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RATIFYING CEDAW

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CEDAW: THE WOMEN'S EQUALITY TREATY

On December 18, 1979, the United Nations adopted CEDAW, or The Convention on the Elimination of All Forms of Discrimination Against Women. CEDAW, also known as “the women’s treaty,” entered into force on September 3, 1981, faster than any other previous human rights treaty. As of March 2014, 187 of the 194 member nations of the UN had approved CEDAW. The United States is one of only seven nations that hasn’t ratified the treaty, putting us in the company of Sudan, South Sudan, Somalia, Iran, and two small Pacific islands, Tonga and Palau.

CEDAW is the only international human rights treaty that focuses on women’s rights. The treaty provides a universal definition of discrimination against women so that those who would discriminate on the basis of sex can no longer claim that no clear definition exists. It also calls for action to eliminate discrimination in many areas, including politics, law, employment, education and health care. Moreover, CEDAW established the Committee on the Elimination of Discrimination Against Women, an independent body of experts that periodically reviews progress being made to implement the treaty.

CEDAW AND THE US

The United States is the only major industrialized nation that hasn’t ratified CEDAW. As a leading advocate for human rights, the United States has a compelling interest to improve conditions for women. Yet, as one of the few nations that has failed to ratify CEDAW, the United States has compromised its credibility as a world leader in both human rights and women’s rights.

In the US, the Senate ratifies international treaties. Two-thirds of the Senate must vote in favor of ratification; no action is required by the House of Representatives. CEDAW ratification was called for in the concluding documents of the 1993 UN World Conference on Human Rights in Vienna and at the Fourth World Conference on Women – at which then-First Lady Hillary Clinton famously said “Women’s Rights are Human Rights” – held in Beijing in 1995. The US is a signatory to both of these documents.

HISTORY OF CEDAW AND THE US

- The US was active in drafting CEDAW, and President Jimmy Carter signed it on July 17, 1980. It was then transmitted to the Senate Foreign Relations Committee (SFRC) in November of 1980, where it’s still pending.
- Both the Reagan and GHW Bush Administrations opposed CEDAW. President Reagan also opposed the Equal Rights Amendment to the US Constitution.
- SFRC held hearings on the treaty in both 1988 and 1990. The State Department testified in 1990 that it had not prepared a legal analysis of the treaty.
- In the Spring of 1993, 68 senators signed a letter to President Clinton asking him to take the necessary steps to ratify CEDAW. In June 1993, former Secretary of State Warren Christopher announced at the World Conference on Human Rights in Vienna that the Clinton Administration would move on CEDAW and other human rights treaties.
- The Clinton State Department finally released CEDAW to the SFRC in 1994 with a recommendation in support of ratification. However, it included several reservations, understandings, and declarations (RUDs). The RUDs clarified, among other issues, that the US did not accept any obligation to apply the treaty to private conduct, “combat assignments,” paid maternity leave unless mandated by the US constitution, federal or state laws, or to use “comparable worth” to determine equal pay for equal work.
- The SFRC again held hearings on CEDAW in 1994 under the chairmanship of Sen. Claiborne Pell (D-RI) and voted to recommend ratification by a 13-5 vote. The full Senate, however, never voted on ratification.
- The SFRC held hearings on CEDAW under the chairmanship of Sen. Joe Biden (D-DE) in 2002. The GW Bush Administration urged that the SFRC not vote for ratification unless there was a complete legal review, which took until 2007, when the Administration announced it didn’t support action on CEDAW.
- Meanwhile, in 2002, the SFRC voted favorably on CEDAW by a 12 to 7 margin. The full Senate, however, again failed to vote on ratification.



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- The Obama Administration has publicly supported Senate action to ratify CEDAW. In approving CEDAW, the SFRC does not have to include previous RUDs, can include no RUDs, or can include new or previous ones.
- In 2010, the Senate Judiciary Committee's Subcommittee on Human Rights and The Law held a hearing on CEDAW ratification entitled "Women's Rights Are Human Rights," featuring the first US Ambassador-at-Large for Global Women's Issues Melanne Vermeer.
- The SFRC has not held full committee hearings on CEDAW since 2002, but in 2014 - at the urging of many US women's organizations and the current national coalition for CEDAW - the SFRC Subcommittee on International Operations and Organizations, Human Rights, Democracy, and Global Women's Issues, chaired then by Sen. Barbara Boxer (D-CA), held a hearing on using CEDAW to combat violence and discrimination against women worldwide. Eight of the 20 women Senators in the 113th Congress testified at the hearing alongside the Ambassador-at-Large for Global Women's Issues, Catherine Russell, who stated unequivocally that the Obama administration supported CEDAW ratification.

IMPORTANCE OF CEDAW FOR ADVANCING WOMEN'S RIGHTS

CEDAW has been in effect since September 3, 1981, after receiving the required ratification of 20 nations. As a result, many nations of the world have had much experience using CEDAW to advance women's rights, improve opportunities, and end discrimination against women and girls.

CEDAW can and is making a difference in many countries to reduce violence against women, end forced marriage and child marriage, ensure women's inheritance rights, provide access to maternity care, and ensure women's right to work and own a business without discrimination.

The CEDAW Taskforce of the Leadership Conference on Civil and Human Rights, of which Feminist Majority is a member, provides the following examples of its effectiveness:

- **Educational opportunities:** Bangladesh used CEDAW to help attain gender parity in primary school enrollment and has as a goal for 2015, to eliminate all gender disparities in secondary education.
- **Violence against women and girls:** Mexico responded to a destabilizing 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:** Kenya has used CEDAW to address differences in inheritance rights, eliminating discrimination against widows and daughters of the deceased.
- **Political participation:** 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.

WHAT CEDAW WILL DO IN THE US

The US could participate in the CEDAW Committee and would be required to complete periodic reviews of women's and girls' progress. Such reports would reveal the areas needing improvement, such as the wage gap, the glass ceiling, the lack of paid family medical leave, and the unequal political representation between men and women in our government. The US ranks 72nd among the world's nations in the representation of women in our nation's Congress.

By ratifying CEDAW, the US would make eliminating all forms of discrimination against women and girls a national priority and join the international community working to make the dream of gender equality a reality.