



A Fact Sheet on CEDAW: Treaty for the Rights of Women

- **The Convention on the Elimination of All Forms of Discrimination Against Women** (CEDAW, or the Treaty for the Rights of Women), was adopted by the United Nations in 1979, and is the most comprehensive international agreement on the basic human rights of women. The Treaty provides an international standard for protecting and promoting women's human rights and is often referred to as a "Bill of Rights" for women. It is the **only** international instrument that comprehensively addresses women's rights within political, civil, cultural, economic, and social life. As of October, 2002, 170 countries had ratified CEDAW. The United States is among a small minority of countries that have not yet ratified CEDAW, including Afghanistan, Iran, and Sudan. The United States has the dubious distinction of being the only country in the Western Hemisphere and the only industrialized democracy that has not ratified this treaty.
- **The Senate Foreign Relations Committee** voted in July, 2002 to recommend ratification of CEDAW, but the Treaty has never come before the full Senate for a vote. Ratification of the Treaty requires the support of 2/3 of the US Senate, or 67 votes.

Perhaps no country demonstrates more clearly than Afghanistan that the protection of women's rights is vital for success in the struggle for freedom and promotion of fundamental human rights principles for all. Recent events affirm that the full restoration of women's rights is crucial to ensuring that Afghanistan emerges as a country that upholds basic freedoms and human rights and lays a foundation for long term peace. CEDAW is the strongest and most relevant international treaty to advocate for women's human rights in Afghanistan.

- **The Treaty for the Rights of Women is a tool that women around the world are using effectively to bring about change in their conditions.** In nations that have ratified the treaty, CEDAW has proved invaluable in opposing the effects of discrimination, which include violence, poverty, lack of legal protections, along with the denial of inheritance, property rights, and access to credit. The Treaty has encouraged the development of citizenship rights in Botswana and Japan, inheritance rights in the United Republic of Tanzania, and property rights and political participation in Costa Rica. CEDAW has fostered development of domestic violence laws in Turkey, Nepal, South Africa, and the Republic of Korea and anti-trafficking laws in Ukraine and Moldova.
- **The principles espoused in the Treaty for the Rights of Women are consistent with those in US law and with our country's foreign and domestic policy objectives.** The Treaty would nonetheless help efforts to enhance U.S. laws with respect to violence against women, access to legal protections, and other human rights. Lack of U.S. ratification serves as a disincentive for governments to uphold CEDAW's mandate and their obligations under it to end discrimination against women. With U.S. ratification, the Women's Convention would become a much stronger instrument in support of women's struggles to achieve full protection and realization of their rights.

AMNESTY INTERNATIONAL RECOMMENDS THAT

- ✓ The US Senate vote to ratify CEDAW, the International treaty for the Rights of Women;
- ✓ The Bush Administration support and implement the Treaty and use it to promote women's human rights worldwide.

By not ratifying CEDAW, the U.S. remains in the company of countries like Iran and the Sudan, where women's rights are in a deplorable state. Hesitancy to ratify this important document stems from unfounded fears associated with the implementation of CEDAW in the U.S. Some myths about the treaty are addressed below:

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 US 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 unlikely. CEDAW's definition of discrimination includes both discrimination that is intentional and that which is the result of laws, policies, and practices. When applied, these provisions have the impact (sometimes unintentionally) of discriminating against women. 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, but is unlikely to result in frivolous lawsuits any more than challenges to race discrimination.

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 simply 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 Convention.

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 Bush to support the Treaty for the Rights of Women

For more information on the Treaty on the Rights of Women, visit www.aiusa.org/women or www.womenstreaty.org
For more information on women's human rights, visit www.aiusa.org/women or contact Amnesty International USA at 5 Penn Plaza-16th floor, New York, NY 10001