

CEDAW - How it Works

This treaty calls for the ratifying nations to overcome barriers of discrimination against women in areas of legal rights, education, employment, health care, politics and finance. It defines “best practices,” not specific laws. Domestic laws take precedence with member nations determining the legal status of the treaty within their own constitutions. It has proven to be a valuable tool for governments wanting to improve their laws. For example:

*Uganda, South Africa, Brazil, and Australia have incorporated treaty provisions into their constitutions and legal codes.

*Ukraine, Nepal, Thailand, and the Philippines passed new laws to curb sexual trafficking.

The Convention established the CEDAW Committee to help implement the treaty. It consists of 23 independent experts nominated by member nations. The member nations submit reports to the committee one year after joining and then every four years. The committee is authorized to make general recommendations on specific issues or themes. The Optional Protocol to the Convention went into effect in 2000. This allows individuals or groups to submit petitions to the Committee directly once they have “exhausted” all available avenues within their countries. The Committee can then investigate treaty violations. This applies only to nations that signed this part of the treaty (75/175).

Articles of the Treaty

Article 1: Defines discrimination against women as any “distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of marriage status, on the basis of equality between men and women, of human rights or fundamental freedoms in the political, economic, social, cultural, civil, or any other fields.”

Article 2: Mandates that States Parties **condemn discrimination** in all its forms and to ensure a legal framework including all laws, policies, and practices that provides protection against discrimination and embodies the principle of equality.

Article 3: Requires States Parties to take action in all fields—**civil, political, economic, social, and cultural**—to guarantee women’s human rights.

Article 4: Permits States Parties to take “**temporary special measures**” to accelerate equality.

Article 5: Declares the need to take appropriate measures to modify cultural patterns of conduct, as well as the need for family education to recognize the social function of **motherhood** and the common responsibility for **raising children**.

Article 6: Obligates States Parties to take measures to **suppress the trafficking of women** and the exploitation of prostitution of women.

Article 7: Mandates States Parties **end discrimination against women in political and public life** and ensure women's equal rights to vote, be eligible for election, participate in the formulation of policy, hold office, and participate in associations and non-governmental organizations.

Article 8: Requires measures **allowing women to represent their governments** internationally on an equal basis with men.

Article 9: Mandates that **women have equal rights with men** to acquire, change, or retain their **nationality** and that of their children.

Article 10: Obligates States Parties to end discrimination in education, including in professional and vocational training, access to curricula and other means of receiving an equal education as well as to **eliminate stereotyped concepts** of the roles of men and women.

Article 11: Mandates the end of discrimination in the field of employment, including the right to work, employment opportunities, equal remuneration, free choice of profession and employment, **social security**, and protection of health, including maternal health, and also in regard to discrimination on the grounds of marriage or maternity.

Article 12: Requires steps to eliminate discrimination in health care, including access to services such as **family planning**.

Article 13: Requires that women be ensured the same rights as men in all areas of social and economic life, such as **family benefits, mortgages, bank loans**, and participation in **recreational activities and sports**.

Article 14: Focuses on the particular problems faced by **rural women**, including the areas of women's participation in development planning, access to adequate health care, credit, education, and adequate living conditions.

Article 15: Obligates States Parties to take steps to ensure **equality before the law** and the same legal capacity to act in such areas as **contracts**, administration of property, and choice of **residence**.

Article 16: Requires steps to ensure **equality in marriage and family relations**, including equal rights with men to **freely choose marriage**, equal rights and responsibilities toward children, including the right to **freely determine the number and spacing of children** and the means to do so, and the same rights to **property**.

Article 17: Calls for the establishment of the **Committee** on the Elimination of Discrimination Against Women (CEDAW) to evaluate progress made in implementation of the Convention.

Article 18: Establishes a **schedule of reporting** on progress by ratifying countries.

Article 19: Allows the CEDAW Committee to adopt procedural rules and sets a two-year term for its officers.

Article 20: Sets annual CEDAW meetings to review States Parties' reports.

Article 21: Directs the CEDAW Committee to report annually to the General Assembly and to make **suggestions and general recommendations** based on the States Parties' reports.

Article 22: Allows for representation of **specialized agencies** of the UN and for CEDAW to invite reports from them.

Articles 23-30: Outlines elements for **operation and enforcement of the treaty**, permissible reservations, and how disputes between States Parties can be settled.

CEDAW and USA

Treaty Ratification Process: A President signs the treaty and it is submitted to the US Senate Foreign Relations Committee. Once approved there it is presented on to the full US Senate where a 2/3 majority is needed to pass it. The treaty is then re-signed by the sitting President.

Review of Actions to Date: President Jimmy Carter signed the CEDAW treaty in 1980. It sat in the Foreign Relations Committee without action until 1990 when the first hearings were held. Finally it was passed out of committee to the Senate in 9/94 however this was at the end of the Senate session so no vote was taken. It therefore went back to committee in 1/95. Again, no action was taken until 2002 when it was approved and sent back to the Senate only to never get on to the docket due to a "full" voting schedule. Presently, it sits again in committee. The present Chair is Joseph R. Biden (D-DE) who is awaiting official word from the Bush administration. That administration is taking no official stand until a review by the Justice Department is completed.

Reasons the US Needs to Ratify the Treaty: The United States has a long tradition of supporting international human rights laws. Jimmy Carter drafted the UN Women's Treaty, Ronald Reagan spearheaded the ratification of the Genocide Convention, and George Bush, Sr. led efforts to ratify the Torture Convention and the Protocol for Civil and Political Rights. We cannot be a leader in guaranteeing Women's Rights unless we are a party to this global treaty. Not ratifying the treaty reduces our global standing, damages diplomatic relationships, and hinders our ability to lead in the International Human Rights community. How can we accuse

other nations of not protecting women's rights when we cannot take this basic step? Luckily, our country already has most of the protections in place that are outlined in the articles of the treaty, but as recent headlines show us; these laws can be repealed or reversed. What we take for granted as our rights seem to be a mere vote away from disappearing.

We need to continue to be advocates for our rights and their guarantees. In 1993, 68 senators signed a letter to then-President Clinton asking him to take the necessary steps to ratify CEDAW. This helped push the treaty out of committee to the full Senate. It's time we have the same action. Our two senators from Wisconsin, Senators Kohl and Feingold, both support the treaty. Continued pressure from their constituents, who are you and me, might help generate the same type of letter to President Bush. **BE AN ADVOCATE! WRITE A LETTER TODAY!**