

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

"...obtaining Senate advice and consent to the ratification of CEDAW is a top Administration priority during this [105th] session of Congress."

President Bill Clinton

From a letter to the Senate leadership, March 11, 1998

"...it is long past time for America to become party to the Convention on the Elimination of Discrimination Against Women."

Secretary of State Madeleine Albright

March 12, 1997

"Violence and discrimination against women don't just victimize individuals; they hold back whole societies...Guaranteeing human rights is a moral imperative with respect to both women and men. It is also an investment in making whole nations stronger, fairer, and better."

From the official U.S. Government statement to the World
Conference on Human Rights, Vienna, Austria, 1993

BACKGROUND

On December 18, 1979, the United Nations adopted the Convention on the Elimination of All Forms of Discrimination Against Women (Women's Convention or CEDAW). The call for a Women's Convention emerged from the First World Conference on Women in Mexico City in 1975. Until 1979, when the General Assembly adopted the Women's Convention, there was no convention that addressed comprehensively women's rights within political, cultural, economic, social, and family life. As of June 1999, 163 countries had ratified the Convention.

CURRENT STATUS

In June 1997 the Clinton Administration informed the Senate Foreign Relations Committee of its priorities for ratification of international treaties in the 105th Congress. The Women's Convention is the only human rights treaty listed in Category 1: "Treaties for which there is an urgent need for Senate approval."

The United States was active in drafting the Convention and signed it on July 17, 1980. It was transmitted to the Senate Foreign Relations Committee in November 1980. In the summer of 1990, the Committee held hearings on the Convention. In the spring of 1993, sixty-eight senators signed a letter to President Clinton, asking him to take the necessary steps to ratify the Women's Convention. In June 1993, Secretary of State Warren Christopher announced at the World Conference on Human Rights in Vienna that the Administration would move on the Women's Convention and other human rights treaties.

In September 1994, the Senate Foreign Relations Committee reported out favorably on the Convention, by a vote of 13 to 5 (with one abstention). Unfortunately, this occurred in the last days of the Congressional session, when several senators put a hold on the Convention, thereby blocking it from the Senate floor during the 103rd Congress. When the new Senate convened in January 1995, the Convention reverted to the Senate Foreign Relations Committee. The committee has taken no action since then.

FOR ADDITIONAL INFORMATION, CONTACT
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Sixty-seven "yes" votes are required for the Senate to consent to ratification. Action by the House of Representatives is not required for ratification of international treaties. To date seven states have endorsed U.S. ratification in their state legislatures: California, Iowa, Massachusetts, New Hampshire, New York, South Dakota, and Vermont. The Connecticut State Senate and the Illinois House of Representatives have also endorsed U.S. ratification.

IMPORTANCE OF U.S. RATIFICATION

The Convention provides a universal definition of discrimination against women that provides a basis for every government's domestic and foreign policy to combat discrimination.

As one of the few nations that has failed to ratify the Women's Convention, the United States compromises its credibility as a leader for human rights. The United States made ratification of the Women's Convention by the year 2000 one of its public commitments at the UN Conference on Women in Beijing in September 1995. The United States must keep that commitment.

The Women's Convention is a tool that women around the world are using in their struggle against the effects of discrimination: violence against women, poverty, lack of legal status, no right to inherit or own property, access to credit, etc. Women need the United States to speak loudly and clearly in support of the Women's Convention so that the Convention becomes a stronger instrument in support of their struggles. Without US ratification, other governments can more easily ignore the Convention's mandate and their obligations under it.

Violence against women seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men. But violence against women itself emerges from the phenomenon of discrimination against women which makes them a target of violence. To effectively combat the crime of violence against women, US policy must address this linkage of discrimination and violence. By ratifying the Women's Convention, the United States will reinforce its commitment to eliminate discrimination and, therefore, move closer to effectively combating violence against women.

The Clinton Administration has developed a number of provisions that will be incorporated into US ratification of the Convention to ensure that there will be no inappropriate intrusion on states' rights or into the private domain.

Ratification of the Women's Convention will entitle the United States to nominate a U.S. expert to be a member of the Committee on the Elimination of Discrimination Against Women, which monitors reports of progress in the treatment of women from the countries that have ratified the Convention. In this capacity, the US expert could bring the benefit of US experience in combating discrimination against women to this international forum.

TREATY SUMMARY

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 marital 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 field."

Article 2: mandates States Parties to condemn discrimination in all its forms and to ensure a legal framework, including all laws, policies and practices that provide protection against discrimination and embody the principle of equality;

Article 3: requires that States Parties 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 traffic in women** and the exploitation of prostitution of women;

Article 7: mandates the States Parties to **end discrimination against women in political and public life**, and to 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 in these spheres;

Article 8: requires action to allow women to represent their governments internationally on an equal basis with men;

Article 9: mandates that women will 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, to employment opportunities, to **equal remuneration**, to free choice of profession and employment, to **social security**, and to 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 from the field of **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 **freely to choose marriage, equal rights and responsibilities toward children**, including the right to **decide freely and responsibly on 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) which will evaluate progress made in implementation of the Convention.

Article 18: establishes a **schedule of reporting** on progress by ratifying countries;

Article 19: establishes the ability of CEDAW to adopt rules of procedure and sets a two-year term for its officers;

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

Article 21: directs CEDAW to report annually to the General Assembly through ECOSOC, and to **make suggestions and general recommendations** based on the States Parties' reports;

Article 22: allows for representation of the specialized agencies of the UN and for CEDAW to invite reports from them;

Articles 23-30: set forth elements of the operation of the treaty, including the manner by which the treaty comes into operation, the limits on the scope of permissible reservations, and the way in which disputes between States Parties can be settled.

ORGANIZATIONS THAT HAVE ENDORSED THE WOMEN'S CONVENTION (Partial list)

Action for Development	Lambda Legal Defense and Education Fund, Inc.
*American Association of Retired Persons	Lawyers Committee for Human Rights
*American Association of University Women	*Leadership Conference of Women Religious
*American Bar Association	*League of Women Voters of the United States
American College of Nurse-Midwives	Louisville Women-Church
American Council for the United Nations University	Maryknoll Mission Association of the Faithful
American Federation of Teachers	Maryknoll Office of Global Concerns
*American Friends Service Committee	Massachusetts Women-Church
*American Jewish Committee	Na'amat USA
*American Nurses Association	National Association of Social Workers
American Veterans Committee	National Association of Women Lawyers
Americans for Democratic Action, Inc.	National Audubon Society
*Amnesty International USA	National Coalition Against Domestic Violence
Association for Women in Development	National Coalition of American Nuns
Association for Women in Psychology	*National Council of Negro Women
Anti-Defamation League of B'nai B'rith	National Council of the Churches of Christ in the USA
*Bahá'ís of the United States	National Council of Women of the USA
Black Women's Agenda	*National Council of Women's Organizations
*B'nai B'rith International	*National Education Association
Bread for the World	National Jewish Community Relations Advisory Council
*Business and Professional Women/USA	National Women's Conference Committee
BVM Network for Women's Issues	*NOW Legal Defense & Education Fund
Catholics for A Free Choice	NETWORK - A National Catholic Social Justice Lobby
Center for Advancement of Public Policy	Older Women's League
Center for Policy Alternatives	Oxfam America
Center for Reproductive Law and Policy	Planned Parenthood Federation of America
Center for Women's Global Leadership	*Presbyterian Church (U.S.A.), Washington Office
Center of Concern	Psychologists for Social Responsibility
Chicago Catholic Women	Robert F. Kennedy Memorial Center for Human Rights
Chicago Women-Church	San Francisco Bay Area Women's Ordination Conference
Church of the Brethren, Washington Office	*Sierra Club
*Church Women United	Sisterhood is Global Institute
Coalition on Religion & Ecology	Sisters of St. Joseph of Peace
Coalition for Women in International Development	Soka Gakkai International - USA
Columban Fathers' Justice & Peace Office	Society for International Development/Women in Development
Commission on the Advancement of Women/InterAction	*Sorooptimist International of the Americas
D.C. Statehood Solidarity Committee	Union of American Hebrew Congregations
Earthcommunity Center	*Unitarian Universalist Association, Washington Office
Eighth Day Center for Justice	Unitarian Universalist Service Committee
Episcopal Church	United Church of Christ Office for Church and Society
*Evangelical Lutheran Church of America	*United Methodist Church
*Feminist Majority Foundation	*United Nations Association of the United States of America
Francois Xavier Bagnoud Center for Health and Human Rights	United States Committee for UNICEF
Friends of the U.N.	United States Committee for UNIFEM
*Friends Committee on National Legislation	Washington Office on Africa
*General Federation of Women's Clubs	Winrock International
Global Commission to Fund the UN	Woman's National Democratic Club
Gray Panthers	Women Empowering Women of Indian Nations (WEWIN)
Guatemala Human Rights Commission	Women of Reform Judaism
Hadassah	Women for International Peace and Arbitration
Health & Development Policy Project	Women for Meaningful Summits
Human Rights Advocates	Women Law and Development International
Human Rights Watch/Women's Rights Division	*Women's Action for New Directions/Women Legislators Lobby
The Humane Society	Women's Environment and Development Organization
International Center for Research on Women	Women's Institute For Freedom of The Press
International Gay and Lesbian Human Rights Commission	*Women's International League for Peace and Freedom
International Human Rights Law Group	Women's Legal Defense Fund
International Women's Health Coalition	Women's Ordination Conference
International Women's Human Rights Law Clinic	World Citizen Foundation
International Women Judges Foundation	*World Federalist Association
The J. Blaustein Institute for the Advancement of Human Rights	*YWCA of the U.S.A.
Jewish Council for Public Affairs	
*Jewish Women International	

**Active National Membership Organizations*

June 1999

**WORKING GROUP ON RATIFICATION
OF THE
U.N. CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN**

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Suggested Grassroots/NGO Action Items to Urge Ratification of CEDAW

- Contact your senator* if he/she is a member of the Senate Foreign Relations Committee (SFRC). Encourage them to urge the SFRC's leadership, Jesse Helms (R-NC) & Joseph Biden (D-DE), to move CEDAW out of the SFRC to the floor for a vote this Congress.
- Write letters to your senators* encouraging them to urge the Republican (Trent Lott/Jesse Helms) and Democratic (Tom Daschle/Joseph Biden) Senate leadership to bring CEDAW to a vote on the floor this Congress.
- Arrange a visit with your senators* during a Senate recess, particularly if he/she is still uncommitted on ratification and a junior senator from your state. Include NGO representatives from like-minded groups as part of a delegation.
- Arrange a meeting with your senator if he/she is committed and urge him/her to become a more active leader in the effort to ratify the treaty.
- Send letters to Secretary Albright thanking her for her efforts and urging her to continue to use her office to work with the Senate leadership in achieving ratification of CEDAW.
- Encourage local, statewide, and national Republican and Democratic women leaders to speak out in favor of ratification.
- Work with local organizations/religious groups (i.e., Bahá'ís, Methodists, YWCA, Amnesty International, UNA-USA, General Federation of Women's Clubs) to organize events highlighting ratification.
- If you are from California, write thank you letters to Senator Boxer for her active leadership including asking a question on CEDAW to Secretary Albright at the February 23, 1999 Senate Foreign Relations Committee hearing.
- Urge NGO membership in the relevant states to contact their newly-elected senators* asking them about their position on CEDAW and urging them to support ratification.

* Refer to other side for *Senate Assessments*

Please inform the Working Group, at the above address, of any of your activities in support of ratification of CEDAW

June 1999

FOR:

Akaka, D. (D-HI)[°]
 Baucus, M. (D-MT)[°]
 Biden, J. (D-DE)^{°+}
 Bingaman, J. (D-NM)[°]
 Boxer, B. (D-CA)^{°+}
 Breaux, J. (D-LA)[°]
 Bryan, R. (D-NV)[°]
 Byrd, R. (D-WV)[°]
 Campbell, B. (R-CO)[°]
 Chafee, H. (R-RI)[°]
 Cleland, Max (D-GA)
 Conrad, K. (D-ND)[°]
 Daschle, T. (D-SD)[°]
 Dodd, C. (D-CT)^{°+}
 Dorgan, B. (D-ND)[°]
 Durbin, R. (D-IL)
 Feingold, R. (D-WI)^{°+}
 Feinstein, D. (D-CA)[°]
 Graham, B. (D-FL)[°]
 Harkin, T. (D-IA)[°]
 Hollings, E. (D-SC)[°]
 Inouye, D. (D-HI)[°]
 Jeffords, J. (R-VT)[°]
 Johnson, T. (D-SD)
 Kennedy, E. (D-MA)[°]
 Kerrey, R. (D-NE)[°]
 Kerry, J. (D-MA)^{°+}
 Kohl, H. (D-WI)[°]
 Landrieu, M. (D-LA)
 Lautenberg, F. (D-NJ)
 Leahy, P. (D-VT)[°]
 Levin, C. (D-MI)[°]

FOR:

Lieberman, J. (D-CT)[°]
 McCain, J. (R-AZ)[°]
 Mikulski, B. (D-MD)[°]
 Moynihan, D. (D-NY)[°]
 Murray, P. (D-WA)[°]
 Reed, J. (D-RI)
 Reid, H. (D-NV)[°]
 Robb, C. (D-VA)[°]
 Rockefeller, J. (D-WV)[°]
 Sarbanes, P. (D-MD)^{°+}
 Schumer, C. (D-NY)*
 Snowe, Olympia (R-ME)
 Specter, A. (R-PA)[°]
 Thurmond, S. (R-SC)[°]
 Torricelli, R. (D-NJ)+
 Warner, J. (R-VA)[°]
 Wellstone, P. (D-MN)^{°+}
 Wyden, R. (D-OR)

NEW SENATORS:

Bayh, E. (D-IN)*
 Bunning, J. (R-KY)*
 Crapo, M. (R-ID)*
 Edwards, J. (D-NC)*
 Fitzgerald, P. (R-IL)*
 Lincoln, B. L. (D-AR)*
 Voinovich, J. (R-OH)*

UNKNOWN:

Abraham, S. (R-MI)
 Allard, W. (R-CO)
 Bennett, R. (R-UT)
 Bond, C. (R-MO)
 Brownback, S. (R-KS)+
 Burns, C. (R-MT)
 Cochran, T. (R-MS)
 Collins, S. (R-ME)
 Craig, L. (R-ID)
 DeWine, M. (R-OH)
 Domenici, P. (R-NM)
 Enzi, M. (R-WY)
 Frist, B. (R-TN)+
 Gorton, S. (R-WA)
 Grams, R. (R-MN)+
 Grassley, C. (R-IA)
 Hatch, O. (R-UT)
 Hutchinson, T. (R-AR)
 Inhofe, J. (R-OK)
 Kyl, J. (R-AZ)
 Lott, T. (R-MS)
 Lugar, R. (R-IN)+
 Mack, C. (R-FL)
 Murkowski, F. (R-AK)[°]
 Nickles, D. (R-OK)
 Roberts, P. (R-KS)
 Roth, W. (R-DE)
 Santorum, R. (R-PA)
 Sessions, J. (R-AL)
 Shelby, R. (R-AL)[°]
 Smith, G. (R-OR)+
 Smith, R. (R-NH)
 Stevens, T. (R-AK)
 Thomas, C. (R-WY)+
 Thompson, F. (R-TN)

AGAINST:

Ashcroft, J. (R-MO)+
 Coverdell, P. (R-GA)+
 Gramm, P. (R-TX)
 Gregg, J. (R-NH)
 Hagel, C. (R-NE)+
 Helms, J. (R-NC)+
 Hutchison, K. (R-TX)
 McConnell, M. (R-KY)

*Newly elected to 106th Congress

+Members of Foreign Relations Committee

[°]Signed the Sen. Simon "Dear Colleague" letter in the 103rd Congress

Above list is also based on Senators' responses to constituent letters

1999 CEDAW RATIFICATION UPDATE

WHICH COUNTRIES HAVE RATIFIED:

163 countries have consented to be bound by the provisions of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women:

Albania, Algeria, Andorra, Angola, Antigua & Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, The Bahamas, Bangladesh, Barbados, Belarus Republic, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia & Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi.

Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France.

Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg,

Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Maritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Macedonia, Republic of Moldova, Romania, Russian Federation, Rwanda.

Saint Kitts & Nevis, Saint Lucia, Saint Vincent & the Grenadines, Samoa, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Surinam, Sweden, Switzerland, Tajikistan, Thailand, Togo, Trinidad & Tobago, Tunisia, Turkmenistan, Turkey.

Uganda, Ukrainian Republic, United Kingdom of Great Britain & Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Vietnam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

WHICH COUNTRIES HAVE NOT RATIFIED:

Europe & North America:

San Marino
United States of America

West Asia (Middle East):

Bahrain
Iran
Oman
Qatar
Saudi Arabia
Syrian Arab Republic
United Arab Emirates

Asia Pacific/Central Asia:

Afghanistan (S)
Brunei Darussalam
Cook Islands *
Democratic People's Republic of Korea
Kiribati *
Marshall Islands
Micronesia
Nauru *
Palau
Solomon Islands
Tonga *
Tuvalu *

Africa:

Mauritania
Niger
Sao Tome & Principe (S)
Somalia
Sudan
Swaziland

Latin America/Caribbean:

All ratified

* Non-member state of the United Nations
(S) Signed, not ratified or acceded



Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

This Administration has focused unprecedented attention on promotion of women's human rights and CEDAW ratification. The President, the First Lady, and the Secretary have called for ratification. The White House and the Secretary have raised CEDAW with key Senators.

- The United States is the world's leading advocate for human rights and fundamental freedoms. Countries look to the U.S. as an example in advancing the status of women globally. Lack of ratification not only hurts our credibility, but also sends the wrong message about our commitment to promoting women's human rights and opposing violations.
- CEDAW is a set of international standards to improve the lives of women and girls around the world. In many countries where CEDAW has been ratified, citizens have succeeded in improving protections against the violations affecting women. It has made a difference in the lives of many women.
- Internationally, the United States calls on countries to meet internationally recognized standards of human rights, such as those reflected in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Genocide Convention, the Convention Against Torture, as well as the Convention on the Elimination of All Forms of Discrimination Against Women.
- CEDAW is a tool to hold governments accountable for the human rights violations that are perpetrated against women. As we hold other countries accountable and urge them to ratify human rights treaties, lack of U.S. ratification hinders our efforts, signals inconsistency, and undermines our ability to urge others to ratify conventions.
- CEDAW is about eliminating human rights violations and protecting human rights for women, so that they can enjoy the full range of universal human rights.
- At the federal and state levels, current U.S. law already provides strong guarantees of equal protections. As a result, U.S. law largely complies with the requirements of the convention.
- U.S. ratification of CEDAW provides added leverage to press governments on mistreatment of women and urge promotion of human rights.
- 163 countries have ratified.

file CEDAW

BRINGING EQUALITY HOME



Implementing
the Convention on
the Elimination of
All Forms of
Discrimination
Against Women

cedaw

Edited by Ilana Landsberg-Lewis

United Nations Development Fund For Women (UNIFEM)

The United Nations Development Fund for Women (UNIFEM) was created as a result of the energetic advocacy of women at the 1975 International Women's Year (IWY) Tribune in Mexico City. Established by the United Nations in 1976 as the Voluntary Fund for the UN Decade for Women, UNIFEM became an autonomous organisation within the UN family in 1985. UNIFEM's mission is to promote the economic and political empowerment of women in developing countries. UNIFEM works to ensure the participation of women in all levels of development planning and practice. UNIFEM also acts as a catalyst within the UN system for efforts to link the needs and concerns of women to all critical issues on the national, regional and global agenda.

The views expressed in this book are those of the authors and do not necessarily represent the views of UNIFEM, the United Nations or any of its affiliated organisations.

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on All Forms of Discrimination
Against Women
CEDAW
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—Ilana Landsberg-Lewis

**FOREWORD FROM
UNIFEM'S EXECUTIVE
DIRECTOR**

UNIFEM is deeply committed to bringing about systematic change that leads to women's empowerment and gender equality. The Fund has integrated a rights-based framework into our work, which means that we view the pursuit of sustainable human development as a fundamental human rights issue and are committed to consistently relating human rights to the development dialogue. We are convinced that a women's human rights framework equips women with a way to define and express their experiences of violence, discrimination, and marginalisation. This framework provides a critical perspective for the development of concrete strategies for change, by employing a gendered lens in the examination of the human rights norms and standards that hold States accountable for creating the conditions necessary to achieve equality and non-discrimination for women in all areas of their lives.

UNIFEM has worked with non-governmental organisations, Governments, and partner agencies in the UN system to ensure that women's human rights continue to be a centrepiece in the follow-up to the world conferences, building on the foundation laid by Vienna and the Beijing Platform for Action. Our work in this area is guided by our understanding that the task of transforming social values and creating a culture of respect for the human rights of women is a complex and lengthy process. Norms and standards of human rights are usually set in the international fora, but once this has been accomplished the next critical step in realising these rights begins through implementation at the national level.

In promoting the realisation of women's human rights, UNIFEM has developed an array of initiatives around the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The CEDAW framework can be tremendously useful in working for legal and policy changes at local, national, and international levels. We have developed new programming aimed at: (a) achieving universal ratification of the Women's Convention and removal/narrowing of States' reservations (b) strengthening awareness of CEDAW and of the capacity of women's organisations to use it in their advocacy work and, (c) collaborating with other partners to support the work of the CEDAW Committee and strengthening the Women's Convention. Indeed, we have pledged to become to CEDAW what UNICEF has been to the Convention on the Rights of the Child.

UNIFEM recently provided CEDAW training to women's NGOs at two global workshops co-sponsored with International Women's Rights Action Watch Asia Pacific and held in New York during the January 1997 and 1998 sessions of the CEDAW Committee. A total of 33 women's human rights advocates from 17 countries reporting to the Committee have participated thus far in the training. These training workshops focused on strengthening women's rights advocates' understanding of the Convention and of the Committee's working methods, as well as exploring CEDAW's potential application to their advocacy work at the national level. The presence of these advocates at the January CEDAW sessions also enabled them to provide valuable information about the status and concerns of women in their countries to both the CEDAW Committee and their reporting Governments. UNIFEM will continue to support annual global training workshops during the January session of the CEDAW Committee, replicate these trainings at the national and regional levels, and to facilitate the connection between global and local advocacy around the Women's Convention.

This year the United Nations is commemorating the 50th anniversary of the Universal Declaration of Human Rights. Such an anniversary invites us to reflect, to glance backward and make an historical assessment of the progress of international human rights and to appreciate how far we have come. But when thinking about women, this is neither an obvious nor an easy exercise. Women's rights as human rights, in a realistic and viable form, have only recently been accepted by the international community as part of the human rights lexicon. CEDAW came into force in 1981, as the first international human rights treaty to systematically and substantively address the needs of women. However, these gains made on paper at the international level simply set the stage for the real work: the implementation of CEDAW and other human rights instruments at the national level. This is where CEDAW really has meaning for women and translates into the potential to improve women's lives and their societies. The history of women's human rights has just begun.

If the stories brought together in this booklet have any single message, it is that women themselves must be and will be the authors of this history. These are stories about new and changed constitutions, about court decisions giving women the legal right to land and to protection from sexual harassment, about new laws that prohibit gender-based discrimination, and about Government policies that respect women's health needs. What is apparent in each case is that CEDAW, as a document, did not in and of itself bring about these changes. Rather, it was the determined, cooperative, innovative, and strategic work of women's NGOs — and the stimulation of the political will of Governments — that changed the conditions of women's lives. CEDAW provided them with a powerful, internationally recognised lever.

This booklet does not attempt to provide an exhaustive listing of all of the work that has been done with CEDAW to date, and many of the initiatives it describes are still very much in progress. What it provides is a collection of 'snapshots' of a dynamic process currently taking place around the world as societies explore ways of using the Convention to bring concrete improvements to women's daily lives.

We hope that we have produced a useful resource for women's human rights advocates, Government representatives, policy-makers, and others involved in implementing human rights for women. To this end, we have tried to provide as much information as possible about selected examples of how CEDAW has been successfully implemented to make a real difference. A listing of women's NGOs has been provided in order to facilitate the exchange of information and additional details about successful strategies. The real knowledge on what CEDAW can do for women — and what women can do with the Convention — rests there.

UNIFEM will continue its efforts to help forge the political will to implement the programmes and policies necessary to enable every woman in the world to live a life free from violation and to exercise and enjoy all her human rights. Bolstering the ratification and implementation of CEDAW is a pivotal part of building a culture that understands, respects, and promotes equality for women. In this year of celebrations and commemorations of the United Nations' principles of human rights, we at UNIFEM know that freedom, empowerment, sustainable communities, and development cannot be achieved without the full realisation of the human rights of women.

Noeleen Heyzer
Executive Director
UNIFEM
November 1998

I. CONSTITUTIONS

When women's human rights are included in a national constitution, they become part of a country's baseline for rights protection and Government obligations.

The ways in which constitutions incorporate women's human rights vary a great deal from country to country. Some constitutions make ratified international treaties and covenants part of national law. Other constitutions include explicit guarantees of gender equality, and women's non-governmental organisations (NGOs) have done important work since CEDAW was opened for ratification in 1979 to make sure these provisions are included in their States' constitutions.

Some of the most significant constitutional gains have been won in countries where there has been a broader national move for constitutional renewal, a recent ratification of CEDAW, and an interest from women's NGOs in using CEDAW as an advocacy tool.

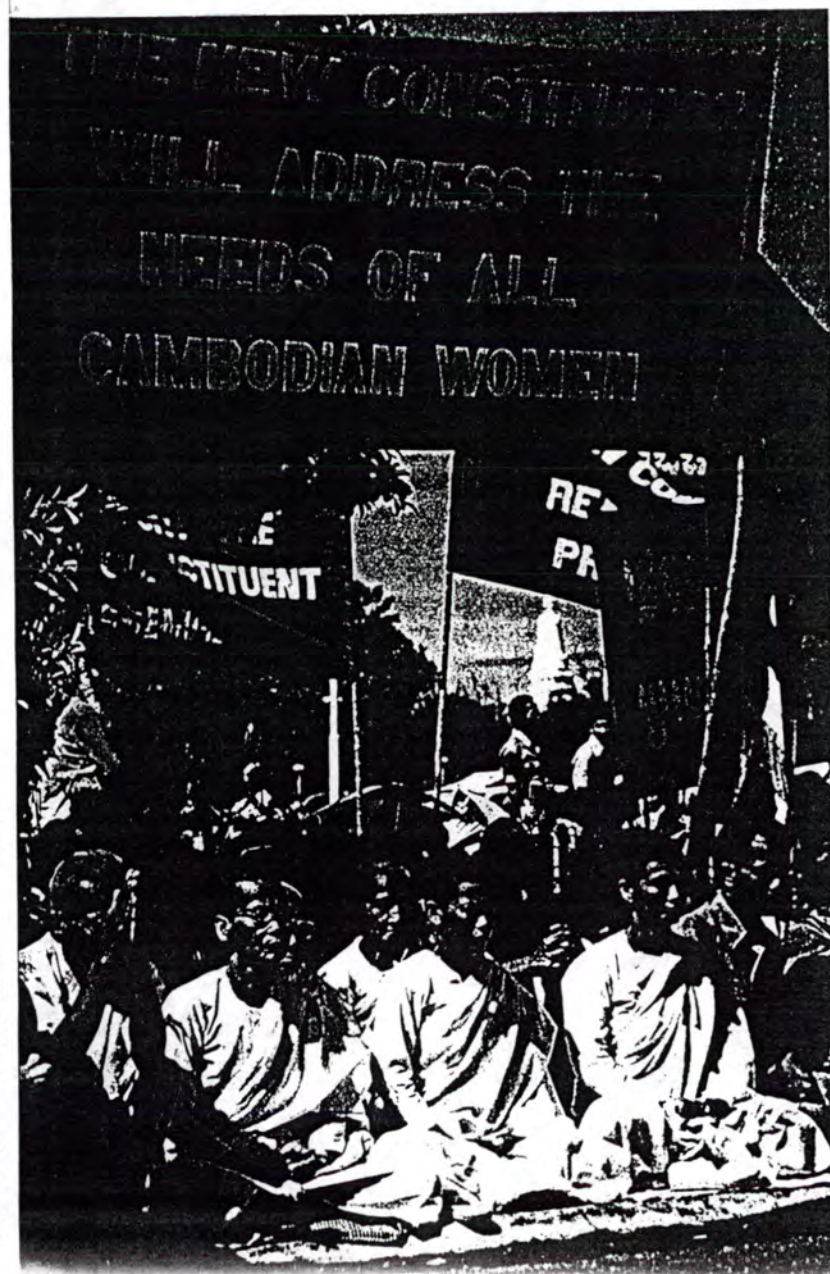
CEDAW principles have been integrated into new constitutions and added to more established constitutions through amendments. CEDAW principles can also gain 'constitutional' status in a less direct fashion, when the courts are convinced to use the Women's Convention to help give existing constitutional guarantees of women's equality more detailed and concrete meaning.

Colombia

The Colombian Government ratified CEDAW in 1981, and women's NGOs quickly began exploring ways to use it in their advocacy work. By the mid-1980s, CEDAW had become a central part of campaigns for women's human rights in Colombia.

At the same time, demands were building in Colombia for constitutional reform. It was hoped a new constitution would help move the nation past the period of violent instability it had been experiencing. The President of Colombia invited all sectors of Colombian society — including "feminists and women's organisations" — to bring their reform proposals to the working groups that were developing the new constitution. In response to this call, women's NGOs made a series of proposals about women's human rights, the main proposal being that CEDAW principles should be written into the constitution.

The legislative assembly began drafting the new constitution out of the collected reform proposals in 1991. Women's groups were determined that their concerns would not be overlooked. NGOs from across the country decided to unite in a single umbrella organisation, for the first time ever, to frame a strategy that would keep women's human rights high on the constitutional agenda. In



ceptualisation of equality, which recognises the need for temporary special measures to speed the achievement of equality and provides that these measures are not discriminatory (CEDAW, article 4). They argued that because of the history of discrimination against women in Uganda, the only effective way to guarantee equality in political representation would be to reserve a certain portion of elected seats for women candidates. They were successful — the Constitution reserves a minimum number of parliamentary seats for women, it requires that each administrative district have at least one woman representative, and it provides that at least one-third of the seats in local Government (city, municipal, and rural district councils) must be filled by women.

Brazil

The Brazilian constitution was redrafted in 1988 and now includes extensive guarantees of women's human rights. The move to rewrite the constitution began in 1985, with the restoration of democracy in Brazil and the resurgence of public political activism. Between 1985 and 1988 women's NGOs, the National Council of Women's Rights, jurists, State and municipal councils, and women's deputies in the constituent assembly contributed to a national campaign to ensure that women's rights were given proper constitutional recognition. As part of the drafting process, the National Council of Women's Rights presented over 200 amendments relating to women.

According to Jacqueline Pitanguy, past president of the National Council, CEDAW was a very useful tool for women's advocacy around the constitution. It provided a reference and a framework for articulating specific rights. The Brazilian constitution contains provisions on gender equality, gender-based violence, State responsibility for the prevention of domestic violence, the equality of rights within marriage, family planning, and equality in employment that parallel CEDAW provisions. For example, the constitution revoked the long-standing principle of the husband's leadership ("chefia") of the family unit and established that "the rights and duties relating to the conjugal unit are exercised equally by the man and the woman" (CEDAW article 16). However, the most important contribution the Women's Convention made, according to Pitanguy, came in the form of increased political legitimacy for demands that the Brazilian women's NGOs had been making for some time: "It put our demands on another level, by providing legitimacy and international wording for proposals we had been fighting for since the 1970s. International instruments such as CEDAW set a recognised standard and improved our bargaining and negotiating power."

Brazil ratified CEDAW in 1984, but with a reservation on laws relating to the family. It was only after the passage of the 1988 amendments to the constitution that it was removed — the reservation was now in violation of the Brazilian constitution's guarantees of gender equality.

More recently, São Paulo's Council of Women and women's NGOs have succeeded in passing their own convention to eliminate discrimination against women at the state level in São Paulo. Women's NGOs entered into negotiations with the São Paulo state and local Governments to gain their agreement to support the Convention's general principles, and to convince them to take legislative action to implement CEDAW. Seminars were held with a range of Government institutions to make clear the disparity between what CEDAW requires and the actual living conditions and legal discrimination faced by women in São Paulo.



II. THE COURTS

Judges are not always prepared to base their decisions on international treaties such as CEDAW. If their country has ratified the Convention, they usually have the authority to consider it, either as part of national law or as an aid to interpreting national law, but many judges are unfamiliar and uncomfortable with the idea of doing so. To convince the courts to make use of the Women's Convention, it is often useful to provide examples of other countries in which the courts have done so, as well as instances in which the courts have applied other international treaties and covenants.

Some of the most interesting and significant decisions are produced when a court decides to combine a vague or inadequate constitutional guarantee of women's equality with the principles of gender equality articulated in CEDAW. A two-dimensional constitutional vision is thereby transformed into a three-dimensional vision, and the protection afforded women's human rights becomes stronger and more meaningful than might even have been anticipated when the constitution was drafted.

Popular education has to be part of any litigation strategy. Good arguments can persuade a court to rule in favour of women's human rights, but decisions still have to be implemented. If not enough work has been done to inform and educate the Government and the general public, there is a real possibility that a court's decision will not be properly enforced or even that the decision might be overturned by new legislation.

India

In 1992, a group of women's NGOs brought a petition to the Supreme Court of India in *Vishaka v State of Rajasthan*. Their petition was motivated by the gang rape of a social worker by her own colleagues in a village in Rajasthan, and the failure of local officials to investigate. However, the problem the NGOs asked the court to address was much broader: there were no laws in India that prohibited sexual harassment in the workplace. Relying on provisions of the Indian constitution, on the CEDAW, and the CEDAW Committee's General Recommendation 19 on violence against women, the NGOs argued that the court should draft a law to compensate for the Indian parliament's inaction.

The legal question the court had to resolve was whether the State actually had an obligation to protect women from sexual harassment. The constitution prohibited discrimination on the basis of sex, and guaranteed just and humane conditions of work, but it didn't refer explicitly to sexual harassment. The court decided (in August, 1997) that CEDAW should be used to elaborate and give further meaning to these constitutional guarantees. Although the Convention was not directly part of the domestic law of India, international covenants can be used by the Indian courts to interpret national laws. The court found that by ratifying CEDAW and by making official commit-



Children in Mauritania © UNICEF PhotoL. Goodsmith

ments at the 1995 Beijing world conference on women, India had endorsed the international standard of women's human rights. According to this standard, gender equality requires protection from sexual harassment.

The court drew up a set of guidelines and norms, including detailed requirements for processing sexual harassment complaints, that will bind private and public employers until the Government passes suitable legislation. The definition of sexual harassment employed by these guidelines is a close paraphrase of the definition provided by the CEDAW Committee in General Recommendation 19:

"...sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as: a) physical contact and advances; b) a demand or request for sexual favours; c) sexually coloured remarks; d) showing pornography; e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature. Where any of these acts is committed in circumstances where-under the victim of such conduct

Nepal

In *Dhungana v Nepal*, the Forum for Women, Law and Development asked the Supreme Court to overturn a law that gave sons a share of ancestral property at birth but severely restricted daughters' entitlements. Section 16 of the Chapter on Partition of Nepal's *National Code* denied daughters a share of their parents' property until they reached the age of 35 without having married, and required that it be returned to the family if a daughter subsequently married. Because CEDAW has the status of national law in Nepal, the case was argued both as a violation of the Convention and as a violation of the constitution's equality guarantee. The Supreme Court found that the law did discriminate against women, but did not act immediately to invalidate it. Instead, the court directed the Nepalese Government to "introduce an appropriate Bill to parliament within one year — by making necessary consultations with recognised Women's Organisations, sociologists, the concerned social organisations and lawyers — and by studying and considering also the legal provisions made in other countries in this regard" (*Dhungana*, at 17).

The Government did not take any real steps to begin drafting new legislation after this decision was released, and women's NGOs decided to take the initiative themselves. A meeting was held with the Minister of Law and Justice and the lawyers who had been involved in the case to demand action. NGOs began work drafting a private bill to revise the inheritance law, which would give daughters inheritance rights at birth and give spouses the right to half of each other's property. They also conducted a study of foreign laws on inheritance rights and of the existing Nepalese system. The various districts of the country were mobilised to rally for support and were consulted for feedback on the proposed bill. At the same time, the Ministry of Women came up with its own draft bill, similar to the private bill.

Unfortunately, the bill the Government introduced in the 11th session of parliament was not based on the principles the NGOs and the Ministry of Women had advocated. It recognises a daughter's right to inherit, but, as with the earlier law, entitlements would be lost upon marriage. Clause 16 of the bill specifies that when a daughter marries after partition, whatever remains of her share in her father's property reverts to the successors of her maternal home. Women's NGOs have made an application to have this aspect of the bill amended.

As of May 1998, parliament still had not discussed the inheritance bill. Women's NGOs organised a demonstration to demand that the bill be moved forward. Over 200 women from over 60 districts in Nepal took part, and more than 100 of them were arrested when they tried to enter the house of representatives (they were released the following day). Among the women who were arrested was member of parliament Sapana Pradhan Malla, who had been legal counsel in the *Dhungana* case.

It is uncertain at present just what changes can be expected to Nepal's inheritance law. But what is already clear is that the law reform campaign has had a real effect on the public discourse around women's human rights in Nepal. According to Sapana Pradhan Malla,

"...the advocacy to challenge Nepal's inheritance law led by women and women's groups had a positive impact on the empowerment of women in the country. Because of the

court decision, the entire society was challenged to start rethinking the patriarchal structure, male supremacy, and the status and individual freedom of women. Women have begun to be vigilant about the issue and link it to the broader issue of equality. Because of the intervention, such issues have been elevated to the level of public debate, forcing Government to reconsider its understanding of the equality clause in the constitution. And women have become part of the law reform process. Finally, the advocacy has united women and NGOs to continue working for the advancement of the human rights of women."

Australia

In 1988, in *Aldridge v Booth*, the court was asked to declare the sexual harassment provisions of Australia's new *Sex Discrimination Act* unconstitutional. According to the Australian constitution, the federal Government's powers to legislate are limited, and restricted to certain areas. Before the Convention was ratified in 1984, it was clear that the federal Government was prohibited from passing national legislation in the area of sexual harassment in employment. However, after ratification, the Government did pass a law, and it relied on the new international obligations it had undertaken as giving it the necessary authority.

The court upheld the *Sex Discrimination Act*, agreeing with the Government that CEDAW ratification had effectively expanded its ability to pass national laws regarding women's human rights. The constitution gave the federal Government the power to legislate with respect to external affairs, and this power included the implementation of its treaty obligations. The court found that this power extended, specifically, to the Government's obligations regarding the prevention of sexual harassment under CEDAW: the CEDAW Committee has defined sexual harassment as discrimination in a General Recommendation, and CEDAW article 4 requires states to eliminate all forms of discrimination against women. The Government therefore had both the authority and the obligation to pass a national law prohibiting sexual harassment.

Zambia

In 1984, in *Longwe v Intercontinental Hotels*, Sara Longwe asked the Zambian ombudsman to order a hotel to stop discriminating against women. The Intercontinental Hotel had been enforcing a policy of refusing women entry unless they were accompanied by a male escort. Longwe had been stopped by a security guard who would not allow her to enter to pick her children up after they had attended a party at the hotel. The ombudsman did find that the hotel policy was discriminatory and forwarded a copy of its ruling to the National Hotels Board, but the policy wasn't changed. In 1992, Longwe was again prevented from entering the same hotel, when she and a group of women's activists tried to meet in the hotel's bar.

Longwe went to the Zambian High Court, as she realised the ombudsman's ruling had been completely ineffective. She argued that the hotel's policy violated her right to freedom from discrimi-

III. NATIONAL LAWS

The connection between CEDAW advocacy and changes to national legislation often cannot be established very clearly. Many important laws for women have been passed following CEDAW ratification, women's NGOs have frequently used the Women's Convention as a component of their campaigns to push for these laws; and Governments will rely on these laws at CEDAW Committee sessions as proof that they are fulfilling their obligations under the Convention. But there is really no way to show just what was determinative in the passage of any given law. Furthermore, as the Women's Convention increasingly becomes an integral part of a nation's human rights culture, its contribution becomes harder to isolate and identify.

There are, of course, some laws in relation to which the role played by CEDAW is quite clear. These are laws that actually cite CEDAW in their preambles or text, and some have been passed in connection with efforts to get CEDAW ratified — either as preparation for ratification or in response to the Government's failure to ratify.

It is important that public education accompany the effort to pass or amend legislation. Women must be informed about new legal entitlements that have been created, before they can be expected to claim them. Government bureaucracies, local administrators, and police departments must also recognise and respect these new entitlements in order for these claims to be enforced.

United States: San Francisco

In April 1998, by unanimous vote, the San Francisco Board of Supervisors passed an ordinance to implement the CEDAW principles within the city. The ordinance endorses the principles of the Convention, and creates the framework for integrating them into city governance. A San Francisco CEDAW task force is created to oversee implementation, and gender analyses are initiated in the areas of city employment, funding allocation, and service delivery. Action plans will respond to the discrimination identified in these studies. In addition, human rights training will be conducted in all city departments. The city Government has allocated \$100,000 in its 1999 budget to fund the first stage of implementation.

Successful passage of the ordinance followed 18 months of intensive political organising, led by the Women's Institute for Leadership Development for Human Rights (WILD).

WILD was recently formed to promote women's human rights in the United States. The challenge, as the group understood it, was to convince women activists that the sort of human rights framework that is provided by CEDAW could really help advance their work. According to WILD, human rights are generally understood to be an international concern, with no relation to women's strug-

gles at the national level. WILD felt that the CEDAW could provide a broader, more integrated perspective that seemed to be missing from American women's advocacy. One of the main values of CEDAW, for WILD, is that it embodies the understanding that "the full spectrum of human rights — civil, political, economic, social and cultural — are inalienable, indivisible and universal". According to WILD: "While criticising human rights abuses abroad, the United States has systematically fallen short of producing these same rights within its own borders. Although the U.S. Government has acknowledged that everyone must have civil and political rights, it has continued to deny that economic, social and cultural rights are fundamental human rights."

The idea of trying to pass a law in San Francisco was developed at a CEDAW training workshop, hosted by WILD in October 1996, along with the San Francisco Women's Foundation, Amnesty International USA, and the Center for Women's Global Leadership. At the end of the workshop's second day, the 24 participants had become convinced that CEDAW was a useful tool, and they also realised that together they had the political resources to organise a drive to pass a city ordinance.

The workshop group set up an ad hoc task force. Regular CEDAW training was scheduled, to prepare women who would join the task force, and members of the initial workshop were trained as facilitators. An initial meeting was set up with the San Francisco Commissioner on the Status of Women, who agreed to support the general concept of a CEDAW implementation ordinance. Discussions were also held with the President of the San Francisco Board of Examiners, who was convinced to act as an advocate for the project with the Board.

The focal point for the campaign was a public hearing, which was held to convince both the city Government and the people of San Francisco that implementing the Convention would make a difference to women's lives. Members of the Board of Supervisors were invited to be panellists at the hearing. They listened to over 2 hours of testimony from women, in the form of personal accounts and policy arguments, about violence against women, economic injustice, and inadequate health care. The members of the Board made a commitment at the end of that hearing to take action. The next day the Board passed a resolution calling for national ratification of CEDAW and stating that the city would begin the process of implementing the Convention locally.

A small working group, composed of representatives from WILD, the Commission on the Status of Women, and the Board of Supervisors, immediately began drafting an implementation ordinance. Discussions continued with the city Government.

The CEDAW ordinance was taken to the Board of Supervisors for a first vote in March 1998. Support was now quite solid for the ordinance, with the supervisors sensing that failing to vote for it might be damaging to them politically. The ordinance was quickly and unanimously passed into law. By their campaign to pass the ordinance the women's NGOs intend to improve conditions for women in San Francisco, but they also hope to have a broader impact on the state of women's human rights in the United States, where the U.S. Government has failed to ratify CEDAW. According to Krishanthi Dharmaraj, of WILD, "This legislation sends a strong message to the U.S. Government that women and girls expect their rights not only to be acknowledged but also enforced. San Francisco may be the first city, but it will not be the last.

It became quite clear to the deputies of the Legislative Assembly that flat opposition to the bill would be highly unpopular. Deputies who were critical of the bill refocused their attention on modifying some of its provisions. At the same time, the women who supported the bill proposed changes based on the input they had received through consultations with a wide range of Costa Rican women's groups. Two new sections reflecting CEDAW principles were added to the bill: an introductory section now declared the State's obligation to guarantee the real equality of men and women in political, economic, social, and cultural life and to remove obstacles blocking women's real equality; another section set out reforms that would be required of Costa Rica's civil, penal, procedural, labour, and family laws.

The bill was passed into law in 1990, as *The Law of Promotion of the Social Equality of Women*. Unfortunately, the provisions relating to women's political participation had been watered down, so that parties were now only encouraged to increase women's nominations and required to spend an unspecified 'percentage' of public funds on improving women's participation. However, most of the bill's other provisions remained intact in the final version. Costa Rica's *Law of Promotion of the Social Equality of Women* requires the following:

- The State must share the cost of child care with all working parents of children under seven years of age;
- Property titles must be registered under the names of both spouses, and single women's property must be registered in their own names;
- Working women are protected against dismissal due to pregnancy; reinstatement can be ordered and employers may be sanctioned;
- Women are entitled to three months' maternity leave following adoption;
- Mothers and fathers are given equal rights over their children;
- Women in common-law relationships are entitled to inherit property of the relationship;
- Regarding the legal prosecution of rape: Female officials must be available for the investigation, women are entitled to be accompanied during forensic examinations, justice personnel are to be given special training, and programmes to combat sex crimes are to be developed;
- The courts are authorised to order an abusive spouse to leave the home and to continue providing economic support;
- Gender stereotypes must be eliminated from educational materials, practices and teaching methods; new training programmes for teachers and women must be financed and conducted; and
- A women's legal defence office is to be instituted to protect women's human rights under both international conventions and national laws and to promote equality between the sexes.

Japan

Japan ratified CEDAW in 1985, and several pieces of legislation were enacted at that time to bring Japanese law into conformity with the Convention. The most important of these were the 1984 amendment to the *Nationality Law*, which conferred Japanese nationality on the children of Japanese women, and the 1985 *Equal Employment Opportunity Law (EEOL)* which prohibited employment discrimination in the private sector. Women's NGOs consistently criticised the *EEOL* because of the weakness of its enforcement provisions, and the Japanese Government was finally convinced in 1997 to amend the law to strengthen these provisions.

China

China passed the *Law on the Protection of Women's Rights and Interests* in 1992. It was developed under the authority of the All China Women's Federation, and was drafted over a three-year period by Government officials and legal academics. The law states that it is intended to implement both the Chinese constitution's guarantee of gender equality and China's obligations under CEDAW.

The law's scope is very broad. Its six chapters set out political rights, educational and cultural rights, labour rights, property rights, rights in marriage and the family, and 'personal' rights encompassing personal freedom, bodily integrity, dignity, honour, and reputation. The law provides that affirmative action measures should be taken to increase women's participation in the legislatures and Government administration. It also issues a general call for greater attention to the structural problems underlying gender inequality in China.

Many of the law's provisions repeat entitlements already established in other recent Chinese legislation, such as the 1980 *Marriage Law*, the 1985 *Inheritance Law*, and the 1986 *General Principles of Civil Law*. Some new protections have been added, however, most notably in relation to housing and agricultural land.

Although the substance of the law is quite progressive, the challenge is implementation. Women are entitled to bring legal claims over the violation of their rights under the law, and the State has control over the progress of these claims. The law's enforcement is actually at the State's discretion. While it is not unusual for a Chinese law to give the State this determinative role, the impact of the *Law on the Protection of Women's Rights and Interests* will depend on the Government's commitment.

- The right to a joyful maternity, which includes a freely decided, wished, and safe pregnancy,
- The right to humanised medical treatment, meaning that a woman's body, her fears, intimacy, and privacy needs should be treated with dignity and respect.
- The right to be treated as an integrated person and not as a biological reproducer by the health services.
- The right to have access to integrated health services which respond to women's specific needs, taking into consideration special characteristics such as age, activities, economic needs, race, and place of origin.
- The right to have access to education that fosters self-care and self-knowledge of the body, promoting self-esteem and empowerment.
- The right to receive information and counselling that promotes the exercise of a free, gratifying, and responsible sexuality, not necessarily conditioned to pregnancy.
- The right to have access to sufficient and appropriate information and counselling and to modern and safe contraceptives.
- The right to have working and living conditions and environments that do not affect women's fertility or health.
- The right not to be discriminated against in the work place or in educational institutions on the basis of pregnancy, number of children, or marital status.
- The right that biological processes such as menstruation, pregnancy, birth, menopause, and old age be considered as natural events and not as illness.
- The right to receive value and respect for cultural knowledge and practices related to women's health.
- The right to have an active and protagonist participation in the community and Governmental decision-making levels of the health system.
- The right to have access to public health services that take care of battered women and victims of all forms of violence.

(from: "CEDAW, Colombia and Reproductive Rights," at 5-6)

The overarching principle that informs the Colombian health policy is its recognition of the importance of women's active involvement. The policy stresses that all women have the right to be active participants in decisions that affect their health, lives, bodies, and sexuality. The policy sets out basic measures — that depend on women's agency — for ending discrimination against women in health care. Women must be empowered, so that the exercise of their rights is guaranteed; women must be afforded equal opportunities; pluralism and differences must be respected; health care must emphasise both women's freedom and privacy; and the social participation of women in active roles must be facilitated.

V. THE CEDAW REPORTING PROCESS

When a State ratifies CEDAW, it undertakes the obligation to present reports at the United Nations on the progress it has made implementing women's human rights. The first report is due one year after ratification, and a further report is required every four years following that date. These reports are made to the CEDAW Committee. The Committee engages in a "constructive dialogue" with the Government delegation presenting the report regarding implementation of the Convention, and comments on whether the steps the Government has taken to implement CEDAW constitute adequate progress. The Committee also produces recommendations ("concluding comments") about the actions the Government should be taking under CEDAW, and about areas in which it might focus its efforts. Both the State reports and the summaries of the Committee's concluding comments are public documents.

The CEDAW Committee is comprised of 23 experts from diverse backgrounds, which reflect the areas of substantive concern covered by the Convention. Experts are elected by the States Parties to the Convention for a term of four years and serve in their personal capacity.

Women's NGOs are not formally included in the CEDAW Committee sessions at which Government reports are presented, but their communication with the Committee is a crucial part of the process. The Committee has welcomed independent information to help it assess Government claims and to determine where improvements are needed, and the Committee has called on NGOs to help provide that information. For this purpose, many NGOs have joined together in coalitions to prepare "shadow reports" for the Committee, which describe the state of women's human rights in their countries and comment on their Governments' reports.

Women's NGOs have used the reporting process to good effect: to hold their Governments accountable for the claims and commitments made at the CEDAW Committee sessions, to continue dialogue with their Governments on implementing the CEDAW Committee's concluding comments, and as a vehicle to raise public awareness within their own countries.

Zimbabwe

The Government of Zimbabwe presented its first report to the CEDAW Committee in January 1998. The report painted a glowing portrait of the state of women's human rights in Zimbabwe, and its centrepiece was the 1982 *Legal Age of Majority Act (LAMA)*. This Act is very important to women in Zimbabwe. It places men and women on an equal legal footing, giving both full legal capacity at the age of 18. Because of *LAMA* women can: enter into any contract, includ-

Morocco

The Government of Morocco presented its first report to the CEDAW Committee in January, 1997. The Association Démocratique des Femmes du Maroc (ADFM) prepared a shadow report, in consultation with other Moroccan women's NGOs, which informed the CEDAW Committee's very detailed and productive dialogue with the Government delegation.

When Nouzha Skalli, Vice President of ADFM, returned from New York to Morocco, she organised a public meeting about the CEDAW session. It was hosted by ADFM and was attended by over 100 representatives of women's NGOs, the national press, and other organisations interested in women's human rights. Several newspapers published articles and interviewed Skalli about her participation in the CEDAW session. The Moroccan press expressed its disagreement with the claim the Government delegation had made to the CEDAW Committee, that the current legal status of Moroccan women is the result of a consensus in the country.

VI. RESERVATIONS

As of November 1998, CEDAW had been ratified by 162 States, although many of them ratified with reservations that limited their obligations to implement CEDAW principles in significant ways. The focus of these reservations varies. Frequently they concern potential conflicts between CEDAW and customary or religious law, or they reduce the State's obligations in the area of family relations.

States are entitled to enter reservations when they sign on to a convention or treaty, but according to the Vienna Convention on the Law of Treaties, reservations that are not compatible with the object and purpose of the Convention should not be permitted. Many of the reservations that States have entered on CEDAW seem to have crossed this line. States have reserved on whole areas of rights entitlement. In a few instances, they have made reservations that would seem to remove their obligation to implement the Convention as a whole. For example, Malaysia has reserved on CEDAW's implementation (article 2(f)), that requires the State "to take all appropriate measures" to end discrimination against women.

The high number of CEDAW reservations that effectively withhold key Convention guarantees from women, or that undermine its core concepts of gender equality and non-discrimination, is deeply troubling. The CEDAW Committee has expressed its concern, and both the Vienna Declaration and the Beijing Programme of Action have urged countries to withdraw reservations "that are contrary to the Convention or which are otherwise incompatible with international law."

Because so many substantial reservations have been entered on the Women's Convention, women's NGOs frequently find themselves in the position of having to conduct two separate campaigns to bring CEDAW home. After ratification, their work has to begin a second time, to remove the constraints that reservations impose on CEDAW's application. Even if the State cannot be convinced to lift its reservations completely, real progress can be achieved if a blanket reservation to a CEDAW article can be narrowed down, so that all women are not deprived of this article's protection in all circumstances. Women's NGOs are engaged in important work on reservations, and there have been some successes — for example, Brazil has lifted its reservation, and Bangladesh has limited its reservation.

India

India ratified CEDAW in 1993 but effectively reserved on the articles relating to cultural and customary practices (5(a)) and to equality in marriage and family relations (16(1)). The Government made a declaration stating that it would follow a "policy of non-interference in the personal affairs of any Community without its initiative and consent" when implementing these provisions.

This declaration has been deeply troubling to women's NGOs, as it seriously undermines one of the

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POLICY CONCERNS

file CEDAW

EXPOSING CEDAW: The United Nations Convention on the Elimination of All Forms of Discrimination Against Women

INTRODUCTION

Concerned Women for America strongly opposes the passage of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This treaty is not necessary and would complicate the laws of the United States.

CEDAW was adopted by the United Nations General Assembly on December 18, 1979, and signed by President Carter in 1980. It was reported out of the Senate Foreign Relations Committee on September 29, 1994, but has not been ratified by the full Senate.

The more than half a million members of Concerned Women for America find the provisions of this document very disturbing. What this treaty proposes is social engineering under the guise of "human rights."

According to Article VI, Section 2 of the U.S. Constitution, treaties supersede all federal and state laws. When they wrote the Constitution, our Founding Fathers believed that any treaty that was ratified should be, in effect, constitutional. Any treaty should line up with the principles of the Constitution and our Republican form of government. CEDAW fails to meet this criteria on many grounds. Therefore, the Founding Fathers certainly would have rejected it.

Unfortunately, today's Supreme Court does not use strict constitutional interpretation as its measure, and often, neither does Congress nor the President. CWA is therefore convinced that, if CEDAW is ever ratified, the federal government would treat it as a constitutional treaty, allowing CEDAW to supersede all federal and state laws.

TREATY PROVISIONS

CEDAW defines discrimination against women as follows:

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 their marital status, on a basis of equality of men and women, and human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

According to this document, *any* "distinction, exclusion or restriction" could be changed if a woman claims that such distinctions "nullify her recognition, enjoyment or exercise . . . of

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human rights and fundamental freedoms." This language is far too vague, and would only invite frivolous lawsuits.

VAGUE LANGUAGE. First and foremost, CEDAW's *failure* to define discrimination shows that the treaty is not about equality, which women in the United States already have. CEDAW is really about the promotion of the radical feminist agenda, which refuses to recognize any legitimate distinctions between men and women.

REDEFINITION OF THE FAMILY. CEDAW could be used to destroy the traditional family structure in the United States. The preamble states that "a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women." Article 5a. would require the United States to "take all appropriate action" to:

Modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices . . . based on . . . stereotyped roles for men and women.

The federal government's job has never been to "modify the social and cultural patterns of conduct of men and women." This is a very blatant attempt to redefine the family. Who would determine what "stereotyped roles" the government should eliminate? What about the many faith traditions in the United States that teach their children that men should be the head of the home?

Passage of this treaty could be an egregious violation of the right of all Americans to worship, voice their religious opinions, and teach their religion to their children. With passage of this Convention, it is very conceivable that such teaching could be called "harmful to society" and forbidden by the government.

PARENTAL RIGHTS. CEDAW also usurps the proper role of parents in child-rearing. Articles 5 and 16, affirm that in family matters, "the interests of the children shall be paramount." Again, the problem is one of definition. Who decides what is in a child's best interest? What would the penalties be for violating the "best interest" of the child?

GENDER RE-EDUCATION. CEDAW would mandate gender re-education. Article 10c. requires:

The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods.

Should the radical feminist agenda be forced upon all school children in the United States through a United Nations mandate? Should single-sex schools be discouraged and eliminated because their "perspective" on gender is not acceptable to the federal government? Should school districts be forced to pay the high cost of "gender neutralizing" all textbooks and school programs? Absolutely not. America should not become a nation of androgynous children who are not *allowed* to believe that any gender differences exist beyond the visible externals.

CEDAW takes education and the feminist agenda one step further by requiring signatory nations to "take all appropriate measures . . . to ensure that women participate in and benefit from . . . self-help groups and co-operatives in order to obtain equal access to economic opportunities . . ." (Article 14, section 2e).

COMPARABLE WORTH. CEDAW jeopardizes the wage laws that have been set at the federal and state levels. Article 11d. says that women must be given the "right . . . to equal treatment in respect to work of equal value." This phrase is a thinly veiled "comparable worth" mandate.

Proponents of comparable worth legislation say that women earn much less than men, dollar for dollar, and that legislation must be passed to ensure equalization of wages. Yet those figures are skewed because they include women who do not work, or who work part time. Using all women in their calculations distorts the outcome of their statistics.

The United States has not chosen to enact sweeping comparable worth laws because they are simply not needed. A recent study found that women ages 27-33 who have never had a child earn about 98 percent of what their male counterparts make. There is no wage gap.

In addition, comparable worth does not guarantee equal pay for equal work, but rather equal pay for unequal work. It's an attempt to impose a universal standard of job value. This concept wars against our free-market system, where the value of a job is determined by the supply and demand of workers in a given profession.

In short, comparable worth is a mainstay of the radical feminist movement. Since feminists have not been able to pass such legislation, CEDAW has become a vehicle for their agenda.

ABORTION. Articles 12 and 14 (section 2b.) seek "to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning." This document was written in the late 1970s, and time has shown that "family planning" rhetoric means access to abortion services.

That construction is consistent with feminist thought, which says that pregnancy is the only major difference between men and women. In the feminist view, pregnancy hampers women and lessens their ability to compete equally with men, so abortions must be available to all women as an *equality* measure. Ratification of CEDAW could easily be used as a precedent to broaden the scope of abortion in the United States.

BACK-DOOR ERA? The definition of "equal rights" is also a problem area in this document. As we saw from CEDAW's definition of "discrimination," there are no clear-cut guidelines. Who decides what is equitable? Article 2 requires each nation that ratifies this Convention to do the following:

- (a.) To embody the principle of the equality of men and women in *their national constitution* or other appropriate legislation . . . and (c.) Establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.

That sounds good, but again, it can be used as a tool of the radical feminists. They have been trying to pass a federal Equal Rights Amendment (ERA) since 1970. Their efforts failed, so they

moved to the state legislatures. But the dream of the ERA as an amendment to the U.S. Constitution has not died. CEDAW could be used to renew the drive for a federal ERA.

SAME-SEX "MARRIAGE." The federal ERA was defeated for many reasons. One reason was that it sought to gender-neutralize society, and many questioned the possibility of same-sex "marriage" being sanctioned through a federal Equal Rights Amendment.

Such speculations have now become a reality. In December of 1996, a circuit court judge ruled that the state of Hawaii cannot deny a homosexual couple a marriage license because that would qualify as discrimination based on sex. Hawaii's state Equal Rights Amendment has played a central role in leading courts to uphold the idea of same-sex "marriage" in that state. The fact that an ERA has been used on the state level to uphold same-sex "marriage" leaves no doubt that ratification of CEDAW -- which could force a federal ERA -- might be the fast-track to federally-sanctioned same-sex "marriage."

STATES RIGHTS AND NATIONAL SOVEREIGNTY. Finally, CEDAW encroaches upon the principle of federalism that is the backbone of our Republic. As mentioned earlier, it would, in effect, set a United Nations treaty above the laws of the United States.

In addition, Part V (Articles 17-22) outlines the creation of a *Committee on the Elimination of Discrimination Against Women* to oversee the implementation of CEDAW in every signatory nation. This committee would consist of 23 "experts of high and moral standing and competence in the field covered by the Convention." They would be elected by the U.N. nationals that represent the Convention signatories. This would, in essence, place the welfare and well-being of American women and families at the mercy of 23 individuals, among whom the United States might not even have a voice.

The United States is a sovereign nation, and has a representative system of government which has worked well for over 200 years. Americans do not want their lives subordinated to individuals whose belief and value systems might be radically different to their own.

CONCLUSION

The gender feminist movement has not been able to widely enact their legislation -- gender re-education, comparable worth, the destruction of traditional family definitions, and a federal Equal Rights Amendment -- so they are using a United Nations treaty to mandate their agenda.

Women in the United States have the right to vote. They are fully-participating members of society, and are protected by the federal Civil Rights Code and the Equal Employment Opportunity Commission (EEOC), as well as state civil rights codes and state employment commissions.

The Convention on the Elimination of All Forms of Discrimination Against Women is flawed. It must not be ratified by the United States Senate. At its best, CEDAW is unnecessary. At its worst, CEDAW sells out America's families.

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