

# CEDAW in the United States:

## Why a Treaty for the Rights of Women?

***Ratification of CEDAW could help to advance political and economic equality for women in the U.S., as women in this country have not yet achieved full equality. Moreover, ratification of CEDAW is essential if the U.S. is to continue to be seen as a global leader in human rights.***



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**T**he Convention on the Elimination of All Forms of Discrimination Against Women is an international treaty that commits governments to removing barriers to women's equality. Adopted by the United Nations in 1979, this "Treaty for the Rights of Women," is also known as "CEDAW" and addresses the areas of legal rights, education, employment, health care, violence against women, politics and finance.<sup>1</sup> CEDAW does not impose any laws on governments that ratify the treaty. It does require governments to examine their policies and practices in relation to women and girls and to report periodically to an international committee on the status of CEDAW implementation.

As of March 2005, 180 countries have ratified CEDAW—including Afghanistan and Iraq.<sup>2</sup> While only a few countries have incorporated CEDAW's provisions into domestic policy<sup>3</sup> CEDAW is being used by women around the world to advocate for legislation that protects and improves their basic human rights.<sup>4</sup> For example, women in Ukraine, Nepal, Thailand and the Philippines have used CEDAW to pass new laws to stop sexual trafficking of women and girls. In Nicaragua, Jordan, Egypt and Guinea literacy rates increased after CEDAW improved access to education for women and girls. Women in Colombia used CEDAW to make domestic violence a crime and to require legal protection for its victims.<sup>5</sup> And in Rwanda women incorporated CEDAW into the new constitution, reserving 30 percent of seats in parliament for women—opening the door for women to gain 49 percent of all parliamentary seats in the 2003 election.<sup>6</sup>

The U.S. remains the *only* industrialized country that has not ratified CEDAW. Ratification of CEDAW is essential if the U.S. is to continue to be seen as a global leader in human rights. The United States' failure to ratify this treaty places it in the company of such countries as Iran, Sudan and Somalia.<sup>7</sup>

1. Albert, Sarah, Leila R. Milani and Karina Purushotma, eds. *CEDAW: Rights That Benefit the Entire Community*, 2004, 8.
2. United Nations Division for the Advancement of Women; <http://www.un.org/womenwatch/daw/cedaw/states.htm>; accessed 01 August 2005.
3. Women's Environment & Development Organization (WEDO). *Beijing Betrayed: Women Worldwide Report that Governments Have Failed to Turn the Platform into Action*, March 2005. Available at <http://www.wedo.org/files/gmr2005english.html>
4. Treaty for the Rights of Women website; available at [http://www.womenstreaty.org/facts\\_helpingwomen.htm](http://www.womenstreaty.org/facts_helpingwomen.htm); accessed 30 June 2005.
5. Albert, Sarah, Leila R. Milani and Karina Purushotma, eds. *CEDAW: Rights That Benefit the Entire Community*, 2004, 9.
6. *CEDAW: The Optional Protocol and Women in Decision-Making*. Women's Environment & Development Organization (WEDO): December 2004, 16. Available at <http://www.wedo.org/library.aspx?ResourceID=29>.
7. *Ibid.*, 8.

# Status of CEDAW in the U.S.

**T**he United States was active in drafting CEDAW in 1979 and President Carter signed the treaty in 1980. In order for the treaty to be ratified, the Senate Foreign Relations Committee must approve it, two-thirds of the Senate must vote to ratify and then the current President must sign it. Approval from the Senate Foreign Relations Committee was stalled for many years by then Chairman Senator Jesse Helms, but under new chair Senator Joseph Biden, the Committee favorably voted the treaty out in 2002. However, since that time the Bush Administration has delayed any further action by ordering an additional review of the treaty by the Justice Department.<sup>8</sup>

Over 190 U.S. religious, civic and community organizations support the ratification of CEDAW, such as the AFL-CIO, the United Methodist Church, and the League of Women Voters.<sup>9</sup> Research shows that the American public, when informed of CEDAW, also supports U.S. ratification.<sup>10</sup> Ratification of CEDAW could help to advance political and economic equality for women in the U.S., as women in this country have not yet achieved full equality. U.S. women comprise only 14 percent of the Congress and 22 percent of state legislatures, are paid \$.70 for every \$1 a man makes for the same work and face repeated attacks on their reproductive rights.<sup>11</sup>

Although the United States government has not yet ratified CEDAW, action has been taken in cities, counties and states across the U.S. For example, the city of San Francisco, California, enacted a local ordinance in 1998 based on the convention's principles. The ordinance requires the city to protect women's human rights, including the elimination of discrimination against women and girls. A CEDAW Task Force, made up of city officials and community leaders and housed in the San Francisco Department on the Status of Women, has been created to lead city implementation of the ordinance. Gender equity and equal access are promoted in the areas of economic development and employment, violence against women and girls, and health care. The ordinance also requires city departments to undergo gender analysis to monitor discrimination against women and girls in budget allocation, delivery of services and employment practices.<sup>12</sup>

Advocates in San Francisco have used CEDAW to educate and influence the attitudes and behaviors of decision-makers towards women's equality. By implementing the CEDAW ordinance, the number of women in higher paying, non-traditional employment positions has increased, an effort to increase street lights has improved women's safety, the city is monitoring the availability of flexible work hours for women, training on sexual harassment in city departments, and collecting data on women by city departments (useful for tracking women's experiences of inequality).<sup>13</sup>

New York City is currently working on a city ordinance based on the San Francisco model. However, New York is taking the ordinance a step further by combining the principles of CEDAW and the UN Convention on the Elimination of All Forms of Racial Discrimination (CERD), which was ratified by the U.S. in 1994. City resolutions supporting the ratification of CEDAW have passed in 47 cities as diverse as Los Angeles, California and Louisville, Kentucky, as well as in 17 states and 19 counties.<sup>14</sup> Such ordinances and resolutions come from concerned citizens and their desire to create positive change for women at the local and state levels. While ratification of CEDAW at the national level continues to stall, U.S. women can work to implement CEDAW at the city, county and state levels so as to advance women's human rights here at home and stand in solidarity with the world's women who are using CEDAW to do the same.

**Want to learn more about starting a CEDAW campaign in your community?**

**Want to partner with other community members and organizations to protect women's rights?**

**Check out:**

*Local Implementation of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): A Step-by-Step Outline on How to Pass CEDAW in Your City.* Women's Institute for Leadership and Human Rights (WILD), 1999; available at <http://www.wildforhumanrights.org/pdfs/cedawlocalimplement.pdf>.

For more information, call 415-355-4744.

8. Ibid, 16.

9. Ibid.

10. Peter D. Hart Research Associates. "International Women's Rights & The CEDAW Treaty." Results from focus groups conducted January 2005 for United Nations Foundation. January 2005.

11. WEDO. How U.S. Unilateralism Harms Women, 2005; available at <http://www.wedo.org/library.aspx?ResourceID=58>.

12. Women's Environment & Development Organization (WEDO). *Beijing Betrayed: Women Worldwide Report that Governments Have Failed to Turn the Platform into Action*, March 2005. Available at <http://www.wedo.org/files/gmr2005english.html>

13. Women's Institute for Leadership and Human Rights (WILD). "Testimony of Krishanti Dharmaraj of WILD For Human Rights, to the New York City's Government Operations Committee on Human Rights GOAL Hearing, April 8, 2005," available at <http://nycbri.org/documents/Dharmara.pdf>.

14. Numbers compiled in July 2005 by the Working Group on the Ratification of U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

# Fact versus Fiction

**F**or almost three decades, misconceptions and fallacies about ratifying CEDAW in the U.S. have curbed public support for ratification. It is time to dispel these myths and realize the benefits of CEDAW for women in the U.S.

Fiction	Fact
<p>The Treaty encourages abortion by promoting access to “family planning.”</p>	<p>The Treaty intentionally does not address the issue of abortion. Many countries where abortion is illegal have ratified it, such as Ireland, Burkina Faso, and Rwanda. The U.S. State Department says the Treaty is “abortion neutral.” In 1994, the Senate Foreign Relations Committee added an “understanding” to the Treaty noting that it does not include a right to abortion.</p>
<p>The Treaty will interfere in the proper role of parents in child-rearing.</p>	<p>The Treaty calls only for 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.”<sup>15</sup> This is consistent with U.S. law.</p>
<p>The Treaty is unnecessary in the United States because it defines “discrimination” too broadly and would lead to unwise laws and frivolous lawsuits.</p>	<p>The Treaty is non-self executing and would not authorize any lawsuit not already allowed under U.S. law.</p> <p>The Treaty would urge that the same “strict scrutiny” apply to U.S. claims of unintentional sex discrimination as now applies to claims of race discrimination. In fact, the Treaty terms resemble those of the U.N. Convention to Eliminate All Forms of Racial Discrimination (CERD), which the United States ratified in 1994 with no resulting flurry of frivolous suits. There is no reason to expect them on this treaty either.</p>
<p>The Treaty will destroy traditional families by redefining “family” and the roles of women and men.</p>	<p>The Treaty 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 the full operation of the principle of the social equality of women.”</p>

*The above text was created by the Working Group on the Ratification of U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and is available at [www.womenstreaty.org](http://www.womenstreaty.org).*

15. CEDAW, Article 5(b).

# Resources

## Organizations

Amnesty International, USA [www.amnestyusa.org/cedaw/index.html](http://www.amnestyusa.org/cedaw/index.html)

Human Rights Watch, CEDAW Campaign [www.hrw.org/campaigns/cedaw](http://www.hrw.org/campaigns/cedaw)

UN CEDAW Committee [www.un.org/womenwatch/daw/cedaw](http://www.un.org/womenwatch/daw/cedaw)

Women's Institute for Leadership and Human Rights (WILD) [www.wildforhumanrights.org](http://www.wildforhumanrights.org)

Working Group on the Ratification of U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) [www.womenstreaty.org](http://www.womenstreaty.org)

## Publications

*A Progressive Agenda for Women's Rights*. Chesler, Ellen. From *What We Stand For: A Program for Progressive Patriotism*, by The New Democracy Project. Mark Green, ed., Newmarket Press, 2004.

*Beijing Betrayed: Women Worldwide Report that Governments Have Failed to Turn the Platform into Action*, Women's Environment & Development Organization (WEDO): March 2005. Available at <http://www.wedo.org/files/gmr2005english.html>.

*CEDAW: The Optional Protocol and Women in Decision-Making*. Women's Environment & Development Organization (WEDO): December 2004. Available at <http://www.wedo.org/library.aspx?ResourceID=29>.

*CEDAW: Rights That Benefit the Entire Community*. Albert, Sarah, Leila R. Milani and Karina Purushotma, eds. The Working Group on the Ratification of U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 2004.

*Resisting Equality: Why the U.S. Refuses to Ratify the Women's Convention*. Cohn, Marjorie: 27 January 2005. Available at <http://www.tjjeffersonlrev.org/271/Cohn.pdf>.



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