

CALL FOR UNITED STATES RATIFICATION OF CEDAW

US Women and Cuba Collaboration | womenandcuba.org

In league with progressive organizations around the world, the US Women and Cuba Collaboration calls for the long overdue ratification by the US government of CEDAW, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. Since its adoption by the UN General Assembly in 1979, we have for the first time an international treaty that recognizes discrimination against women as a human rights violation. This treaty has been ratified by an overwhelming majority of the countries of the world. The US is one of only seven countries that have failed to ratify CEDAW (in the company of Iran, Palau, Somalia, South Sudan, Sudan and Tonga).

The Obama administration strongly supports ratification and has included CEDAW as one of the multilateral treaties it has identified as a priority. The Carter administration signed the treaty on July 17, 1980, and it has been voted favorably out of the Senate Foreign Relations Committee twice with bipartisan support. But it has never been brought to the Senate floor for a vote. Ratification of CEDAW requires 67 Senators to stand together for women and girls.

The US Women and Cuba Collaboration is committed to working in global alliances to advance the status of women everywhere, and CEDAW is a critical tool—locally, nationally, globally—for building inclusive and progressive women's movements, including networks for justice, real security and women's rights. Crucially, CEDAW addresses women's rights in both public and private spheres, and it challenges nations to engage gender analysis as necessary to creating just and equitable public policies. Because the US has not signed this treaty, the standing and the voices of US citizens working for justice in this nation are compromised in the global arena. US ratification will make a powerful statement about US commitment to improving the situation of women nationally and internationally.

No RUDs: We call for a “clean” CEDAW because we believe that RUDs (reservations, understandings, declarations) are appropriate within the treaty context; like other human rights treaties ratified by the US, CEDAW includes a declaration that the treaty is non-self-executing, meaning that implementing legislation is required to make it effective. This legislation is the place to work out issues raised by proposed RUDs; RUDs within the treaty are unacceptable and contrary to the nature of the treaty. (See Myths and Facts on the back of this sheet that address some of these RUD concerns.)

The US should ratify CEDAW because:

1. The treaty will address injustices to women and their human rights and can set parameters to solidify and increase progress in gender equity for women and girls in the US and globally.
2. The treaty will help the United States measure progress toward goals such as ending sexual harassment and violence, assuring equality in schools and the workplace, and improving maternity leave and child care.
3. US ratification of CEDAW will improve the status of women in the US, and as well it will improve the status of the treaty itself because of the standing the US has as a world superpower.
4. With ratification, US credibility globally will be enhanced when it speaks as a leader in human rights; the US will have a voice in CEDAW committee proceedings to stand up for the rights of women globally.
5. Being a participant in the treaty will facilitate partnership-building among nations, and the US will be in a better position to share best practices. The US has compromised standing to ask other nations to live up to treaty goals until we ratify the treaty.
6. Ratification will give lie to groundless fears about the treaty that are based upon false assumptions. For instance, the treaty does not promote abortion (even the State Department has formally acknowledged that CEDAW is "abortion neutral.") Ratifying CEDAW involves making reports on compliance with the treaty, but it does not require the US to change its laws. A great deal of US law is already consistent with CEDAW.
7. The work of women's equality in the US is not finished and ratification will encourage the US to further improve strategies to reduce discrimination against women using a set of international standards asking it to take affirmative steps of its choosing to ensure US women can fully participate in society.

Sources and Resources:

CEDAW Task Force of the Leadership Conference on Civil and Human Rights, www.womenstreaty.org

Martha Davis on RUDS
www.nowfoundation.org/issues/global/cedaw_rdu_analysis.pdf

NOW CEDAW Action Kit
www.now.org/wp-content/2014/02/CEDAW-KIT.pdf
www.ratifywomen.org

See back of this page for Myths and Facts Talking Points about CEDAW, and action information.

MYTHS AND FACTS TALKING POINTS ABOUT CEDAW:

MYTH #1: U.S. ratification of CEDAW would give too much power to the international community with the provisions of the Convention superseding U.S. federal and state law.

FACT: Treaties adopted in the United States are not “self-executing.” This means that legislation to implement any treaty provision would come before the House and Senate in the same way any other bill does. As with many international agreements, countries can express “reservations, understandings and declarations” in cases where there are discrepancies between the international convention or treaty and domestic law. U.S. law generally complies with the requirements of CEDAW and the Treaty is compatible with the principles of the U.S. Constitution. Where any differences do exist, the Treaty calls on states to take appropriate measures to progressively promote the principle of nondiscrimination. Such language upholds U.S. sovereignty and grants no enforcement authority to the United Nations.

MYTH #2: “Discrimination” is too broadly defined in CEDAW, and its implementation in the U.S. would result in unwise laws and “frivolous” lawsuits.

FACT: The treaty is not self-executing and would not authorize any lawsuit not already allowed under U.S. law. While implementation of CEDAW could raise U.S. legal standards, a flurry of frivolous lawsuits is most unlikely. CEDAW’s definition of discrimination includes both discrimination that is intentional and that which is the result of laws, policies, and practices. U.S. law already governs discrimination in public and private employment, prohibiting policies and practices that unintentionally burden women more than men. Regardless, claims in the U.S. related to sex discrimination are not subjected to the same “strict scrutiny” standards applied to claims of race discrimination. The implementation of CEDAW could help to rectify these discrepancies in U.S. law over time.

MYTH #3: CEDAW will be used to destroy the traditional family structure in the U.S. by redefining “family” and the respective roles of men and women, or could be used to usurp the proper role of parents in child rearing.

FACT: CEDAW does not seek to regulate any constitutionally protected interests with respect to family life. Both CEDAW and the U.S. Constitution recognize the restraints of any governing authority to interfere with an individual’s most basic decisions regarding family. CEDAW simply urges State Parties “to adopt education and public information programs, which will eliminate prejudices and current practices that hinder the full operation of the principle of the social equality of women.” The treaty calls for the recognition of the “common responsibility of men and women in the upbringing and development of their children” and maintains “the parents’ common responsibility (is) to promote what is in the best interest of the child.”

MYTH #4: CEDAW supports abortion through its promotion of access to “family planning.”

FACT: CEDAW does not address the matter of abortion and, according to the U.S. State Department, is “abortion neutral.” Many countries in which abortion is illegal— such as Ireland, Burkina Faso, and Rwanda— have ratified the CEDAW.

MYTH #5: The treaty will threaten single-sex schools and require “gender-neutral” textbooks.

FACT: Single-sex schools are not prohibited. Educational equality language refers to the need for equal educational facilities, texts, and other materials for girls and boys, whether they are taught in single-sex or co-ed schools.

MYTH #6: U.S. ratification of CEDAW might be used to sanction same-sex marriages.

FACT: The CEDAW Treaty makes clear that it is not aimed at all sex-based discrimination, but only at discrimination that is directed specifically against women. A same-sex marriage claim would include a charge that both men and women who want to marry individuals of their own sex are being discriminated against. There is no provision in the Treaty that would compel the U.S. Congress to pass same-sex marriage laws in order to comply.

MYTH #7: The treaty will require legalization of prostitution.

FACT: The CEDAW Committee has called for the decriminalization of prostitution in specific countries such as China, where prostitution and trafficking in women and children are rampant, not for all countries in general. Regulation in those countries would allow victimized women to come forward without fear of repercussions, to seek treatment to prevent HIV/AIDS and other sexually transmitted infections, to obtain health care and education, and to combat trafficking and sex slavery.

TAKE ACTION!

Call and write to your Senators, urging them to support ratification of the Treaty for the Rights of Women. Contact the Capitol Switchboard at 202.224.3121 for your Senators information. Call the White House Comment Line at 202.456.1111 and urge President Obama to support the Treaty for the Rights of Women.

Source: http://www.amnestyusa.org/sites/default/files/pdfs/cedaw_fact_sheet.pdf