

CEDAW: The End to Discrimination Against Women

Background

A mere five years ago the Kuwaiti women were unable to vote. Kuwait acceded to CEDAW in 1994, but routinely failed to implement women's voting rights, triggering the attention of the CEDAW Committee. The Committee called on Kuwait to "take all necessary steps, as a matter of utmost urgency, to introduce and actively support the adoption of legislation to amend the discriminatory provisions of the Electoral Law in line with the constitutional guarantee of equality and in order to ensure compliance with the Convention."

On May 16, 2005, the Kuwaiti Parliament approved a bill extending political rights to women – including the right to vote and to run for office. After voting for the first time in April 2006, one voter exclaimed: "They have given us some attention. We became equal." Prime Minister of Kuwait stated, "We say to our Kuwait sisters, 'Forward, and take your place with your Kuwaiti brothers'."

The Treaty

The Treaty for the Rights of Women, officially known as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), is a pragmatic international agreement addressing the rights of women. It was passed by the United Nations General Assembly on December 18, 1979, and was signed by President Carter on behalf of the United States in 1980. While 186 nations have ratified CEDAW, unfortunately, the United States has failed to and is keeping company with known human rights violators including Sudan, Somalia, and Iran.

Benefits of Ratification

1. Ratification would enhance U.S. credibility in the global community and its ability to speak out on behalf of women in nations that have ratified the convention but still limit a woman's right to education, to vote, to own property or to seek protection under the law from violent domestic abuse.
2. Ratification of CEDAW would not change existing domestic laws that lay out women's rights. U.S. laws such as those regarding violence against women, women's right to employment, and various others already meet or exceed the standards laid out in CEDAW. However, an exception is mandated maternity leave. In this case new legislation can be avoided through a reservation to the Convention.
3. CEDAW establishes the Committee on the Elimination of Discrimination against Women, which reviews the progress of countries that have ratified the Convention. The members of the Committee watch closely over State parties to ensure that they are implementing the provisions of the Convention nationally, and report on their progress. The U.S. will gain membership on the Committee when it ratifies CEDAW, which will allow the U.S. to work from within and increase the effectiveness of CEDAW.
4. The 2008 World Economic Forum Gender Gap Report places the United States 27th in overall gender equity. The United States ranks low among industrialized countries on many comparative measures of women's well-being, such as maternal and infant mortality, health care, and women's political participation, among others. Women who work full time still earn only 87 cents to every dollar men earn, for example. With ratification of CEDAW, the status of women could be improved in many ways.

Myths about CEDAW

1. U.S. ratification of CEDAW would supersede U.S. domestic law.
FACT: Despite language in the Convention “mandating” various conditions, it does not grant enforcement authority to the United Nations or any other body. It requires only that a ratifying country be periodically subjected to the review of the CEDAW Committee. Furthermore, a country may make “reservations” to a particular provision of the Convention if it believes the provision conflicts with domestic law. Reservations are permissible as long as they are not incompatible with the object and purpose of the Convention in its entirety.
2. CEDAW would require the U.S. to legalize abortion.
FACT: This is not true. In Burkina Faso, Rwanda, and Ireland abortion is illegal, yet all have ratified CEDAW. In fact, according to the U.S. State Department, CEDAW is “abortion neutral.” Moreover, CEDAW would not authorize any action not already allowed under U.S. law since CEDAW does not supersede U.S. domestic law.
3. CEDAW would require the U.S. to place women on the front lines of battlefields.
FACT: Actually, there is no reference to “women in the military” in the treaty. Confusion arises because of the 1997 CEDAW committee report, which urged that there should be “full participation of women in the military.” This was in reference to the need for increased women’s participation in diplomacy and peacemaking efforts; not to require countries to send women into the front lines of combat.
4. U.S. ratification of CEDAW would interfere with U.S. family life.
FACT: The Convention does not try to redefine the familial roles of a man and a woman. It only seeks to “eliminate prejudices and current practices that hinder the full operation of the principle of the social equality of women.” The Convention also ensures that men and women have an equal right to enter into marriage with “free and full consent,” and gives similar rights in relation to the dissolution of the marriage. Also, CEDAW does not aim to disband same-sex schooling, it merely advocates for equal educational facilities for both men and women.

Conclusion

The ratification of CEDAW by the United States is both urgent and necessary. Every day women in the international community are denied equal access to the resources and rights to which they are entitled, and the implementation of the treaty seeks to eradicate such inequalities on a global level. CEDAW has broad support from over two hundred leading advocacy organizations, including the AARP, American Association of University Women, and the American Bar Association.

Now exists the opportunity to capitalize on this far-reaching support and finally ratify the Convention. The U.S. is in a position to reclaim its leadership role as a frontrunner in the promotion of women’s rights. With U.S. ratification of CEDAW, the U.S. can present itself to the world as a moral authority in both action and words by encouraging CEDAW to live up to its fullest potential.

For more information, please contact Abigail Long, Programs Coordinator, at along@globalsolutions.org, or (202) 546-3950 x105; Don Kraus, dkraus@globalsolutions.org, or (202) 330-4103.