

CEDAW: THE WOMEN'S EQUALITY TREATY

On December 18, 1979, the United Nations adopted CEDAW, or The Convention to Eliminate 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 nations out of the 194 member nations of the UN have approved this convention. The United States is one of only seven nations that has not yet approved it., standing together with Sudan, South Sudan, Somalia, Iran, and two small Pacific islands, Tonga and Palau, in failing to ratify CEDAW.

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 a Committee to review periodically progress being made by the member nations.

CEDAW AND THE U.S.

The United States is the only major industrialized nation not to have ratified the treaty. As a leading advocate for human rights, 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 United States, the Senate ratifies international treaties. Two-thirds of the senators voting are required for ratification; no action is required by the House of Representatives. CEDAW ratification was called for in the concluding documents of the Fourth World Conference on Women, the UN conference on Human Rights, and the Vienna/Helsinki agreements of the Organization on Security and Cooperation in Europe (OSCE). The US was a signatory to all of these

documents. The US also made ratification of CEDAW one of its public commitments at the UN Conference on Women in Beijing in 1995. Then First Lady Hillary Clinton famously said at the Beijing Conference “Women’s Rights are Human Rights.”

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 transmitted to the Senate Foreign Relations Committee (SFRC) in November, 1980.
- 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, or what are commonly known as RUDs. The RUDs clarified, among other issues, that the US did not accept any obligation under the treaty to apply it to private conduct, “combat assignments,” or to use its definition of “comparable worth” in determining equal pay for equal work, or paid maternity leave unless mandated by the US constitution, federal or state laws.
- The SFRC held hearings on CEDAW in 1994 under the chairmanship of Sen. Claiborne Pell (D-RI).
- In 2002 the GW Bush Administration urged that the SFRC not vote for ratification unless there was a com

plete legal review of it. The review took from 2002-2007. Finally, the Bush Administration told the SFRC it did not support action on CEDAW.

- The SFRC held hearings on CEDAW under the chairmanship of Sen. Joe Biden (D-DE) in 2002.
- The SFRC did vote favorably on CEDAW in both 1994 (13-5) and 2002 (12-7). CEDAW, however, did not proceed to the Senate floor for a full Senate vote on ratification in either year.
- The Obama Administration supports ratification of CEDAW as a “top priority” and supports Senate action. In approving CEDAW, the SFRC does not have to include previous RUDs, and can include no RUDs or include new or previous ones.
- Many US women’s organizations and the current national coalition for CEDAW are urging the SFRC to hold hearings and a full Senate floor vote in 2014 on the ratification of CEDAW.

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 in utilizing CEDAW to advance women’s rights, improve opportunities, end discrimination and reduce violence against women and girls.

CEDAW can and is making a difference in many countries to reduce violence against women and sex trafficking; to end forced marriage and child marriage; to ensure women inheritance rights; to provide access to maternity care; to ensure the 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** – e.g., 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** – e.g., 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** – e.g., Kenya has used CEDAW to address differences in inheritance rights, 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.

WHAT CEDAW WILL DO FOR WOMEN IN THE US

The US would participate in the CEDAW Committee and be required to complete a yearly review of women’s and girls progress. Such reports would reveal the areas needing improvements such as the wage gap, the glass ceiling, the lack of paid family medical leave, and the unequal political representation.

Today, the US ranks 83rd among the world’s nations in the representation of women in our nation’s parliament or Congress. For the first time, our nation would make it a national priority to eliminate all forms of sex discrimination against women and girls. We would join the nations of the world in making the dream of equality a reality for our daughters and granddaughters.