

CRS Report for Congress

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): Congressional Issues

Updated August 5, 2008

Luisa Blanchfield
Analyst in International Relations
Foreign Affairs, Defense, and Trade Division



**Prepared for Members and
Committees of Congress**

Report Documentation Page				Form Approved OMB No. 0704-0188	
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
1. REPORT DATE 05 AUG 2008		2. REPORT TYPE		3. DATES COVERED 00-00-2008 to 00-00-2008	
4. TITLE AND SUBTITLE The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): Congressional Issues				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Congressional Research Service, Library of Congress, 101 Independence Ave SE, Washington, DC, 20540-750				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; distribution unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT Same as Report (SAR)	18. NUMBER OF PAGES 4	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified	c. THIS PAGE unclassified			

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): Congressional Issues

Summary

The U.N. Convention on the Elimination of All Forms of Discrimination Against Women calls for Parties to eliminate discrimination against women in all areas of life, including healthcare, education, employment, domestic relations, law, commercial transactions, and political participation. As of February 15, 2008, the Convention was ratified or acceded to by 185 countries.

President Jimmy Carter submitted the Convention to the Senate in 1980. The Senate Foreign Relations Committee held hearings on the Convention in 1988, 1990, 1994, and 2002, but the treaty was never considered for ratification by the full Senate. The George W. Bush Administration began conducting a full legal and policy review of the Convention in 2002. On February 7, 2007, the Administration transmitted a letter to the Senate Foreign Relations Committee stating that it does not support Senate action on the treaty at this time.

U.S. ratification of CEDAW is a contentious policy issue that has generated considerable debate in Congress and among the general public. Supporters of U.S. ratification contend that the Convention is a valuable mechanism for fighting women's discrimination worldwide. They argue that U.S. ratification of the treaty will give the Convention additional legitimacy, and that it will further empower women who fight discrimination in other countries. Opponents of ratification contend that the Convention is not the best or most efficient way to eliminate discrimination against women. They believe ratification will undermine U.S. sovereignty and impact U.S. social policy related to family planning and abortion.

This report provides background on CEDAW developments, including U.S. policy and congressional actions, and considers arguments for and against ratification. It will be updated as events warrant.

Contents

CEDAW Background and Structure	1
Evolution of the Convention	2
The Committee on the Elimination of Discrimination Against Women	3
Administration Actions	4
Senate Actions	6
Issues for Congress	7
The Convention as an Instrument for U.S. Foreign Policy	8
U.S. Sovereignty	9
Social Issues	9
Administration Review of the Convention	10

List of Tables

Table 1. States Parties to the Convention on the Elimination of All Forms of Discrimination Against Women	12
--	----

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): Congressional Issues

CEDAW Background and Structure

Current Status

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW or the Convention) is the only comprehensive international U.N. treaty that specifically focuses on the rights of women.¹ Currently, the Convention has been ratified or acceded to by 185 countries. Some States Parties² have filed reservations with sections of the Convention that do not align with their existing religious or national laws, and in some cases countries have objected to the reservations of other countries.³ The United States is the only country to have signed but not ratified the Convention.⁴

Mandate

The Convention requires States Parties to work towards eliminating discrimination against women in all areas of life. This includes equality in legal status, political participation, employment, education, healthcare, and the family structure.⁵ Article 2 of the Convention specifies that States Parties should undertake

¹ Women's rights and the equality of the sexes are addressed in general terms in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights, among others.

² See **Table 1** for a full list of countries that are States Parties to the Convention and its Optional Protocol. The term "States Parties" refers to countries that have ratified or acceded to the Convention.

³ Article 28 of the Convention states that reservations can be filed as long as they are compatible with the "object and purpose" of the Convention. A full list of reservations by country can be found at [<http://www2.ohchr.org/english/bodies/ratification/8.htm#declarations>].

⁴ The Convention has been adopted by several U.S. state and local governments, including the California and Connecticut Senate, and the House of Representatives in Hawaii, South Dakota, and Illinois, among others. As of November 2005, the Convention has also been adopted by 18 counties and 44 cities.

⁵ Drawn from "The Convention on the Elimination of All Forms of Discrimination Against Women" (continued...)

to “embody the principle of equality of men and women in their national constitutions or other appropriate legislation... to ensure, through law and other appropriate means, the practical realization of this principle.” The Convention 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 their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field.

The Convention specifically calls for the suppression of female trafficking, equal pay with men, more attention to the equality of rural women, and the freedom to choose a marriage partner, among other things.

On October 6, 1999, the U.N. General Assembly adopted an Optional Protocol to strengthen the Convention.⁶ The Protocol entered into force on December 22, 2000, and, as of November 27, 2007, has been ratified by 90 countries. The Protocol includes a “communications procedure” that allows groups or individuals to file complaints with the CEDAW Committee. It also incorporates an “inquiry procedure” that allows the Committee to explore potential abuses of women’s rights in countries that are party to the Protocol.

Evolution of the Convention

The United Nations adopted several treaties addressing specific aspects of women’s rights prior to adoption of CEDAW in 1979, including the Convention on the Political Rights of Women (1952), and the Convention on the Consent to Marriage (1957).⁷ In 1967, after two years of negotiations, the U.N. General Assembly adopted the Declaration on the Elimination of Discrimination Against Women, a non-binding document that laid the groundwork for CEDAW. Subsequently, the U.N. Commission on the Status of Women drafted CEDAW, which the General Assembly adopted on December 18, 1979.⁸ The Convention entered into force on September 3, 1981, after receiving the required 20 ratifications.

⁵ (...continued)

Women,” available at [<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>].

⁶ Optional Protocols are often added to some treaties. The Optional Protocol for the Convention is a stand-alone treaty that can be signed and/or ratified by countries that are party to the main treaty. For more information on the Optional Protocol to the Convention, see [<http://www2.ohchr.org/english/law/cedaw-one-about.htm>].

⁷ More information on international treaty bodies relating to women’s right is available at [<http://www.un.org/womenwatch/asp/user/list.asp?ParentID=1003>].

⁸ The Commission on the Status of Women was established in 1946 as a functional commission of the U.N. Economic and Social Council. It is responsible for preparing recommendations and reports for the Council on women’s rights in the political, economic, and social realms. For more information, see [<http://www.un.org/womenwatch/daw/csw/>].

The Committee on the Elimination of Discrimination Against Women

The Committee on the Elimination of Discrimination Against Women (the Committee) was established in 1982 under Article 17 of the Convention as a mechanism to monitor the progress of implementation.⁹ It is composed of 23 independent experts who are elected at a meeting of States Parties to the Convention by secret ballot, with consideration given to the principle of equitable geographic distribution.¹⁰ Each State Party may nominate one expert and, if elected, the expert serves a four-year term. The majority of the Committee experts are women who, according to the Convention, should have “high moral standing and competence,” and “represent different forms of civilization as well as principal legal systems.” The Committee is led by a Chairperson, three Vice Chairpersons, and a rapporteur elected by the States Parties. The Chairperson directs the discussion and decision-making process and represents the Convention at international conferences and events. The Committee reports annually on its activities to the U.N. General Assembly through the Economic and Social Council, and meets twice a year at the U.N. Office at Geneva.¹¹

The Committee is responsible for reviewing the reports on national CEDAW implementation submitted by States Parties. Countries are required to submit an initial report within the first year of ratification or accession, followed by a report every four years. The reports identify areas of progress as well as concerns or difficulties with implementation. The Committee engages in an open dialogue and exchange of ideas with the reporting country and compiles recommendations and conclusions based on its findings, which include general recommendations on cross-cutting issues of concern. The Committee has made over 25 recommendations since 1986, covering a wide range of women’s issues such as improvement in education and public information programs, elimination of female circumcision, equality in marriage and family relations, and violence against women.¹²

⁹ Some human rights treaties provide for a separate body to monitor implementation of the treaty by States Parties. The Committee was established under Article 17 of CEDAW, “for the purpose of considering the progress made in the implementation” of the Convention.

¹⁰ Currently, the 23 experts come from Afghanistan, Algeria, Bangladesh, Brazil, China, Croatia, Cuba, Egypt, Finland, France, Ghana, India, Israel, Jamaica, Japan, Kenya, Mauritius, Netherlands, Romania, Slovenia, South Africa, Spain, and Thailand.

¹¹ As one of seven U.N. human rights treaty bodies, the CEDAW Committee is financed from the U.N. regular budget. The Committee was previously supported by the U.N. Division for the Advancement of Women, but as of January 1, 2008, it is serviced by the U.N. Office of the High Commissioner for Human Rights.

¹² Under Article 21 of the Convention, the Committee shall, “make suggestions and general recommendations based on the examination of reports and information received from States Parties.” A full list of CEDAW Committee recommendations can be found at [<http://www2.ohchr.org/english/bodies/cedaw/comments.htm>].

The 41st session of the CEDAW Committee was held from June 30 to July 18, 2008, in New York. The Committee reviewed the reports of eight countries: Finland, Iceland, Lithuania, Nigeria, Slovakia, the United Kingdom, Tanzania, and Yemen.¹³ The 42nd CEDAW Committee session will be held from October 20 to November 7, 2008, in Geneva, Switzerland.¹⁴ The Committee is scheduled to consider periodic reports from Bahrain, Belgium, Cameroon, Canada, El Salvador, Ecuador, Kyrgyzstan, Madagascar, Mongolia, Myanmar, Portugal, Slovenia, and Uruguay.

U.S. Policy

Administration Actions

Successive U.S. Administrations have strongly supported the Convention's overall goal of eliminating discrimination against women. They have disagreed, however, on whether the Convention is the most efficient and appropriate means of achieving this goal. President Jimmy Carter signed the Convention on July 17, 1980, and transmitted it to the Senate for advice and consent on November 12 of the same year. The Reagan and first Bush Administrations did not support ratification, and the Convention remained pending in the Senate Committee on Foreign Relations. The Clinton Administration supported ratification, and in 1994 submitted a treaty package to the Senate for advice and consent to ratification. The package included nine proposed "conditions," or "RUDs" to the Convention, including four reservations, three understandings, and two declarations.¹⁵ The Foreign Relations Committee reported the Convention favorably, but it never came to vote in the full Senate. The reservations recommended by the Clinton Administration addressed the following issues:

- "private conduct," which made clear that the United States "does not accept any obligation under the Convention to regulate private conduct except as mandated by the Constitution and U.S. law";
- "combat assignments," which stated that the United States "does not accept an obligation under the Convention to put women in all combat positions";
- "comparable worth," which made clear that the United States would not accept the doctrine of comparable worth based on the Convention's broad description; and

¹³ More information on the 41st session of the CEDAW Committee is available at [<http://www2.ohchr.org/english/bodies/cedaw/cedaws41.htm>].

¹⁴ Information on the forthcoming 42nd session of the CEDAW Committee is available at [<http://www2.ohchr.org/english/bodies/cedaw/cedaws42.htm>].

¹⁵ RUDs refers to the "reservations, understandings, and declarations" that might accompany U.S. ratification of a treaty.

- “paid maternity leave,” which stated that the United States could not guarantee paid maternity leave as the Convention stipulates because it is not a requirement under U.S. federal or state law.

The three understandings submitted by the Clinton Administration stated that (1) the United States will fulfill its obligations under the Convention in a “manner consistent with its federal role,” recognizing that issues such as education are the responsibility of state and local governments; (2) the United States will not accept Convention obligations that restrict freedom of speech or expression; and (3) the United States and other States Parties may decide the nature of the health and family planning services referred to in the Convention, and may determine whether they are “necessary” and “appropriate” to distribute. The proposed Clinton Administration declarations included a “non-self-executing” provision, which proposed that no new laws would be created as a result of Convention ratification, and a “dispute settlement” provision, which stated that the United States was not bound by Convention Article 29(1), which refers unresolved disputes to the International Court of Justice.¹⁶

The Bush Administration has stated that it supports the Convention’s goal of eradicating discrimination against women on a global scale, but has several concerns with the Convention itself.¹⁷ These concerns were outlined in 2002, when the Senate Foreign Relations Committee held hearings on potential ratification of the Convention. Then-Secretary of State Colin Powell wrote a letter to the Foreign Relations Committee stating that the Convention was under State and Justice Departments review due to concerns regarding “the vagueness of the text of CEDAW and the record of the official U.N. body [the CEDAW Committee] that reviews and comments on the implementation.”¹⁸ In particular, the Administration cited “controversial interpretations” of the CEDAW Committee’s recommendations to States Parties.¹⁹ Powell’s letter specifically noted a Committee report on Belarus that “questioned the celebration of mother’s day,”²⁰ and a report on China that “called for legalized prostitution.”²¹ The Administration stated that these positions are “contrary to American law and sensibilities.”²²

¹⁶ For detailed descriptions of the RUDs, see U.S. Congress. Senate. Committee on Foreign Relations, “Convention on the Elimination of All Forms of Discrimination Against Women,” Report, September 12, 1994. Washington, D.C., Government Printing Office (Senate Exec. Rept. 103-38, 103d Congress, 2d Session), pp. 6-8.

¹⁷ “Statement by Ambassador Sichan Siv, U.S. Representative to the U.N. Economic and Social Council,” U.S. Mission to the United Nations Press Release, October 30, 2003.

¹⁸ Letter from Secretary of State Colin Powell to Senator Joseph Biden, Chairman of the Senate Foreign Relations Committee, July 8, 2002.

¹⁹ Letter from Daniel J. Bryan, Assistant Attorney General, U.S. Department of Justice, to Senator Joseph Biden, Chairman of the Senate Foreign Relations Committee, July 26, 2002.

²⁰ U.N. document, A/55/38(SUPP), p. 37, paragraph 361 (2000).

²¹ U.N. document, A/54/38/REV.1(SUPP), paragraphs 288-289, January 1, 1999.

²² Letter from Daniel J. Bryan to Senator Joseph Biden, July 26, 2002.

The Administration argued that the vagueness of the text opened the door for broad interpretation by international and domestic entities, and contended that the 1994 RUDs did not address these interpretation issues. It also emphasized the importance of ensuring the Convention would not conflict with U.S. constitutional and statutory laws in areas typically controlled by the States.²³ In light of these concerns, the Administration urged the Foreign Relations Committee not to vote on the Convention until a full review was complete. The review began in mid-April 2002. On February 7, 2007, the Administration transmitted a letter to the Senate stating that it does not currently support the Senate taking action on the Convention.²⁴

Senate Actions

The Convention has been pending in the Senate Foreign Relations Committee for over 25 years. The Committee held hearings in 1988 and 1990, but did not vote to recommend the Convention for advice and consent of the full Senate. With support from the Clinton Administration, the Senate held another round of ratification hearings in June 1994. The Committee reported the Convention favorably with a vote of 13 to 5 in September 1994, but the 103rd Congress adjourned before it could be brought to vote in the full Senate.²⁵ The Republicans were elected as the majority party in the 104th Congress, and the new Chairman of the Foreign Relations Committee, Senator Jesse Helms, did not allow further consideration of the CEDAW.

In June 2002, under the Chairmanship of Senator Joseph Biden, the Foreign Relations Committee once again held hearings on ratification of the Convention. The Committee heard testimony from non-governmental organizations, individuals from academia, public policy groups, and relevant agencies and organizations arguing for and against ratification.²⁶ On July 30, 2002, the Committee reported the Convention favorably by a vote of 12 to 7, subject to four reservations, five understandings, and two declarations.²⁷ These included the nine RUDs recommended by the Clinton Administration in 1994, plus two additional understandings. The additional understandings included a proposal from Senator Jesse Helms which stated that “nothing in this Convention shall be construed to reflect or create any right to abortion and in no case should abortion be promoted as a method of family

²³ Ibid.

²⁴ Letter from Jeffrey T. Bergner, Assistant Secretary for Legislative Affairs, to Senator Joseph Biden, Chairman, Senate Committee on Foreign Relations, February 7, 2007.

²⁵ For more information on the 1994 hearings, see U.S. Congress. Senate. Committee on Foreign Relations, “Convention on the Elimination of All Forms of Discrimination Against Women,” Report, September 12, 1994. Washington, DC, Government Printing Office (Senate Exec. Rept. 103-38, 103d Congress, 2d Session).

²⁶ Witnesses included Members of Congress, representatives from the World Family Policy Center, the American Enterprise Institute, Business and Professional Women/USA, and the former U.S. Representative to the U.N. Commission on the Status of Women.

²⁷ U.S. Congress. Senate. Committee on Foreign Relations, “Convention on the Elimination of All Forms of Discrimination Against Women,” Report, September 6, 2002. Washington, DC, Government Printing Office (Senate Exec. Rept. 107-9, 107th Congress, 2d Session), p. 7-11.

planning.” They also included a 2002 understanding sponsored by Senator Biden that stated, “the CEDAW Committee has no authority to compel parties to follow its recommendations.” The 107th Congress adjourned before the Senate could vote on the Convention.

In subsequent years, the House of Representatives continued to demonstrate an interest in the Convention. On January 24, 2007, Representative Lynn Woolsey introduced a resolution expressing the sense of the House of Representatives that “the Senate should ratify the Convention on the Elimination of All Forms of Discrimination Against Women.” The resolution currently has 108 cosponsors.²⁸ Representative Woolsey introduced similar legislation in the 109th, 108th, and 106th Congresses, with 115, 104, and 122 cosponsors, respectively.²⁹

Issues for Congress

This section addresses some policy issues that emerged in the ongoing debate over U.S. ratification of the Convention. These issues may continue to play a role in the debate if the Senate considers the Convention during the 110th Congress.³⁰

The Effectiveness of the Convention

A major point of contention among supporters and opponents of ratification is whether the Convention is an effective mechanism for addressing women’s rights internationally. Proponents of the Convention, such as Representative Woolsey, describe the Convention as a “powerful tool” for women globally, and emphasize that the United States is the only industrialized country that has not ratified the Convention.³¹ Advocates such as Senators Joseph Biden and Barbara Boxer argue that the Convention empowers women to achieve equality in their own countries, and cite specific examples of the Convention’s success in achieving its purpose.³² Some

²⁸ H.Res. 101 [110th], introduced January 24, 2007, by Representative Lynn Woolsey, referred to the Subcommittee on International Organizations, Human Rights, and Oversight of the Foreign Affairs Committee on February 5, 2007.

²⁹ H.Res. 67 [109th], introduced February 2, 2005; H.Res. 21 [108th], introduced January 7, 2003; and H.Res. 107 [106th], introduced March 10, 1999.

³⁰ Under the U.S. Constitution, the President is responsible for making treaties with the advice and consent of the Senate. Once the President transmits a treaty to the Senate, it is referred to the Committee on Foreign Relations. The House of Representatives plays a role in the treaty process only when separate legislation to implement the treaty is required. Thus, the issues for Congress discussed herein are issues that may be included in any consideration of the Convention by the Senate Foreign Relations Committee and/or the full Senate. See Article II, section 2 of the U.S. Constitution. More information on the treaty process is available at [<http://www.senate.gov/artandhistory/history/common/briefing/Treaties.htm>].

³¹ *Congressional Record*, House of Representatives, June 16, 2005, H4612.

³² Senators Joseph Biden and Barbara Boxer, “Op-Ed: Senate Needs to Ratify the Treaty for (continued...) ”

NGOs have also recorded the Convention's effectiveness in improving women's rights in specific countries and regions.³³

Opponents of ratification recognize that global discrimination against women is a problem that should be eliminated, but they do not view the Convention as the most effective way to achieve this goal. Some contend that the Convention hurts rather than helps women struggling for human rights internationally. They argue that the Convention "serves as a facade for continuing atrocities" in countries that are State Parties to the Convention, such as China and North Korea.³⁴ Some opponents also contend that when considering treaty ratification, the Senate should act based on the standard of what is best for the American people.³⁵

The Convention as an Instrument for U.S. Foreign Policy

Congressional and non-congressional supporters of the Convention contend that U.S. ratification will increase the credibility of the United States abroad and enhance its ability to champion women's rights in other countries.³⁶ The 2002 Foreign Relations Committee report stated that the United States should support ratification because, among other things, it "will give our diplomats a tool — a means to press other governments to fulfill their obligations under the Convention."³⁷ To illustrate this point, some ratification supporters cite a June 12, 2002, letter to the Foreign Relations Committee from Dr. Sima Samar, then-Afghan Minister of Women's Affairs. Dr. Samar asks the Senate to ratify the Convention, and says that "we will

³² (...continued)

the Rights of Women," *San Francisco Chronicle*, June 13, 2002. Senators Biden and Boxer described a Tanzanian woman who reportedly "used the provisions of the treaty to ensure that she could sell land she inherited from her father, overcoming an initial court ruling which held that, as a woman, she could not sell land held by the clan."

³³ For example, Amnesty International examples of the Convention successes can be found at [<http://www.amnestyusa.org/women/cedaw/world.html>].

³⁴ Statement of Representative Juanita Millender-McDonald. U.S. Congress. Senate. Committee on Foreign Relations, "Treaty Doc. 96-53; Convention on the Elimination of All Forms of Discrimination Against Women." Hearing, June 13, 2002. 107th Congress, 2d Session. Washington, DC, U.S. Government Printing Office, 2002, S.Hrg. 107-530, p. 15.

³⁵ Additional Views of Senator Helms, Brownback, and Enzi. Statement of U.S. Congress. Senate. Committee on Foreign Relations, "Convention on the Elimination of All Forms of Discrimination Against Women," Report, September 6, 2002. Washington, DC, Government Printing Office (Senate Exec. Rept. 107-9, 107th Congress, 2d Session), p. 21.

³⁶ Human Rights Watch stated in a June 13, 2002, letter to the Senate Foreign Relations Committee, "By ratifying CEDAW, the U.S. government will be in a stronger position to support women's rights.... Having not ratified CEDAW, U.S. intervention in support of women's rights may be construed as 'cultural imperialism' or an 'American' agenda, as opposed to a rights-based approach."

³⁷ Committee Comments. U.S. Congress. Senate. Committee on Foreign Relations, "Convention on the Elimination of All Forms of Discrimination Against Women." Report, September 6, 2002. Washington, DC, Government Printing Office (Senate Exec. Rept. 107-9, 107th Congress, 2d Session), p. 5.

then be able to tell our countrymen that the United States, where women already have full legal rights, has just seen the need to ratify this treaty ... we will be able to refer to its terms and guidelines in public debates over what our laws should say.”³⁸

Opponents of this argument emphasize that the United States “has the strongest record on opportunities and rights for women in the world,”³⁹ and maintain the United States does not need to ratify the Convention to further its women’s rights policies. In the minority views of the 2002 Foreign Relations Committee report, Senators Helms, Brownback, and Enzi stated that Afghan women were “relieved of the burden of an oppressive, anti-woman government” by “the personal heroism and sacrifice” of American forces, and not through a multilateral treaty such as CEDAW.

U.S. Sovereignty

The Senate has engaged in considerable debate over the impact of CEDAW ratification on U.S. sovereignty and international law. The minority views in the 2002 Senate Foreign Relations Committee report stated that the Convention represents “a disturbing international trend” of favoring international law over U.S. constitutional law and self-government, thereby undermining U.S. sovereignty. In particular, they were concerned that the Convention’s description of discrimination against women is too broad, and that it may “apply to private organizations and areas of personal conduct not covered by U.S. law.”⁴⁰

Senators supporting the Convention maintain that ratification would not affect U.S. sovereignty. Senator Biden stated that the Convention will impose a “minimal burden” on the United States given that the U.S. Constitution and other existing federal and state laws already meet the obligations of the Convention. He also emphasized that the United States would file several RUDs to ensure that no new laws were created to meet the obligations of the Convention.⁴¹

Social Issues

Some opponents of ratification are concerned that the Convention may catalyze a pro-abortion movement in the United States and interfere with family rights such as marriage and parenting. They contend that the Convention is an effort to “redefine the family,”⁴² and argue that CEDAW will “help lawyers and other pro-abortion advocates reach the goal of enshrining unrestricted access to abortion in the United

³⁸ Ibid, 6.

³⁹ Ibid, 16.

⁴⁰ Ibid, 16.

⁴¹ U.S. Congress. Senate. Committee on Foreign Relations, “Treaty Doc. 96-53; Convention on the Elimination of All Forms of Discrimination Against Women.” Hearing, June 13, 2003. 107th Congress, 2d Session. Washington, DC, U.S. Government Printing Office, 2002, S.Hrg. 107-530, p. 3.

⁴² “Women for Faith and Family Statement on CEDAW,” May 25, 2000, available at [<http://www.wf-f.org/CEDAW.html>].

States.”⁴³ Some opponents are particularly concerned with the Convention’s references to “family planning,” and believe that U.S. ratification of the Convention will, among other things, undercut parental rights, and lead to gender re-education, homosexual rights, and legalized prostitution.⁴⁴

In response to criticism that ratification may impact family planning or abortion policy in the United States, some supporters emphasize that the word “abortion” is never mentioned in the Convention text. They refer to a 1994 State Department determination that the Convention is “abortion neutral,” and contend that several of the RUDs proposed, such as the understandings on the CEDAW Committee and abortion, adequately address the concerns of ratification opponents concerned with family, abortion and family planning issues.⁴⁵ Supporters of ratification also emphasize that countries where abortion is illegal, such as Ireland and Rwanda, have ratified the Convention.⁴⁶

Administration Review of the Convention

Opponents of ratification object to Senate consideration of the Convention without a full legal and policy review from the Administration. In 2002 some Members of the Senate Foreign Relations Committee argued that the Senate should not consider the Convention without a new review from the State Department because “eight years of U.S. federal and state jurisprudence,” had not yet been taken into account.⁴⁷ Senators representing the minority view recommended that the Senate “defer action on the Convention until the Administration’s analysis and views are available.”⁴⁸ A timetable for the review, which began in April 2002, was not put forward or agreed to at the hearing. On February 7, 2007, the State Department transmitted a letter to the Chairman of the Senate Committee on Foreign Relations

⁴³ Additional Views of Senators Helms, Brownback, and Enzi. U.S. Congress. Senate. Committee on Foreign Relations, “Convention on the Elimination of All Forms of Discrimination Against Women” Report, September 6, 2002. Washington, DC, Government Printing Office, (Senate Exec. Rept. 107-9, 107th Congress, 2d Session), p. 22.

⁴⁴ The phrase “family planning” appears in the Introduction, Article 10(h), Article 12, and Article 14(b) of the Convention.

⁴⁵ “Myths and Realities: The U.N. Convention on the Elimination of All Forms of Discrimination Against Women,” The United Nations Association of the United States of America, August 2002, available at [<http://www.unausa.org/site/pp.asp?c=fvKRI8MPJpF&b=337341>].

⁴⁶ “Letter to the Senate Foreign Relations Committee, Urging that CEDAW Move to the Full Senate,” *Human Rights Watch*, July 29, 2002.

⁴⁷ “Letter to the Senate Foreign Relations Committee, Urging that CEDAW Move to the Full Senate,” *Human Rights Watch*, July 29, 2002, p. 20.

⁴⁸ Minority Views of Senators Helms, Lugar, Hagel, Frist, Allen, Brownback, and Enzi. U.S. Congress. Senate. Committee on Foreign Relations, “Convention on the Elimination of All Forms of Discrimination Against Women,” Report, September 6, 2002. Washington, DC, Government Printing Office, (Senate Exec. Rept. 107-9, 107th Congress, 2d Session) p. 15.

identifying CEDAW as “a treaty on which the Administration does not support Senate Action at this time.”⁴⁹

⁴⁹ Letter from Jeffrey T. Bergner, Assistant Secretary for Legislative Affairs, to Senator Joseph Biden, Chairman, Senate Committee on Foreign Relations, February 7, 2007.

**Table 1. States Parties to the Convention on the Elimination of
All Forms of Discrimination Against Women**
(as of February 15, 2008)

*ratified or acceded to the Optional Protocol

Afghanistan	Gambia	Pakistan
Albania *	Georgia	Panama *
Algeria	Germany *	Papua New Guinea
Andorra *	Ghana	Paraguay *
Angola *	Greece *	Peru *
Antigua and Barbuda *	Grenada	Philippines *
Argentina *	Guatemala *	Poland *
Armenia *	Guinea	Portugal *
Australia	Guinea-Bissau	Republic of Korea *
Austria *	Guyana	Republic of Moldova *
Azerbaijan *	Haiti	Romania *
Bahamas	Honduras	Russian Federation *
Bahrain	Hungary *	Rwanda
Bangladesh *	Iceland *	Saint Kitts and Nevis
Barbados	India	Saint Lucia
Belarus *	Indonesia	St. Vincent & the Grenadines
Belgium *	Iraq	Samoa
Belize *	Ireland *	San Marino *
Benin	Israel	Sao Tome and Principe
Bhutan	Italy *	Saudi Arabia
Bolivia *	Jamaica	Senegal *
Bosnia & Herzegovina *	Japan	Serbia *
Botswana *	Jordan	Seychelles
Brazil *	Kazakhstan *	Sierra Leone
Brunei Darussalam	Kenya	Singapore
Bulgaria *	Kiribati	Slovakia *
Burkina Faso *	Kuwait	Slovenia *
Burundi	Kyrgyzstan *	Solomon Islands *
Cambodia	Lao Peoples Democratic Rep.	South Africa *
Cameroon *	Latvia	Spain *
Canada *	Lebanon	Sri Lanka *
Cape Verde	Lesotho *	Suriname
Central African Republic	Liberia	Swaziland
Chad	Libyan A. Jamahiriya *	Sweden *
Chile	Liechtenstein *	Switzerland
China	Lithuania *	Syrian Arab Republic
Colombia *	Luxembourg *	Tajikistan
Cook Islands *	Madagascar	Thailand *
Comoros	Malawi	The former Yugoslav Republic of Macedonia *
Congo	Malaysia	Timor-Leste
Costa Rica *	Maldives *	Togo
Cote d'Ivoire	Mali *	Trinidad and Tobago
Croatia *	Malta	Tunisia
Cuba	Marshall Islands	Turkey *
Cyprus *	Mauritania	Turkmenistan
Czech Republic *	Mauritius	Tuvalu
Democratic People's Republic of Korea	Mexico *	Uganda
Democratic Republic of the Congo	Micronesia	Ukraine *
Denmark *	Monaco	United Arab Emirates
Djibouti	Mongolia *	United Kingdom *
Dominica	Montenegro *	United Republic of Tanzania *
Dominican Republic *	Morocco	Uruguay *
Ecuador *	Mozambique	Uzbekistan
Egypt	Myanmar	Vanuatu *
El Salvador	Namibia *	Venezuela *
Equatorial Guinea	Nepal *	Viet Nam
Eritrea	Netherlands *	Yemen
Estonia	New Zealand *	Zambia
Ethiopia	Nicaragua	Zimbabwe
Fiji	Niger *	
Finland *	Nigeria *	
France *	Norway *	
Gabon	Oman	