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**CEDAW: Why U.S. Women Don't Need Any More Rights,
and Other Tall Tales**

Tuesday, July 13, 2010, 3:30-5:00 pm

Facilitator:

LaShawn Jefferson, Program Officer, Ford Foundation

Panelists:

Wade Henderson, President and CEO, Leadership Conference on Civil and Human Rights

Ann Njogu, Chairperson, Center for Rights Education and Awareness, Kenya

Nancy Northup, President, Center for Reproductive Rights



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LaShawn Jefferson opened the session posing true/false statements to test audience knowledge regarding CEDAW. She then highlighted several features of the treaty, including:

- Ensures that women's rights are respected in law and government practice. Asks governments to ensure that individuals are respecting these rights.
- Contains numerous rights including: the right to represent one's own country, right to education, right to employment, right to choose one's own spouse, and the right to family planning and reproductive choice.
- Provides a framework for change and offers universal standards across national boundaries.

Why is CEDAW ratification needed within the U.S.?

- Promotes transparency and accountability, the U.S. becomes more fully part of the international system where fulfillment of treaty obligations are reviewed.
- Serves as a catalyst for discussion and policy change by making clear the ways the U.S. is meeting its treaty obligations and falling short.

By way of example, Ms. Jefferson shared that a sex-based wage gap persists within the U.S., that in many states rape kits remain untested (a violation of access to justice and equality before the law) and that in the recent economic downturn pregnancy-based discrimination has increased.

Wade Henderson shared that the Leadership Conference has now added 'human rights' to its name as a recognition of the power a human rights framework provides domestically and to help cement the international connection. The Leadership Conference is actively working towards the ratification of CEDAW for a number of reasons:

- CEDAW is the most comprehensive human rights treaty and is widely ratified across the world
- Ratification will strengthen the impression of the U.S. globally and send a powerful message that women's empowerment is critical to the security and economy of every nation.
- A failure to ratify CEDAW sends mixed signals regarding the U.S. position on human rights.
- CEDAW ratification creates an opportunity for dialogue regarding discrimination and injustice, i.e. women still earn 77 cents for every \$1 men earn.
- This is an advantageous moment for a floor vote in the Senate on CEDAW.

Mr. Henderson concluded by spelling out three primary reasons for CEDAW ratification now:

- There is a much broader and deeper understanding of violence against women within the U.S. Senate and the American public.
- There is a large and diverse coalition working to ratify CEDAW (The Leadership Conference is working with approximately 150 organizations).
- The long track of success enjoyed in other areas of our work should be continued now.

Nancy Northrup asserted that the norms offered by CEDAW are stronger than those guaranteed under U.S. law. She discussed the U.S. State Department resistance to signing a treaty that the country isn't already in compliance with and projected about how this treaty may need to be marketed to ensure ratification. Emphasizing the gap between U.S. law and the treaty could serve to undercut the administration's support for ratification, or serve towards ratification with reservations. CEDAW ratification will likely be sold as not having an impact so that it passes in the Senate, but the reality is that it will have an impact. Once the U.S. becomes a state party, we have the opportunity to engage the U.S. government on these issues in a different way, such as through shadow reporting. It will be a new way to speak with the American government and public about what it really means to have gender equality.

Ann Njogu shared that Kenya ratified CEDAW in 1984 and that over 90% of countries in Africa have ratified this treaty. Despite challenges such as higher education drop-out rates for girls and a high

percentage of men holding leadership positions within civil society, Kenya is making progress. In 2007 an employment act was passed that increased maternity leave to three months and prevented pregnancy-based discrimination. Women have also made gains regarding rights to own and dispose of property. As of recent the judiciary has made a number of progressive judgments, in one case citing CEDAW as a rationale for the decision. The most exciting progress is yet to come as later this year Kenya will be considering the passage of a new constitution with almost all of the CEDAW provisions entrenched, including citizenship rights and an expanded definition of discrimination. Ms. Njogu concluded by stating that the U.S. cannot lead from the front in the global arena without ratifying CEDAW.

Panelists in the Hot Seat

Mr. Henderson to Ms. Northrup: Given what happened with health care reform, will CEDAW be ratified without abortion reservations? Is CEDAW with reservations better than no CEDAW?

A: Abortion will be a big issue during consideration of CEDAW and realistically, some reservations may occur. In 2002 when the Senate Foreign Relations Committee was considering CEDAW, many said that CEDAW is neutral on abortion. This is untrue and a dangerous interpretation of the treaty. Ratification with reservations is preferable to misconstruing the treaty.

Ms. Njogu to Mr. Henderson: What effects will CEDAW have within the U.S. and what needs to be done to push it the remaining extra mile?

A: There is no question that the greatest impact of ratification would be positioning the U.S. as a leader in women's rights globally. When the U.S. is shown to have fallen short on its ideals, this sheds light on addressing the structural inequality that still exists. CEDAW, as part of a broader advocacy strategy, has enormous potential for concrete impact.

Ms. Northrup to Ms. Njogu: Why do you care if the U.S. ratifies CEDAW? Do you think ratification with a reservation on abortion matters?

A: CEDAW provides a beautiful structure for women's rights. It would be motivating for Southern countries to see partners in the North having the same support, reading from the same book. It is important that the U.S. is not just saying, 'do as I say, not as I do' and that it has the courage to lead from the front. The U.S. needs to not only espouse the rhetoric of guaranteeing women's human rights, but also be seen doing it.

Reservations would matter massively. In the adoption of Kenya's new constitution the right for a doctor to terminate pregnancy if the life of the woman is in danger is contentious. There is a conservative movement in the U.S. funding this resistance. If CEDAW does not include a reservation about abortion, it would demonstrate that this action by the conservative movement is going against what the U.S. stands for. Right now Kenyans are perceiving mixed signals from the U.S.

Questions and Answers:

Q: Has anything changed that would lead us to believe that we have a chance in defeating reservations? Is there any possibility that we could come off worse?

A: There is disappointment with the restrictions in the health care bill, but it is better to have a bill than not. The chances of CEDAW being ratified are good, but there is a limited window of opportunity, and a price may be paid with reservations. When CERD is discussed, however, the focus is not on the reservations but the opportunities it provides. Secretary Clinton is the best advocate and activists are working now to have key Republican voices join the effort.

Q: To what extent do women's rights advocates share strategies around CEDAW?

A: We absolutely do share strategies, but we could do better with sharing across continents. One example is that when Kenya was seeking to pass a bill that experience was shared with advocates in Uganda and now they have tailored a bill exactly to that of Kenya. There is also a network focused on gender-based violence where research and advocacy strategies are shared across countries.

Q: While having implications for U.S. global relations, it is unclear if U.S. domestic law will change with ratification of CEDAW. CEDAW could work to motivate the women's rights movement in U.S. but if we have to use a stealth strategy to get CEDAW passed, this precludes motivating the women's movement.

A: With the adoption of CERD, the reports provided led to the passage of a stronger hate crimes statute and the first civil rights statute to include the LGBT community as a protected class. Agree that we cannot use a stealth strategy regarding the protection and promotion of women's rights.