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International Holdout; Around the world, empowering women is considered essential. So why isn't America on board?

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TWENTY-FIVE YEARS AGO this December, the General Assembly of the United Nations adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), a global “bill of rights” that is both visionary and comprehensive. In the waning days of his presidency, Jimmy Carter hurriedly signed the convention and sent it to the U.S. Senate for ratification. But it has languished there ever since, held up by intransigent conservatives opposing both international obligations and women’s rights. One hundred seventy-seven countries around the world have signed the treaty, leaving the United States among a handful of so-called rogue states – including Iran, Somalia, and Sudan – that have failed to do so.

For years the famously cantankerous Jesse Helms led the attack against CEDAW, calling it the work of “radical feminists” with an “anti-family agenda.” “I do not intend to be pushed around by discourteous, demanding women,” he said provocatively on the Senate floor in 1999. Helms, of course, is no longer around to exercise his veto, but George W. Bush is now standing in the way, even as he justifies two wars against fundamentalism, at least partly in the name of advancing the status of women abroad.

Around the world, empowering women is now widely considered essential to expanding economic growth, reducing poverty, improving public health, sustaining the environment, and consolidating transitions from tyranny to democracy. A near-universal consensus is calling for fundamental changes in practices that have denied rights to women for centuries. If the Democrats retake the White House and/or the Senate, it will be time to insist that the United States finally become an official party to the agreement.

CEDAW’s passage in 1979 marked the beginning of formal UN commitment to advancing the status of women. It was meant to realize the original promise of the landmark 1948 Universal Declaration on Human Rights, which entitles every individual to the exercise of the rights and freedoms it sets forth – without distinction of any kind, including race, religion, ethnicity, class,

or sex. In this sense, CEDAW serves as a recognition of the transformative potential of human-rights doctrine on personal relationships, not just political ones.

With the advent of the Cold War and the postcolonial rise of so many totalitarian regimes, human-rights discourse principally focused on the public realm, on protecting individuals from arbitrary state authority and brutality. CEDAW marked the beginning of a new era in using the language of human rights to challenge long-established social and cultural traditions, along with civic and political ones, that diminish women.

CEDAW acknowledges the importance of women's traditional obligations within the family, but it also establishes new norms for women's participation in all dimensions of life. It catalogs a broad range of rights in marriage and family relations, including property, inheritance, and access to health care, with an explicit mention of family planning (though not of abortion). It demands equality for women as citizens with full access to suffrage, political representation, and other legal benefits; it also declares their right to education, including professional and vocational training and the elimination of gender stereotypes and segregation. Lastly, it establishes their rights as workers deserving equal remuneration, Social Security benefits, and protection from sexual harassment and workplace discrimination on the grounds of marriage or maternity.

In a number of countries – including South Africa, Brazil, Australia, Zambia, Sri Lanka, Uganda, and, most recently (if ironically), Afghanistan and Iraq – treaty provisions have been incorporated into constitutions or bills of rights for women. Elsewhere, the treaty has been used to pass specific laws governing workplace practices and property rights, improving access to girls' education, extending maternity leave and child care, requiring legal protection for victims of domestic violence, outlawing female genital cutting, expanding family-planning access, and curbing sexual trafficking.

Like all international covenants, the treaty respects national sovereignty and does not impose absolute legal obligations. CEDAW is not “self-executing”; it requires that domestic laws be passed to implement its provisions. It also provides for the granting of “reservations, understandings and declarations,” if necessary, to accommodate local variations from its standards. Indeed, many signatories do not live up to its obligations, an admitted weakness of many human-rights statutes. Still, ratifying countries are obliged to submit regular reports to the United Nations, where a CEDAW committee semi-annually reviews each country's progress toward implementation and reports to the General Assembly with recommendations for improvement.

Conservative opponents of the treaty in the United States regularly misrepresent and ridicule the work of this committee. Their most common canards repeat the same specious claims that earlier defeated the Equal Rights Amendment to the U.S. Constitution: that CEDAW abridges parental rights, threatens single-sex education, mandates combat military service for women, demands legal abortion, sanctions homosexuality and same-sex marriage, prohibits the celebration of Mother's Day, and the like – all not true, of course.

Another reason it has been hard to generate energy in support of America's signing of the convention is a widespread but false assumption that American women don't really need it, protected as they are by a substantial body of U.S. case law. U.S. Supreme Court Justices Stephen Breyer and Ruth Bader Ginsburg counter this claim. Both have spoken widely of the positive benefits of applying international standards in pursuing equality under U.S. law. Their concurring opinion in *Grutter v. Bollinger*, the recent case upholding the use of affirmative action by the University of Michigan, cited the International Convention on the Elimination of all Forms of Racial Discrimination, which the United States has ratified and which obliges governments to look not only at intent but also at outcome in judging racist practices. Ginsburg, in a recent article defending workplace affirmative-action policies for women and promoting paid family leave and child care (benefits this country still does not provide), encouraged the use of CEDAW as a justification for change.

Some, like Leila Milani of the Working Group on Ratification of CEDAW, argue that the convention might also be used to encourage equal representation in Washington, where the U.S. Congress and all executive agencies are exempt from affirmative-action laws. This is particularly important because, despite substantial gains, women hold only 14 of 100 seats in the U.S. Senate, 59 of 435 in the House of Representatives, and, elsewhere around the country, approximately 20 percent of state legislative positions.

This, of course, is nowhere near the minimum goals for legislative participation by women that Afghanistan and Iraq both included in their constitutions (with U.S. encouragement). Support for CEDAW is growing nationally, though. A September 2003 Zogby poll for the Foreign Policy Association shows that when the treaty is explained, seven in 10 Americans assign high importance to it, ranking it above the Kyoto Protocol on the environment and on par with agreements on nuclear weapons. Several states have already passed resolutions urging Senate action. And in San Francisco, a young women's group called Women's Institute for Leadership Development for Human Rights (WILD) successfully pushed for the passage of a local ordinance applying CEDAW's principles to municipal laws and demanding a gender audit of city hiring and contracting. Similar efforts are under way in New York and Iowa.

For social activists looking to educate the public on women's issues, a campaign to ratify CEDAW could be an effective tool, especially in light of Bush administration backsliding on women's issues such as workplace discrimination and reproductive health. A grass-roots campaign for CEDAW has extended its reach considerably in recent years. There is a sizable organizational infrastructure already in place. Media strategies have been developed through an initiative of the Communications Consortium Media Center in Washington. Lobbying strategies are also being developed through the CEDAW Working Group and the Women's Edge Coalition, both of which report growing interest from Democrats and Republican moderates in the Senate, including Richard Lugar, the highly considered Foreign Relations Committee chairman, who replaced Helms when the North Carolina senator retired.

A logjam remains in the Bush administration, to be sure, but a resolute electorate, pushed by a public education and mobilization effort with real muscle behind it, may be able to change that.

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