it is up to each country to determine how best to bring their policies and laws in line with ending discrimination against women and girls.

Q. What success has CEDAW had in other countries?

In countries that have ratified CEDAW, women have partnered with their governments to improve conditions for women and girls and shape policies for greater safety and opportunities for women and their families. For example:

- Educational opportunities – e.g., Bangladesh used CEDAW to help attain gender parity in primary school enrolment with a goal for 2015 to eliminate all gender disparities in secondary education.
- Violence against women and girls – e.g., Mexico responded to an epidemic of violence against women by using CEDAW terms in a General Law on Women's Access to a Life Free from Violence. By 2009, all 32 Mexican states had adopted the measure.
- Marriage and family relations – e.g., Kenya used CEDAW to address differences in inheritance rights in 2005, eliminating discrimination against widows and daughters of the deceased.
- Political participation – e.g., Kuwait's Parliament voted to extend voting rights to women in 2005 following a recommendation by the CEDAW Committee to eliminate discriminatory provisions in its electoral law.