
CEDAW: United States Federal Ratification and the Case for a CEDAW Ordinance in Chicago

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**CEDAW: UNITED STATES FEDERAL RATIFICATION
AND THE CASE FOR A CEDAW ORDINANCE IN
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I. INTRODUCTION

The United States was active in drafting the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),¹ the only international human rights treaty that explicitly addresses women's rights.² In 1979, when CEDAW was adopted by the United Nations (UN), the United States continued its support of the Convention by becoming one of its first signatories.³ Despite its strong initial support of CEDAW, the United States has failed for over forty years to ratify the treaty.⁴ Continued failure to ratify CEDAW signals a lack of commitment to international human rights,⁵ and in turn a lack of commitment to the elimination of gender inequality domestically.⁶

While CEDAW continues to lack federal recognition, women's rights activists have taken matters into their own hands, as women across the United States are making a concerted effort to implement CEDAW on the local level.⁷ In 1998, San Francisco paved the way for utilizing CEDAW locally by enacting the world's first CEDAW Ordinance.⁸ Local CEDAW efforts hit an inflection point in 2014 when "Cities for CEDAW" was launched.⁹ Cities for CEDAW is a grass-roots campaign and resource center for women's organizations seek-

1. *The Womxn's Treaty: CEDAW*, FEMINIST MAJORITY FOUND., <https://feminist.org/our-work/global-womens-rights/cedaw/> (last visited Feb. 15, 2023).

2. *The U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): Issues in the U.S. Ratification Debate*, EVERYCRSREPORT (July 23, 2015), <https://www.everycrsreport.com/reports/R40750.html>; *The Womxn's Treaty: CEDAW*, *supra* note 1.

3. Linda Lowen, *Why Won't the U.S. Ratify the CEDAW Human Rights Treaty?*, THOUGHTCO. (Jan. 3, 2020), <https://www.thoughtco.com/why-wont-u-s-ratify-cedaw-3533824#citation-1>.

4. *The U.N. Convention on the Elimination of All Forms of Discrimination Against Women*, *supra* note 2.

5. Linda Napikoski, *A Brief History of CEDAW*, THOUGHTCO. (Feb. 15, 2019), <https://www.thoughtco.com/brief-history-of-cedaw-3529470>.

6. Melanne Vermeer & Rangita de Silva de Alwis, *Why Ratifying the Convention on the Elimination of Discrimination against Women (CEDAW) is Good for America's Domestic Policy*, GEO. INST. FOR WOMEN, PEACE & SEC. (Feb. 18, 2021), <https://giwps.georgetown.edu/why-ratifying-the-convention-on-the-elimination-of-discrimination-against-women-cedaw-is-good-for-america-domestic-policy/>.

7. Mary Hansel, *Local Implementation of CEDAW is at an Inflection Point*, MS MAG. (Mar. 10, 2022), <https://msmagazine.com/2022/03/10/cedaw-los-angeles-united-nations-convention-to-eliminate-all-forms-of-discrimination-against-women>.

8. *Cities for CEDAW Factsheet: Implementing CEDAW as a Local Ordinance*, S.F. DEP'T ON THE STATUS OF WOMEN & WOMEN'S INTERCULTURAL NETWORK, https://sfgov.org/dosw/sites/default/files/Cities%20for%20CEDAW%20Fact%20Sheet_0.pdf (last visited Feb. 15, 2023).

9. *Cities for CEDAW: Promoting Women's Equality in Your Community Guidelines and Toolkit*, UNITED NATIONS ASS'N OF THE U.S. OF AM. (2021), <https://unausa.org/wp-content/uploads/2021/06/UNAWomenCEDAWToolkit.pdf?emci=05d81494-9cbc-eb11-a7ad-501ac57b8fa7&emdi=4a713dd8-70c5-eb11-a7ad-501ac57b8fa7&ceid=2749364>.

ing to follow San Francisco's lead and implement CEDAW's principles in their own communities.¹⁰

With the help of Cities for CEDAW, dozens of municipalities have implemented their own CEDAW Ordinances and resolutions across the country.¹¹ While some major United States cities like New York¹² and Los Angeles¹³ have shown support for CEDAW, others like Chicago have remained notably absent from the CEDAW movement.¹⁴ Chicago women make up 51% of the 2.7 million people living in Chicago,¹⁵ and deserve to be advocated for and included in the protections and empowerment offered under CEDAW's principles.

This Article will explore CEDAW ratification in the United States at the federal level, as well as the efforts to effectuate CEDAW locally through the Cities for CEDAW campaign. Part II will provide necessary context around gender equity in the United States, ratification processes for international treaties like CEDAW, how CEDAW operates, and the Cities for CEDAW movement.

Part III.A. will consider arguments in support of federal ratification of CEDAW. This part will also address arguments in opposition to CEDAW's ratification. Part III.B. will dive deeper into the Cities for CEDAW movement, exploring successes and different structures for CEDAW Ordinances and Resolutions. This section will make the case for enacting an Ordinance in Chicago to combat gender inequity within the city. Part IV will address the impact of federal ratification of CEDAW, as well as the impact of enacting a local ordinance in Chicago. Finally, Part V will conclude this Article and provide closing remarks and recommendations on furthering gender equity through the lens of CEDAW.

10. *About Us: Cities for CEDAW*, WOMEN'S INTERCULTURAL NETWORK, <http://citiesforcedaw.org/about-cedaw/> (last visited Feb. 15, 2023).

11. See Hansel, *supra* note 7.

12. *CEDAW in the United States: Why a Treaty for the Rights of Women?*, WEDO, <https://www.wedo.org/wp-content/uploads/cedaw-factsheet.pdf> (last visited Feb. 15, 2023).

13. See Hansel, *supra* note 7.

14. *Cities for CEDAW: Status of Local Activities*, WOMEN'S INTERCULTURAL NETWORK (June 27, 2019), <http://citiesforcedaw.org/wp-content/uploads/2020/03/Landscape-Cities-for-CEDAW-Branded-for-Website-June-27-2019.pdf>.

15. *Chicago, IL*, CENSUS REP. (2021), <https://censusreporter.org/profiles/16000US1714000-chicago-il/>.

II. BACKGROUND

A. CEDAW

“An international bill of rights for women.”

United Nations, Office of the High Commissioner
for Human Rights¹⁶

1. *History of CEDAW*

The UN was created in 1945, when its Charter was adopted by delegates from fifty nations.¹⁷ The Charter Preamble states that the UN intended “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women.”¹⁸ Despite the UN Charter’s specific mention of equal rights for men and women, this acknowledgment did not provide a sufficient guarantee of women’s rights in practice.¹⁹ In February 1946, at the first UN General Assembly meeting, Eleanor Roosevelt, in her capacity as a delegate from the United States, made a statement urging governments around the world to allow women to play a more active role in political affairs.²⁰ Shortly after this meeting, a sub-commission of the UN Commission on Human Rights was formed to address women’s rights and was “quickly granted the status of full commission as a result of the pressure exerted by women’s activists.”²¹ This marked the creation of the Commission on the Status of Women (CSW), the body tasked with preparing recommendations and proposals regarding women’s rights.²²

The 1960s saw a wave of “increased awareness around the world about the many ways women were subjected to discrimination,” leading the UN to request CSW to draft a declaration containing “all international standards regarding equal rights between men and

16. *Convention on the Elimination of All Forms of Discrimination against Women* New York, 18 December 1979, UNITED NATIONS OFF. OF THE HIGH COMM’R FOR HUM. RTS., <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women> (last visited Mar. 16, 2023).

17. *Milestones in UN History 1941–1950*, UNITED NATIONS, <https://www.un.org/en/about-us/history-of-the-un/san-francisco-conference> (last visited Feb. 15, 2023).

18. *United Nations Charter*, UNITED NATIONS, <https://www.un.org/en/about-us/un-charter/full-text> (last visited Feb. 15, 2023).

19. *Short History of CEDAW Convention*, UN WOMEN, <https://www.un.org/womenwatch/daw/cedaw/history.htm> (last visited Feb. 15, 2023).

20. *CSW: Commission on the Status of Women*, NAT’L HIGH SCH. MODEL UNITED NATIONS, <https://imuna.org/nhsmun/nyc/committees/csw-commission-on-the-status-of-women/> (last visited Feb. 15, 2023).

21. *Short History of CEDAW Convention*, *supra* note 19.

22. *Id.*

women.”²³ In response, CSW adopted the Declaration on the Elimination of Discrimination against Women in 1967, which lacked the binding force of a treaty, and essentially acted as a “statement of moral and political intent.”²⁴ In 1972, the UN requested that CSW consider drafting a binding treaty, leading “to a 1970s working group and eventually the 1979 Convention.”²⁵

On December 18, 1979, a binding treaty, CEDAW, was adopted by the UN General Assembly.²⁶ CEDAW entered into force as an international treaty on September 3, 1981, when twenty countries signed and ratified the Convention.²⁷ CEDAW has been ratified by 189 State Parties, all of which have agreed to uphold and prioritize women’s rights within their borders.²⁸ This makes CEDAW one of the most widely accepted international human rights treaties, with approximately 90% of UN member states having ratified or acceded to the Convention.²⁹

2. CEDAW’s Definition of Discrimination

Article 1 defines “discrimination against women” as:

[A]ny 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 the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.³⁰

CEDAW is intended to act as an action plan for ratifying nations to eventually achieve full compliance with its provisions.³¹ The Convention focuses on three key areas: civil rights, reproductive rights, and gender relations.³²

23. Napikoski, *supra* note 5.

24. *Short History of CEDAW Convention*, *supra* note 19.

25. Napikoski, *supra* note 5.

26. *Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979*, *supra* note 16.

27. *Id.*

28. *CEDAW in Your Daily Life*, UNITED NATIONS HUM. RTS. OFF. OF THE HIGH COMM’R, <https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/DailyLife.aspx> (last visited Feb. 15, 2023).

29. *Frequently Asked Questions (FAQ) about CEDAW*, UN WOMEN: ASIA & PAC., <https://asiapacific.unwomen.org/en/focus-areas/cedaw-human-rights/faq#whycedawimportant> (last visited Feb. 15, 2023).

30. U.N. Convention on the Elimination of All Forms of Discrimination Against Women, *opened for signature* Dec. 18, 1979, 1249 U.N.T.S. 14, 16 (entered into force Sept. 3, 1981).

31. *Convention on the Elimination of All Forms of Discrimination Against Women*, UN WOMEN, <https://www.un.org/womenwatch/daw/cedaw/> (last visited Feb. 15, 2023).

32. *Id.*

Ratifying the Convention means a country is legally bound to implement CEDAW's principles within its domestic legal system.³³ State Parties to the Convention are committed to adopting measures to end discrimination against women, including:

[T]o incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women; to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.³⁴

State Parties to CEDAW are obligated under Article 18 to submit an initial report on their domestic implementation of CEDAW to the Secretary-General of the UN, which is evaluated by the CEDAW Committee.³⁵ After initial reporting, State Parties are expected to submit reports every four years on “the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention.”³⁶

3. CEDAW's General Recommendations

While the text of an international human rights treaty lays out the parameters of a State Party's obligations and expectations for compliance, the text of a treaty is often broad and open-ended. General Recommendations are a treaty body's way of elaborating on the treaty's meaning and providing concrete expectations.³⁷ Additionally, General Recommendations are a way for the Committee to address women's issues that the Committee would like State Parties to focus time and effort on.³⁸

While CEDAW does not explicitly address the concept of intersectional feminism its text, CEDAW has welcomed intersectionality³⁹

33. *Id.*

34. *Id.*

35. U.N. Convention on the Elimination of All Forms of Discrimination Against Women, *supra* note 30, at 22.

36. *Id.*

37. *What are General Comments of the Human Rights Treaty Bodies?*, DAG HAMMARSKHÖLD LIBR., <https://ask.un.org/faq/135547> (last visited Feb. 15, 2023)

38. *Committee on the Elimination of Discrimination against Women: General Recommendations*, UNITED NATIONS HUM. RTS. OFF. OF THE HIGH COMM'R, <https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx> (last visited Feb. 15, 2023).

39. The term intersectional feminism was coined in 1989 by American Law Professor, Kimberlé Crenshaw. Taylyn Washington-Harmon, *What is Intersectional Feminism and Why is Matters*, HEALTH.COM (July 28, 2020), <https://web.archive.org/web/20210417113128/https://www.health.com/mind-body/what-is-intersectional-feminism>. Crenshaw defined intersectional feminism as “a prism for seeing the way in which various forms of inequality often operate

into its consideration of women's rights in the adoption of its General Recommendations. General Recommendations 27 and 28 "affirmed that discrimination of women based on gender and sex is inextricably linked with other factors, including sexual orientation and gender identity."⁴⁰ General Recommendation 28 speaks to the Convention's commitment to combating gender discrimination from an intersectional lens:

Intersectionality is a basic concept for understanding the scope of the general obligations of States parties contained in article 2. The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste, and sexual orientation and gender identity. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways than men. States parties must legally recognize and prohibit such intersecting forms of discrimination and their compounded negative impact on the women concerned. They also need to adopt and pursue policies and programs designed to eliminate such occurrences, including, where appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention and General Recommendation No. 25.⁴¹

The principles espoused in CEDAW's articles paired with the CEDAW Committee's General Recommendations make CEDAW a central part of advancing women's rights across the globe.

4. *Ratification Process of an International Treaty*

To become a State Party to CEDAW, a country must sign onto the treaty and then domestically ratify it.⁴² The first step of signing onto the treaty makes the party a "signatory," meaning it has "provided preliminary endorsement of the instrument and its intent to examine the treaty domestically and consider ratifying it."⁴³ The next step to becoming a legally bound State Party to CEDAW is ratification. Ratification is "the international act whereby a state indicates its consent

together and exacerbate each other." *Id.* Intersectional feminism approaches issues of gender inequality from a practical perspective, recognizing that race, immigration status, sexual orientation, gender identity, and socio-economic status all impact the ways in which women experience life and inequality. *Id.*

40. *CEDAW Adopts General Recommendations Including Sexual Orientation and Gender Identity, Outright Action International*, OUTRIGHT ACTION INT'L (Oct. 22, 2010), <https://web.archive.org/web/20210410222523/https://outrightinternational.org/content/cedaw-adopts-general-recommendations-including-sexual-orientation-and-gender-identity>.

41. *Id.*

42. *Ratification of the 18 International Human Rights Treaties: Concepts and Definitions*, UNITED NATIONS HUM. RTS. OFF. OF THE HIGH COMM'R (Aug. 2, 2020), https://indicators.ohchr.org/Stock/Documents/MetadataRatificationTotal_Dashboard.pdf.

43. *Id.*

to be bound to a treaty,” and agrees to “seek the required approval for the treaty on the domestic level to enact the necessary legislation to give domestic effect to the treaty.”⁴⁴

5. *The United States Has Not Ratified CEDAW*

The United States was one of the first nations to sign onto CEDAW on July 17, 1980.⁴⁵ President Jimmy Carter signed the Convention, leaving the final step of ratifying CEDAW to the Senate.⁴⁶ Treaty ratification under the U.S. Constitution requires more than a simple majority of the Senate, rather a two-thirds supermajority is required (sixty-seven Senators).⁴⁷ Despite having the President’s signature, the Senate has never ratified CEDAW.⁴⁸ The United States is among a handful of nations that have not ratified CEDAW, including Iran, Somalia, and Sudan.⁴⁹

CEDAW has been the source of debate four times⁵⁰ for the Senate Foreign Relations Committee, the Committee tasked with the ratification of international treaties and agreements. In some of these debates, there have been hopeful moments for CEDAW, like when the Committee recommended the Convention’s ratification in 1994 under the Clinton Administration, and again in 2002 under the Bush Administration.⁵¹ Despite glimmers of hope, the Convention’s ratification has been consistently halted by partisan divide.⁵²

Advancement of CEDAW through the Committee has been fiercely blocked by the Republican Party, particularly by the late North Carolina Senator, Jesse Helms.⁵³ Senator Helms was known as CEDAW’s

44. *Glossary of Terms Relating to Treaty Actions*, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/pages/overview.aspx?path=overview/glossary/page1_en.xml (last visited Mar. 16, 2023).

45. *Ratification Status for United States of America*, UNITED NATIONS HUM. RTS. TREATY BODIES, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=187&Lang=EN (last visited Apr. 6, 2023).

46. *Id.*

47. *U.S. Treaties & Agreements—The Process*, INT’L LEGAL RSCH. TUTORIAL DUKE L., https://law.duke.edu/ilrt/treaties_3.htm (last visited Feb. 15, 2023); Liane Schalatek, *CEDAW and the USA: When Belief in Exceptionalism Becomes Exemptionalism*, HEINRICH BÖLL STIFTUNG: GREEN POL. FOUND. (Dec. 10, 2019), <https://www.boell.de/en/2019/12/10/cedaw-and-usa-when-belief-exceptionalism-becomes-exemptionalism>.

48. Lowen, *supra* note 3.

49. *Id.*

50. *The U.N. Convention on the Elimination of All Forms of Discrimination Against Women*, *supra* note 2. CEDAW has been debated by the Senate Foreign Relations Committee in the following years: 1988, 1990, 1994, and 2002. In 2010 it was again debated by the Senate Subcommittee on the Judiciary, Subcommittee on Human Rights and the Law. *Id.*

51. *Id.*

52. Schalatek, *supra* note 47.

53. See Hansel, *supra* note 7.

most outspoken opponent.⁵⁴ Opponents like Senator Helms are typically concerned with the Convention's promotion of reproductive rights for women, and its impact on family values, traditional gender roles, and American sovereignty.⁵⁵ Opponents of CEDAW tend to find that existing laws suffice in protecting women's rights. Domestic laws addressing various forms of gender-based discrimination include the Violence Against Women Act of 1994 (VAWA),⁵⁶ the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA),⁵⁷ and the Equal Pay Act of 1963.⁵⁸ On the other side, CEDAW supporters believe that domestic efforts could be greatly improved with the implementation of CEDAW's principles.⁵⁹

Additionally, supporters of CEDAW counter that the Convention is "a valuable and effective mechanism for fighting women's discrimination worldwide" and that ratification would legitimize the United States in its efforts to advocate for women's rights internationally.⁶⁰ Further, as noted by Georgetown Institute for Women, Peace and Security "at a time of a public reckoning of the BLM and #MeToo movements, CEDAW would serve as an important vehicle to address existing American institutional and structural discrimination against women through an intersectional lens."⁶¹ Issues with the politicization of CEDAW and tension between the Democratic and Republican parties have continued to stall CEDAW's ratification at the federal level, subsequently leading to local-level engagement with CEDAW.⁶²

B. Cities for CEDAW

While CEDAW continues to lack support at the federal level, the Convention has gained momentum at the local level, receiving strong

54. *Signed and Shelved*, NEW REPUBLIC (July 29, 2009), <https://newrepublic.com/article/51242/signed-and-shelved>.

55. *Id.*

56. Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (1994). VAWA was enacted as a provision of the Violent Crime Control and Law Enforcement Act of 1994. *History of VAWA*, LEGAL MOMENTUM.ORG, <https://www.legalmomentum.org/history-vawa> (last visited Feb. 15, 2023).

57. *Human Trafficking Issue Brief: Civil Remedy*, POLARIS (2015), <https://polarisproject.org/wp-content/uploads/2019/09/2015-Civil-Remedy-Issue-Brief.pdf>.

58. *Equal Pay/Compensation Discrimination*, U.S. EEOC, <https://www.eeoc.gov/equal-pay/compensation-discrimination#> (last visited Feb. 15, 2023); *Equal Pay for Equal Work*, U.S. DEP'T OF LAB., <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/internal/policies/equal-pay-for-equal-work> (last visited Feb. 15, 2023).

59. *The U.N. Convention on the Elimination of All Forms of Discrimination Against Women*, *supra* note 2.

60. *Id.*

61. Verveer & de Silva de Alwis, *supra* note 6.

62. Schalatek, *supra* note 47.

support from the Cities for CEDAW campaign. The Cities for CEDAW campaign was launched in 2013 at a meeting of the UN Commission on the Status of Women, by the NGO Committee on the Status of Women (NGO/CSW NY), a supporting organization for CSW and UN Women.⁶³ The campaign is a grassroots effort to “provide tools and leadership to empower local women’s, civil and human rights organizations, and municipalities to effectively initiate CEDAW within their city, county, town or state.”⁶⁴

Cities for CEDAW describes CEDAW Ordinances as tools to “make the global local and protect women and girls by requiring three key components: a gender analysis of city departments and operations; an oversight body to monitor the implementation of a local CEDAW Ordinance; and funding to support the implementation of the principles of CEDAW.”⁶⁵ Endorsement for the Campaign continues to grow, with over 200 civic organizations endorsing Cities for CEDAW.⁶⁶ Additionally, in June 2014, the U.S. Conference of Mayors endorsed CEDAW’s principles.⁶⁷

Cities for CEDAW’s initial goal was the passage of CEDAW Ordinances in 100 cities,⁶⁸ currently, there are 72 cities and counties engaged in the process of enacting CEDAW Ordinances and Resolutions.⁶⁹ In 1998, San Francisco became the first city to enact a CEDAW Ordinance that implemented and now enforces CEDAW’s provisions at the municipal level.⁷⁰ As of 2019, ten CEDAW Ordinances have been passed at the city and county levels and thirty-two CEDAW Resolutions have been passed.⁷¹ The mayors of both San Francisco and Los Angeles have noted that the “CEDAW ordinances

63. *What is the Cities for CEDAW Campaign?*, WOMEN’S INTERCULTURAL NETWORK, <http://citiesforcedaw.org/background/> (last visited Feb. 15, 2023).

64. *Id.*

65. *Id.*

66. *What is Cities for CEDAW?*, UN WOMEN USA, <https://unwomenusa.org/advocacy-6> (last visited Feb. 15, 2023).

67. *Id.*

68. *Cities for CEDAW Advancing Women’s Human Rights Locally*, S.F. DEP’T ON THE STATUS OF WOMEN, https://sfgov.org/dosw/sites/default/files/Cities%20for%20CEDAW%20Top%20Achievements_031815.pdf (last visited Mar. 16, 2023).

69. *Cities for CEDAW: Status of Local Activities*, *supra* note 14 (There are a total of seventy-two cities and counties added up from three separate categories: ten cities and counties have enacted CEDAW ordinances, thirty-two jurisdictions have enacted CEDAW resolutions, and thirty cities are exploring passage of a CEDAW ordinance or resolution.). D.C. Code §§ 3-701 (2023).

70. *Cities for CEDAW Factsheet: Implementing CEDAW as a Local Ordinance*, *supra* note 8.

71. *Cities for CEDAW: Status of Local Activities*, *supra* note 14.

have materially improved the lives of women in their municipalities and fostered more transparent and accountable governance.”⁷²

Despite movement in some of the largest cities in the United States, many cities remain without CEDAW Ordinances or Resolutions. In Chicago, UNA-Chicago launched “Chicago & Cook County for CEDAW,” a campaign aimed at creating a CEDAW Ordinance in Chicago.⁷³ This Article will explore the validity of ratification efforts at the federal level and will assess the enactment of local ordinances, with the City of Chicago as a template.

III. ANALYSIS

A. *Federal Ratification of CEDAW in the United States*

It is time that the United States joins the global movement toward gender equality by ratifying CEDAW and becoming a State Party to the Convention along with the 189 countries⁷⁴ that have already ratified CEDAW. This section explores key reasons for United States ratification of CEDAW and will address issues raised by groups in opposition to CEDAW’s ratification. The United States should ratify CEDAW because ratification: (1) improves the rights and protections of women and girls, (2) is consistent with U.S. domestic law, and (3) re-affirms United States leadership in global gender equality.

1. *CEDAW Improves the Rights and Protections of Women and Girls*

CEDAW has made a “profound impact on the legal and sociopolitical development of State Parties” to the Convention, as seen in the development of domestic legislation intended to bring State Parties into compliance with the Convention’s principles.⁷⁵ At the 2012 Annual Conference on Cultural Diplomacy, which celebrated thirty years since CEDAW’s founding, CEDAW was recognized as providing “an important roadmap” in fostering both a “short term and long term national plan for advancement of women” in the State Parties to the Convention.⁷⁶ CEDAW is an invaluable mechanism for addressing effects of discrimination, such as “violence, poverty, and lack of legal

72. *What is the Cities for CEDAW Campaign*, *supra* note 63.

73. *Chicago & Cook County for CEDAW*, UNITED NATIONS ASS’N OF THE U.S. OF AM.: GREATER CHI. CHP., <https://unachicago.org/advocacy/> (last visited Feb. 23, 2023).

74. *CEDAW in Your Daily Life*, *supra* note 28.

75. *CEDAW Convention after 30 Years: Challenges and Achievements*, WOMEN’S UN REP. NETWORK (Dec. 10, 2012), <https://wunrn.com/2012/12/cedaw-after-30-years-challenges-achievements/>.

76. *Id.*

protections” for women.⁷⁷ Ratifying CEDAW would provide a catalyst for innovation in addressing gender discrimination issues within the United States, such as gender-based violence, trafficking of women and girls, and the gender wage gap.

i. Gender-Based Violence

Gender-based violence (GBV) is a pervasive form of discrimination against women on both a global and national scale. GBV “is violence that is directed at an individual based on his or her biological sex or gender identity.”⁷⁸ “It includes physical, sexual, verbal, emotional, and psychological abuse, threats, coercion, and economic or educational deprivation, whether occurring in public or private life.”⁷⁹ GBV disproportionately impacts women, as one in three women will endure physical or sexual abuse within her lifetime.⁸⁰

The World Health Organization (WHO) notes that most violence perpetrated against women is intimate partner violence, as almost one third of all women between ages fifteen and forty-nine who have been in a relationship report being subjected to physical or sexual abuse perpetrated by their partner.⁸¹ On a domestic level, GBV parallels the global issue. In the United States, one in four women and one in ten men will experience some form of sexual violence, physical violence, or stalking by a partner in their lifetime.⁸² Alarming, between 2016 and 2018, intimate partner violence increased by 42%, with partner violence amounting to 20% of all violent crime in the United States.⁸³

Further, domestic violence and intimate partner violence are noted as “among the hidden costs of the COVID-19 pandemic.”⁸⁴ In 2020, cases of domestic violence increased by 25% to 33% globally.⁸⁵ At the onset of the COVID-19 pandemic “incidents of domestic violence in-

77. *CEDAW in Your Daily Life*, *supra* note 28.

78. Meghan Ott, *Series: What Does that Mean? Gender-Based Violence*, WOMEN FOR WOMEN INT’L (June 4, 2021), <https://www.womenforwomen.org/blogs/series-what-does-mean-gender-based-violence>.

79. *Id.*

80. *Gender-Based Violence*, UNITED NATIONS POPULATION FUND, <https://www.unfpa.org/gender-based-violence#readmore-expand> (last visited Mar. 16, 2023).

81. *Violence Against Women*, WHO (Mar. 9, 2021), <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>.

82. *Domestic Violence*, NAT’L COAL. AGAINST DOMESTIC VIOLENCE (2020), https://assets.speakcdn.com/assets/2497/domestic_violence-2020080709350855.pdf?1596828650457.

83. *Id.*

84. Caroline Newman, *The Pandemic is Increasing Intimate Partner Violence. Here is How Health Care Providers can Help*, UNIV. ALA. BIRMINGHAM NEWS (Oct. 26, 2021), <https://www.uab.edu/news/health/item/12390-the-pandemic-is-increasing-intimate-partner-violence-here-is-how-health-care-providers-can-help>.

85. *Id.*

creased 300% in Hubei, China; 25% in Argentina, 30% in Cyprus, 33% in Singapore, and 50% in Brazil.”⁸⁶ Similar trends have been documented within the United States, with police departments reporting increases in domestic violence across the country, such as increases of 10%, 18%, and 22%, in New York, San Antonio, and Portland respectively.⁸⁷

Domestic and GBV has been notably addressed in the United States through the Violence Against Women Act of 1994 (VAWA).⁸⁸ VAWA was the “first comprehensive federal legislative package designed to end violence against women,” and was considered a “triumph for women’s groups that lobbied hard to persuade Congress to legislate federal protections for women,” who were experiencing a lack of protection at the state level.⁸⁹ The most controversial and impactful provision of VAWA was its civil remedy, which provided a private cause of action that allowed survivors of GBV to directly sue their abusers.⁹⁰

In 2000, VAWA’s monumental civil remedy was stripped from survivors by the Supreme Court’s decision in *United States v. Morrison*.⁹¹ In *Morrison*, the Supreme Court held VAWA’s civil remedy provision unconstitutional, while leaving intact its less powerful provisions.⁹² *Morrison*’s removal of the civil remedy provision was a major “blow to a key provision of VAWA.”⁹³

While CEDAW’s text does not directly address violence against women, the CEDAW Committee has addressed this issue at length in its General Recommendations, and has “fostered development of domestic violence laws in Turkey, Nepal, South Africa, and the Republic of Korea.”⁹⁴ Further, in 1992, the CEDAW Committee clarified that Article 1’s definition of discrimination against women includes GBV

86. Jeffrey Kluger, *Domestic Violence is a Pandemic Within the COVID-19 Pandemic*, TIME (Feb. 3, 2021), <https://time.com/5928539/domestic-violence-covid-19/>.

87. Brad Boserup et al., *Alarming Trends in US Domestic Violence during the COVID-19 Pandemic*, AM. J. EMERGENCY MED. (Apr. 20, 2020), [https://www.ajemjournal.com/article/S0735-6757\(20\)30307-7/fulltext](https://www.ajemjournal.com/article/S0735-6757(20)30307-7/fulltext).

88. *History of VAWA*, *supra* note 56.

89. *Id.*

90. *Id.*

91. *United States v. Morrison*, 529 U.S. 598, 601–02 (2000).

92. *Id.*

93. Irin Carmon, *How the Supreme Court Turned its Back on Domestic Violence*, MSNBC (Sept. 17, 2014), <https://www.msnbc.com/msnbc/how-the-supreme-court-turned-its-back-domestic-violence-msna414586>.

94. *A Fact Sheet on CEDAW: Treaty for the Rights of Women*, AMNESTY INT’L (Aug. 25, 2005), https://www.amnestyusa.org/files/pdfs/cedaw_factsheet.pdf.

in General Recommendation No. 19: Violence Against Women.⁹⁵ The Committee defines GBV as “violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.”⁹⁶ The Committee further asserted that “full implementation of the Convention require[s] States to take positive measures to eliminate all forms of violence against women.”⁹⁷

Specific recommendations detailed by the Committee in General Recommendation No. 19 include: (1) gender-sensitive training of judicial and law enforcement officers, (2) research and statistical reporting on the causes and effects of GBV, (3) ensuring access to services for survivors in rural areas, and (4) implementing legal measures including “*civil remedies compensatory* provisions to protect women against all kinds of violence.”⁹⁸

In 2015, the CEDAW Committee issued General Recommendation No. 33 on Women’s Access to Justice, which further expanded the treaty’s understanding of how GBV impacts women’s access to justice.⁹⁹ The Committee urged State Parties to practice due diligence in the prevention, investigation, punishment, and reparation for crimes committed against women, including the creation of “women-specific funds to ensure that women receive adequate reparation” when their perpetrator will not provide such remedy.¹⁰⁰

Ratifying CEDAW would strengthen the United States commitment to combatting GBV. The United States signaled its lack of commitment to meaningfully addressing GBV when the Supreme Court dismantled VAWA’s federal civil remedy. United States ratification of CEDAW would provide an incentive to reprioritize survivors of GBV, as the Convention expressly advocates for the use of civil remedies for survivors of GBV, and the enactment of reparation systems for when traditional avenues of redress fail. Further, as a State Party, the United States would need to periodically report on its progress to the

95. CEDAW General Recommendation No. 19: Violence Against Women, COMM. ELIMINATION OF DISCRIMINATION AGAINST WOMEN (1992), https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3731_E.pdf.

96. *Id.*

97. *Id.* at 1.

98. *Id.* at 4–6 (emphasis added).

99. General Recommendation No. 33 on Women’s Access to Justice, COMM. ELIMINATION DISCRIMINATION AGAINST WOMEN (Aug. 3, 2015), <https://digitallibrary.un.org/record/807253?ln=EN#record-files-collapse-header>.

100. *Id.* at 9.

CEDAW Committee and would be given explicit recommendations from the Committee in response to the reported progress.

ii. Trafficking of Women and Girls

Another area where gender-based discrimination pervades is in sex trafficking. According to the Inter-Agency Coordination Group against Trafficking in Persons (ICAT), “women and girls account for 71% of all trafficked victims detected globally,” with women and girls representing “96% of victims trafficked for sexual exploitation.”¹⁰¹ ICAT has identified both gender inequality and violence against women as major root causes of targeted exploitation of women and girls in sex trafficking.¹⁰²

Human trafficking is a global issue that is present within the United States. The U.S. Department of State reports that vulnerable groups for human trafficking include persons experiencing “intimate partner violence or other forms of domestic violence.”¹⁰³ According to a recent study of sex trafficking victims within the United States, “40% of sex trafficking victims were identified as Black women.”¹⁰⁴ The study emphasizes that Black women and girls are “disproportionally effected in missing and murder statistics,” with the 2014 homicide rate for Black women standing at 4.41 per 100,000.¹⁰⁵

The TVPRA “created a federal right of action for survivors of trafficking,” that allows survivors to recover damages against their trafficker.¹⁰⁶ Along with the federal right of action, “forty states and the District of Columbia specifically allow for survivors of trafficking to sue their trafficker.”¹⁰⁷

CEDAW’s text directly addresses trafficking of women and girls, making it a useful tool for State Parties to the Convention. Article 6 of CEDAW states that “States Parties [to the Convention] shall take all appropriate measures, including legislation” to combat trafficking of

101. *The Gender Dimensions of Human Trafficking*, INTER-AGENCY COORDINATION GRP. AGAINST TRAFFICKING IN PERS. (2017), <https://icat.un.org/sites/g/files/tmzbd1461/files/publications/icat-ib-04-v.1.pdf>.

102. *Id.*

103. *About Human Trafficking*, U.S. DEP’T OF STATE, <https://www.state.gov/humantrafficking-about-human-trafficking/#who> (last visited Jan. 20, 2023).

104. Samantha Davey, *Snapshot on the State of Black Women and Girls: Sex Trafficking in the U.S.*, CONG. BLACK CAUCUS FOUND. (2020), <https://www.cbcfinc.org/wp-content/uploads/2020/05/SexTraffickingReport3.pdf>.

105. *Id.*

106. *Human Trafficking Issue Brief: Civil Remedy*, *supra* note 57.

107. *Id.*

women.¹⁰⁸ General Recommendation No. 38 further elaborates on State Parties obligations in combatting trafficking under CEDAW.

In 2020, CEDAW adopted General Recommendation No. 38 on Trafficking in Women and Girls in the Context of Global Migration, which clarifies the steps State Parties should take to mitigate trafficking of women and girls, and provides concrete recommendations for progress.¹⁰⁹ Recommendations include: addressing root causes of trafficking, bolstering survivors' rights, implementing gender-conscious court proceedings, implementing legislative and policy-based frameworks for action, and making information and reporting resources accessible to the public.¹¹⁰

Further, General Recommendation No. 38 takes a critical step in calling on States Parties to hold corporations accountable for their role in trafficking. The Committee acknowledges the role online platforms can play in the trafficking and exploitation of women and girls, and states that "the use of digital technology for trafficking poses special problems during global pandemics," noting that there has been a growth in online sexual exploitation since the onset of COVID-19.¹¹¹ The Committee explicitly calls for "social media and messaging platform companies to be held responsible for their role in exposing women and girls, as users of their services, to trafficking and sexual exploitation."¹¹² Accountability recommendations include requiring these companies to utilize their "existing capability in big data . . . and analytics to identify any pattern that could lead to trafficking and the identification of the involved parties."¹¹³

Ratification of CEDAW would allow the United States to renew its commitment to combating the systemic issue of human trafficking and build upon the current system of accountability by further encouraging the monitoring of online mediums in trafficking operations. CEDAW has helped foster the following developments pertaining to sex trafficking in other countries that have ratified it: "anti-trafficking

108. U.N. Convention on the Elimination of All Forms of Discrimination Against Women, *supra* note 30, at 17.

109. *General Recommendation No. 38 on Trafficking in Women and girls in the Context of Global Migration*, COMM. ELIMINATION DISCRIMINATION AGAINST WOMEN at 3 (Nov. 6, 2020), <https://reliefweb.int/report/world/general-recommendation-no-38-2020-trafficking-women-and-girls-context-global-migration>.

110. *Id.* at 10–11.

111. *Id.* at 8.

112. *A Significant Step Forward: CEDAW Committee Adopts New General Recommendation On Trafficking in Women and Girls*, EQUALITY NOW (Nov. 21, 2020), https://www.equalitynow.org/news_and_insights/a_significant_step_forward_cedaw_2020/.

113. *General Recommendation No. 38*, *supra* note 109, at 14.

laws in Ukraine and Moldova,”¹¹⁴ the creation of a national task force for combating trafficking of women in Nepal, and the passing of three laws addressing trafficking in Thailand.¹¹⁵ Efforts by State Parties to the Convention signal the impact of the guidance CEDAW provides, and that progress toward elimination of trafficking in the United States would be increased by ratification of CEDAW. Further, the Committee’s recent emphasis on the use of online platforms in trafficking would incentivize domestic movement to combat this issue.

iii. *Gender Wage Gap*

The most prevalent economic indicator of gender-based discrimination is the gender wage gap. In 2021, women earned 83 cents for every \$1 made by men.¹¹⁶ Further, the COVID-19 pandemic set women’s participation in the labor force back by thirty years.¹¹⁷ Women of color experience the wage gap’s impact the most severely, as the gap is “the tangible consequence of sexism and white supremacy in the United States and how our country systemically devalues women of color and their labor.”¹¹⁸ “Equal Pay Day” quantifies the wage gap by showing how far into the new year women would need to work to reach the level of compensation men in comparable positions made in the previous year.¹¹⁹ Equal Pay Day 2023 for women as a whole is March 14th.¹²⁰ Figure 1 specifies different demographic’s equal pay days which reveal the “harmful wage gaps faced by women of color as compared to their white non-Hispanic male counterparts.”¹²¹

114. *A Fact Sheet on CEDAW: Treaty for the Rights of Women*, *supra* note 94.

115. LELIA RASSEKH MILANI ET AL., CEDAW: THE TREATY FOR THE RIGHTS OF WOMEN, RIGHTS THAT BENEFIT THE ENTIRE COMMUNITY, WORKING GROUP ON RATIFICATION OF THE U.N. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN 30 (2004), available at https://www.hivlawandpolicy.org/sites/default/files/CEDAW_Book-WHOLE_BOOK.pdf.

116. *About Equal Pay Today*, EQUAL PAY TODAY, <http://www.equalpaytoday.org/> (last visited Feb. 15, 2023).

117. Janelle Jones, *5 Facts About the State of the Gender Pay Gap*, U.S. DEP’T OF LAB. BLOG (Mar. 19, 2021), <https://blog.dol.gov/2021/03/19/5-facts-about-the-state-of-the-gender-pay-gap>. Women’s labor force participation was at 55.8% in 2021, this is also the rate of participation reported in 1987. *Id.*

118. *Quantifying America’s Gender Wage Gap by Race/Ethnicity*, NAT’L P’SHP FOR WOMEN & FAMS. (Oct. 2022), <https://www.nationalpartnership.org/our-work/resources/economic-justice/fair-pay/quantifying-americas-gender-wage-gap.pdf>.

119. *Equal Pay Day: March 14, 2023*, U.S. CENSUS BUREAU (Mar. 14, 2023), <https://www.census.gov/newsroom/stories/equal-pay-day.html>.

120. *About Equal Pay Today*, *supra* note 116.

121. *Id.*

FIGURE 1.¹²²

Demographic Category	Equal Pay Day 2023
AANHPI Women*	April 5, 2023
LGBTQIA Persons*	June 15, 2023
Black Women	July 27, 2023
Mothers	August 15, 2023
NHPI Women*	August 30, 2023
Latina Women	October 5, 2023
Native and Indigenous Women	November 30, 2023

The United States has domestic laws in place to combat compensation discrimination based on gender. The Equal Pay Act of 1963 amended the Fair Labor Standards Act, and “requires that men and women in the same workplace be given equal pay for equal work.”¹²³ Additionally, “Title VII also makes it illegal to discriminate based on sex in pay and benefits,” meaning that a person claiming they have experienced a violation of the Equal Pay Act may be able to assert a Title VII claim as well.¹²⁴ Despite the Equal Pay Act’s assistance, “the stubborn fact remains that five decades later the basic goal of the act has not been realized.”¹²⁵

In turning to CEDAW, the text of the Convention speaks to its commitment to eliminating the wage gap, as express mention of equal pay is advocated for in Article 11:

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular . . . (d) the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well

122. *Id.* AANHPI stands for Asian American Native Hawaiian and Pacific Islanders. *What does AANHPI Stand For?*, ACRONYM FINDER, [https://www.acronymfinder.com/Asian-American%2c-Native-Hawaiian%2c-and-Pacific-Islander-\(heritage\)-\(AANHPI\).html](https://www.acronymfinder.com/Asian-American%2c-Native-Hawaiian%2c-and-Pacific-Islander-(heritage)-(AANHPI).html) (last visited Apr. 4, 2023). LGBTQIA stands for lesbian, gay, bisexual, transgender, queer/questioning (one’s sexual or gender identity), intersex, and asexual/aromantic/agender. *LGBTQIA*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/LGBTQIA> (last visited Apr. 4, 2023). NHPI stands for Native Hawaiian and Pacific Islander. *What does NHPI stand for?*, ACRONYM FINDER, [https://www.acronymfinder.com/Native-Hawaiian-and-Pacific-Islander-\(NHPI\).html](https://www.acronymfinder.com/Native-Hawaiian-and-Pacific-Islander-(NHPI).html) (last visited Apr. 4, 2023).

123. *Equal Pay/Compensation Discrimination*, *supra* note 58; *Equal Pay for Equal Work*, *supra* note 58.

124. *Equal Pay/Compensation Discrimination*, *supra* note 58.

125. Beth Rowen, *The Equal Pay Act*, INFOPLEASE (Sept. 9, 2022), <https://www.infoplease.com/us/society-culture/gender-sexuality/equal-pay-act>.

as equality of treatment in the evaluation of the quality of work
¹²⁶

Further, Article 11 notes that State Parties to the Convention should review “protective legislation relating to matters covered in this article” periodically, to ensure laws are revised and repealed appropriately to foster progress.¹²⁷

The gender wage gap is also addressed by the Convention in General Recommendation No. 13, “Equal Remuneration for Work of Equal Value.” In General Recommendation No. 13, the Convention notes that while “the principle of equal remuneration for work of equal value has been accepted in the legislation of many countries, more remains to be done to ensure the application of that principle in practice, in order to overcome the gender-segregation in the labor market.”¹²⁸ General Recommendation No. 13 recommends that State Parties to the Convention consider ratifying the International Labour Organization’s 100th Convention—the Equal Remuneration Convention, which “focuses on gender discrimination in employment and outlines principles for the equal remuneration for work of equal value independent of whether it is performed by men or women.”¹²⁹ This Convention requires that State Parties “implement domestic laws, regulations on wage determination and/or support collective agreements between workers’ and employers’ organizations.”¹³⁰ While the United States has ratified fourteen of the International Labour Organization’s Conventions, it has not ratified the Equal Remuneration Convention.¹³¹

Along with recommending that State Parties ratify the Equal Remuneration Convention, CEDAW recommends that State Parties “consider the study, development and adoption of job evaluation sys-

126. U.N. Convention on the Elimination of All Forms of Discrimination Against Women, *supra* note 30, at 18.

127. *Id.*

128. *General Recommendations made by the Committee on the Elimination of Discrimination Against Women*, UN WOMEN, <https://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm> (last visited Feb. 15, 2023).

129. *Equal Remuneration Convention, 1951 (No. 100)*, INT’L LAB. ORG., [https://gsphub.eu/conventions/Equal%20Remuneration%20Convention,%201951%20\(No.%20100\)#](https://gsphub.eu/conventions/Equal%20Remuneration%20Convention,%201951%20(No.%20100)#) (last visited Feb. 15, 2023).

130. *Id.*

131. *Ratifications for United States of America*, INT’L LAB. ORG., https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102871 (last visited Feb. 15, 2023); *Up-to-Date Conventions and Protocols not Ratified by United States of America*, INT’L LAB. ORG., https://www.ilo.org/dyn/normlex/en/f?p=1000:11210:0::NO:11210:P11210_COUNTRY_ID:102871 (last visited Feb. 15, 2023).

tems” to compare jobs in which men and women predominate.¹³² The General Recommendation additionally advocates for the “creation of implementation machinery” and encouragement of “the efforts of the parties to collective agreements . . . to ensure the application of the principle of equal remuneration for work of equal value.”¹³³

The United States should ratify CEDAW to commit to meaningfully eliminating the gender wage gap in the United States. “Ratification of international gender equity conventions is negatively correlated to the gender wage gap.”¹³⁴ In particular, ratification of CEDAW has been proven to “significantly lower gender wage residuals.”¹³⁵ According to a study conducted by the IZA Institute of Labor Economics, ratification of CEDAW “reduces the wage gap by 3-5 log points”.¹³⁶

A leading example of a State Party to CEDAW that is taking active steps to eliminate the wage gap is Iceland. In 2018, Iceland became the first nation in the world to pass a policy requiring “companies and institutions with more than 25 employees to prove that they pay men and women equally for a job of equal value.”¹³⁷ The policy, referred to as the Equal Wage Management Standard, is an evaluation tool that enables companies to “show they pay equally for the same positions,” and receive a certification for doing so.¹³⁸ Any company that does not obtain certification by a showing of equal pay will incur a daily fine, therefore monetarily incentivizing a closing of the gender wage gap.¹³⁹ Iceland is an excellent example of a State Party to CEDAW that has enacted a domestic system for combatting the wage gap that meaningfully reflects CEDAW’s equal remuneration principles.¹⁴⁰

The Equal Wage Management Standard was “written to international code,” meaning that it was designed to comply with CEDAW and international law, making it “easily adapted to labor markets

132. *General Recommendations made by the Committee on the Elimination of Discrimination Against Women*, *supra* note 128.

133. *Id.*

134. Kaitlin Holmes & Danielle Corley, *International Approaches to Closing the Gender Wage Gap*, CTR. FOR AM. PROGRESS (Apr. 4, 2017), <https://www.americanprogress.org/article/international-approaches-closing-gender-wage-gap/>.

135. Doris Weichselbaumer & Rudolf Winter-Ebmer, *The Effects of Competition and Equal Treatment Laws on the Gender Wage Differential*, INST. FOR THE STUDY OF LAB. at 11 (July 2003), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=434545.

136. *Id.*

137. Ines Wagner, *How Iceland is Closing the Gender Wage Gap*, HARV. BUS. REV. (Jan. 8, 2021), <https://hbr.org/2021/01/how-iceland-is-closing-the-gender-wage-gap>.

138. *Id.*

139. *Id.*

140. Magnea Marinósdóttir & Rósa Erlingsdóttir, *This is Why Iceland Ranks First for Gender Equality*, WORLD ECON. F. (Nov. 1, 2017), <https://www.weforum.org/agenda/2017/11/why-iceland-ranks-first-gender-equality/>.

across the world.”¹⁴¹ The Global Gender Gap Index 2022 deemed Iceland the most gender equal country in the world, “with a score of 0.91,” whereas the United States ranked 26th, at 0.77, in “economic, political, education, and health-based criteria.”¹⁴² Ratifying CEDAW would aid the United States in eliminating the gender wage gap, and the examples set by current CEDAW nations like Iceland provide a roadmap for implementation of effective mechanisms for combatting the wage gap and complying with the treaty.

2. *Ratification Comports with Domestic Law and Policy Against Gender Discrimination*

Ratification of CEDAW comports with domestic law and would act as a catalyst for innovative policies addressing the intersection of racism and sexism. As noted by the Center for Reproductive Rights, “[r]atification of CEDAW is consistent with both the foreign and domestic policy of the U.S.,” as CEDAW’s principles parallel “U.S. constitutional principles opposing discrimination against women.”¹⁴³ United States law is “already in substantial compliance with CEDAW.”¹⁴⁴ Notably, in February 2015, the U.S. Department of State asserted that “the principles endorsed in CEDAW are consistent with our domestic and foreign policy objectives and are strongly supported in federal and state law.”¹⁴⁵ Additionally, domestic consistency with CEDAW does not make ratification of the treaty obsolete, rather ratification would “help efforts to enhance U.S. laws with respect to violence against women, access to legal protections, and other human rights.”¹⁴⁶

As noted by the Georgetown Institute for Women, Peace and Security, “the twin forces of the #MeToo and Black Lives Matter (BLM) have underscored the need to eliminate existing discrimination”

141. Renee Morad, *What the U.S. Can Learn From Iceland’s New Equal Pay Law*, MSNBC (May 30, 2018), <https://www.msnbc.com/know-your-value/what-u-s-can-learn-iceland-s-new-equal-pay-n849781>.

142. *The Global Gender Gap Index 2022*, STATISTA, <https://www.statista.com/statistics/244387/the-global-gender-gap-index/> (last visited Feb. 15, 2023).

143. Charlotte Abaka, *Framework for a Human Rights Approach to Women’s Health—The Work of the CEDAW Committee*, UNITED NATIONS, <https://www.un.org/womenwatch/daw/csw/hrights.htm> (last visited Feb. 15, 2023); *CEDAW Advances Women’s Human Rights*, CTR. FOR REPROD. RTS. (Jan. 1, 2004), <https://reproductiverights.org/cedaw-advances-womens-human-rights/>.

144. *CEDAW Advances Women’s Human Rights*, *supra* note 143.

145. *The U.N. Convention on the Elimination of All Forms of Discrimination Against Women*, *supra* note 2.

146. *A Fact Sheet on CEDAW: Treaty for the Rights of Women*, *supra* note 94.

within the United States.¹⁴⁷ The Institute notes that the United States is experiencing a “moment of public reckoning on race and gender” while simultaneously, the COVID-19 pandemic has further shed light on the presence and persistence of systemic inequalities within the country and globally.¹⁴⁸ Ratification of CEDAW would be a vital and impactful tool for addressing the issues of inequality raised by the #MeToo and BLM movements, as CEDAW has shown a “commitment to addressing intersectional discrimination.”¹⁴⁹

Though there is no explicit mention of race or racism in the text of CEDAW, Patricia Schulz, a member of the CEDAW Committee noted in 2013, “since all forms of discrimination against all women fall under the scope of the Convention . . . racism is implicitly included in it, and women are protected against racial discrimination in all articles of the Convention”¹⁵⁰ Further, Schulz asserted that CEDAW has remained committed to intersectional approaches to eliminating discrimination against women in the Convention’s General Recommendations, which have addressed the impact of race in conversations about sexism.¹⁵¹ Additionally, in a five year period “the Committee mentioned intersectionality and gender-based violence 100 percent of the time” in its concluding observations.¹⁵²

CEDAW is also supported by civil society. “Over 190 national organizations—including religious, legal, medical, academic, and environmental organizations—have endorsed CEDAW” within the United States.¹⁵³ Organizations who have shown support of CEDAW range from the American Bar Association to the Muslim Women’s League, and represent “millions of voters across the country who support U.S. ratification of CEDAW.”¹⁵⁴ CEDAW is consistent with United States policy, active in pushing State Parties forward in their intersectional elimination of discrimination against women, and supported by United States citizens.

147. Verveer & de Silva de Alwis, *supra* note 6.

148. *Id.*

149. *Id.*

150. Patricia Schulz, *CEDAW and Racism: Intersectionality of Gender and Racism*, OHCHR (Oct. 8, 2013), <https://www.ohchr.org/Documents/Issues/Racism/IWG/session11/PatriciaSchulz.doc>.

151. *Id.* General Recommendations 19, 24, 26 and 28 address intersections of racism and sexism. *Id.*

152. Verveer & de Silva de Alwis, *supra* note 6.

153. *CEDAW Advances Women’s Human Rights*, *supra* note 143.

154. *Id.*

3. *Ratification would Reaffirm United States Leadership in Gender Equality*

“It is simply embarrassing that the United States has not ratified the convention.”

Biden-Harris Administration¹⁵⁵

The United States cannot meaningfully call itself a leader in the effort for gender equality while being a non-Party to CEDAW. In 2010, the Senate Judiciary Committee held a hearing for its Subcommittee on Human Rights and the Law, at which Melanne Verveer, Ambassador-at-Large for the Office of Global Women’s Issues, offered a statement on the ratification of CEDAW.¹⁵⁶ In her prepared statement submitted for the record, Verveer pointedly noted:

Some governments use the fact that the U.S. has not ratified the treaty as a pretext for not living up to their own obligations under it. Our failure to ratify also deprives us of a powerful tool to combat discrimination against women around the world, because as a non-party, it makes it more difficult for us to press other parties to live up to their commitments under the treaty.¹⁵⁷

The reputation of the United States as an international leader for gender equality is further at risk in wake of the Trump Administration, as “its overall approach to international development [of women’s rights] set the United States back when it comes to advancing global gender equality more broadly, as well as racial and economic equality at home and abroad.”¹⁵⁸ The change in administration should signal an opening for renewed interest in ratifying CEDAW and reaffirming the nation’s status as a global leader in gender equality, given the promises of the Biden-Harris campaign, which explicitly mapped out intentions to progress women’s rights and pursue CEDAW ratification.¹⁵⁹

President Biden promised that his administration would pursue CEDAW’s ratification in order to “better advance the rights of women

155. *Factsheet: International Women’s Day*, BIDEN HARRIS DEMOCRATS, <https://joebiden.com/fact-sheet-international-womens-day/> (last visited Feb. 15, 2023).

156. *Women’s Rights are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): Hearing Before the Subcomm. On Hum. Rts. & the L. of the Comm. on the Judiciary*, 111th Cong. 2 (2010) (testimony of Melanne Verveer, Ambassador-at-large, Off. of Glob. Women’s Issues, U.S. Dep’t of State).

157. *Id.*

158. Megan O’Donnell, *Restoring and Revitalizing US Leadership on Global Gender Equality and Inclusion*, CTR. FOR GLOB. DEV. (Dec. 3, 2020), <https://www.cgdev.org/publication/restoring-and-revitalizing-us-leadership-global-gender-equality-and-inclusion>.

159. *The Biden Agenda for Women*, BIDEN HARRIS DEMOCRATS, <https://joebiden.com/womens-agenda/> (last visited Feb. 15, 2023).

and girls here at home and around the world.”¹⁶⁰ Further, the Biden-Harris Administration stated on International Women’s Day that “it is simply embarrassing that the United States has not ratified the convention” noting that the United States, in not ratifying CEDAW, was “in the company of some of the most oppressive countries in the world, including Iran, Sudan, and Somalia.”¹⁶¹ In the International Women’s Day statement, the Administration further noted that the Obama-Biden Administration had prioritized ratification of CEDAW, and that Biden has continued to urge the Senate to ratify “this important treaty.”¹⁶²

In October 2021, the Biden-Harris Administration issued a National Strategy on Gender Equity and Equality (the Strategy), “the first-ever national gender strategy to advance the full participation of all people—including women and girls—in the United States and around the world.”¹⁶³ The Strategy supports the enactment of an Equal Rights Amendment to the U.S. Constitution, and ratification of CEDAW, which it calls “a critical tool to advance women’s rights.”¹⁶⁴ In order to meaningfully move toward ratification of CEDAW, and legitimization of the United States as a leader in the global effort to reach gender equality, the Biden-Harris Administration must prioritize the push for bipartisan support for ratification.¹⁶⁵ Continued failure to ratify CEDAW has diminished the United States’ international credibility in its genuine commitment to eliminating discrimination against women, and only ratification and meaningful implementation of CEDAW can repair this.

4. *Dispelling Misconceptions Around CEDAW*

Opposition to CEDAW’s ratification has focused on two critiques: (1) concerns about expansion of abortion rights, and (2) infringement of national sovereignty. As mentioned previously, CEDAW’s most outspoken critic was the late “Republican Senator Jesse Helms, who

160. *Id.*

161. *Factsheet: International Women’s Day*, *supra* note 155.

162. *Id.*

163. *Fact Sheet: National Strategy on Gender Equity and Equality*, WHITEHOUSE.GOV (Oct. 22, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/10/22/fact-sheet-national-strategy-on-gender-equity-and-equality/>.

164. *National Strategy on Gender Equity and Equality*, WHITEHOUSE.GOV (2021), <https://www.whitehouse.gov/wp-content/uploads/2021/10/National-Strategy-on-Gender-Equity-and-Equality.pdf>. Enactment of an Equal Rights Amendment to the U.S. Constitution would “make gender equality explicit in the U.S. Constitution.” *Id.*

165. Rangita de Silva de Alwis & Melanne Vermeer, “*Time Is A-Wasting*”: *Making the Case for CEDAW Ratification by the United States*, INTER PRESS SERV. (Sept. 7, 2021), <https://www.ipsnews.net/2021/09/time-wasting-making-case-cedaw-ratification-united-states/>.

called it ‘a terrible treaty negotiated by radical feminists with the intent of enshrining their radical antifamily agenda into international law.’”¹⁶⁶

Despite no explicit mention of abortion in CEDAW’s text, pro-life opponents to CEDAW often point to Article 12 of the Convention as grounds for reinforcing or expanding abortion rights. Article 12 asserts that “States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, *including those related to family planning*.”¹⁶⁷ Additional criticism exists around Article 16, which advocates for State Parties to take “all appropriate measures” to ensure that women have the right “to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights.”¹⁶⁸ Along with these provisions in CEDAW’s text, opponents frequently turn to the CEDAW Committee’s General Recommendations, pointing to General Recommendation No. 24’s elaboration on Article 12. General Recommendation No. 24 mentions abortion, stating that “[w]hen possible, legislation criminalizing abortion should be amended, in order to withdraw punitive measures imposed on women who undergo abortion.”¹⁶⁹

This position on CEDAW’s relationship to reproductive rights has been frequently dispelled. In 1994 the Clinton Administration declared CEDAW an “abortion neutral” treaty, recognizing that its text makes no mention of abortion.¹⁷⁰ Further, the protections for reproductive rights afforded by CEDAW in General Recommendation No. 24, “are not legally binding,” rather they act as “authoritative statements on the content of legal duties assumed by state parties.”¹⁷¹ Meaning, General Recommendations seek to clarify the expectations

166. *Signed and Shelved*, *supra* note 54.

167. U.N. Convention on the Elimination of All Forms of Discrimination against Women, *supra* note 30, at 19 (emphasis added).

168. *Id.* at 20.

169. *General Recommendation No. 24: Article 12 of the Convention (Women and Health)*, COMM. ELIMINATION DISCRIMINATION AGAINST WOMEN (1999), <https://www.refworld.org/docid/453882a73.html>.

170. *Convention on the Elimination of All Forms of Discrimination Against Women (Ex. R, 96-2): Hearing Before the S. Comm. on Foreign Rels.*, 103d Cong. 13 (1994) (prepared testimony of Jamison S. Borek, Deputy Legal Adviser, U.S. Dep’t of State, on U.S. Ratification of CEDAW); *The U.N. Convention on the Elimination of All Forms of Discrimination Against Women*, *supra* note 2.

171. *General Recommendations*, CTR. FOR WOMEN, PEACE & SEC., <https://blogs.lse.ac.uk/vaw/int/cedaw/general-recommendations/> (last visited Feb. 15, 2023).

of State Parties to the Convention, but ultimately it is up to the State itself to mesh the Convention's obligations with its domestic law, as "CEDAW has no established mechanism for noncompliance."¹⁷²

The Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* overruled *Roe v. Wade* and *Planned Parenthood v. Casey* in holding that there is no constitutionally protected right to abortion in the United States.¹⁷³ The *Dobbs* decision retracts constitutional protection of abortion, making the right to an abortion a state-by-state decision in the United States.¹⁷⁴ This decision unravels decades of constitutional protection of the right to abortion, which "shap[ed] women's expectations of their choices when an unplanned pregnancy occurs," and women's ability to rely on "the availability of abortion in structuring their relationships and in planning their lives."¹⁷⁵ Despite *Dobbs*' tension with CEDAW's principles, it is important to note that "countries in which abortion is illegal . . . have ratified the Convention."¹⁷⁶ Meaning *Dobbs*' allowance of state-by-state abortion access or banning is not a fatal incompatibility with CEDAW, as it is ultimately up to the State Party to comply or not comply with CEDAW's principles.¹⁷⁷

The other major argument offered by CEDAW opponents is its infringement on the sovereignty of the United States. This argument hinges on a misconception of how treaties are implemented in our country. International treaties adopted by the United States are either self-executing, meaning "domestic courts can enforce them directly," or non-self-executing, meaning the treaty is "not directly enforceable in U.S. courts, and Congress generally must pass legislation implementing the provision in a domestic statute to make it judicially enforceable."¹⁷⁸ This means that a treaty is not binding domestically unless (1) "the treaty itself conveys an intention that it be 'self-executing,'" and the Senate ratifies it on this basis, or (2) Congress has "enacted implementing statutes" effectuating the treaty.¹⁷⁹ This means that notwithstanding how a treaty is categorized, the federal govern-

172. *The U.N. Convention on the Elimination of All Forms of Discrimination Against Women*, *supra* note 2, at 3, 15.

173. *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228, 2279 (2022).

174. *Id.* at 2259.

175. *Id.* at 2319 (Breyer, J., dissenting).

176. *A Fact Sheet on CEDAW: Treaty for the Rights of Women*, *supra* note 94.

177. *Dobbs*, 142 S. Ct. at 2259. *A Fact Sheet on CEDAW: Treaty for the Rights of Women*, *supra* note 94.

178. *ArtII.S2.C2.1.4 Self-Executing and Non-Self-Executing Treaties*, CONST. ANNOTATED, https://constitution.congress.gov/browse/essay/artII-S2-C2-1-4/ALDE_00012955/ (last visited Apr. 6, 2023).

179. *Medellín v. Texas*, 552 U.S. 491, 505 (2008).

ment retains its sovereignty by remaining in complete control of the domestic implementation process—either through the President and the Senate’s intention for a treaty to have immediate domestic effect, or by Congress’s passage of a domestic implementation statute.¹⁸⁰ On a practical level, “you, as an individual, do not have rights under that treaty in the US—unless Congress incorporates that provision into US law.”¹⁸¹

Further, as noted by Amnesty International, “U.S. law generally complies with the requirements of CEDAW and the Treaty is compatible with the principles of the U.S. Constitution,” and where relevant differences arise, CEDAW simply urges nations to “take appropriate measures to progressively promote the principle of nondiscrimination.”¹⁸² Engagement with CEDAW “upholds US sovereignty and grants no enforcement authority to the United Nations,” rather ratification would strengthen and guide gender equity progress with the ultimate say on specific aspects of implementation still residing with Congress.¹⁸³ The United States should ratify CEDAW in order to improve the lives of women and girls within the United States, and re-earn its reputation as a leader of women’s rights on the global scale.

B. *The Case for a Chicago CEDAW Ordinance*

Despite “on-going advocacy in favor of ratification from diverse civil society organizations working at the national level,” CEDAW has continually faced blocking of federal ratification, and has not been considered by the Senate Foreign Relations Committee since 2002.¹⁸⁴ Lack of federal ratification has ignited a commitment to comply with CEDAW at the local level through the enactment of CEDAW Ordinances and Resolutions.¹⁸⁵ Cities and counties with CEDAW Ordinances include: San Francisco, Berkeley, Los Angeles, San Jose, Cincinnati, Honolulu, Pittsburgh, and Washington D.C.¹⁸⁶ Miami-Dade County, Florida and Santa Clara County, California also have CEDAW Ordinances in place.¹⁸⁷ Many other local municipalities are

180. *A Fact Sheet on CEDAW: Treaty for the Rights of Women*, *supra* note 94.

181. “*That’s Illegal*” Episode 2: *The United States and CEDAW*, GLOB. JUST. CTR. BLOG (May 12, 2017), <https://globaljusticecenter.net/blog/750-that-s-illegal-episode-2-the-united-states-and-cedaw>.

182. *A Fact Sheet on CEDAW: Treaty for the Rights of Women*, *supra* note 94.

183. *Id.*

184. *What is the Cities for CEDAW Campaign?*, *supra* note 63; *The U.N. Convention on the Elimination of All Forms of Discrimination Against Women*, *supra* note 2, at 1.

185. *What is the Cities for CEDAW Campaign?*, *supra* note 63.

186. *Cities for CEDAW: Status of Local Activities*, *supra* note 14.

187. *Id.*

working on Resolutions or Ordinances to comport with CEDAW with the help of resources provided through the Cities for CEDAW campaign.¹⁸⁸ While the two largest cities in the United States,¹⁸⁹ New York¹⁹⁰ and Los Angeles,¹⁹¹ have shown support for CEDAW, the third largest city, Chicago,¹⁹² remains consistently absent from this critical integration of international human rights for women.¹⁹³

1. *Gender Inequality is Pervasive in Chicago*

Chicago is home to 2.7 million people, making gender equality efforts within the city impactful for a significant portion of the United States population.¹⁹⁴ In a study of the “Best States for Women’s Rights” in the United States, Illinois ranked eighteenth, substantially below other historically progressive states with large cities like New York (fourth), and California (third).¹⁹⁵ Further, on the city-level, Chicago women “are at greater risk of violence and economic insecurity and are farther from gender equity, compared to women in other cities.”¹⁹⁶ In 2016, reported rates of domestic violence in Chicago were at an unprecedented rate of 1,673 per 100,000 residents, meaning over 123 incidents of domestic violence were occurring every day, with a majority of violence victims being women.¹⁹⁷

188. *How Can You Engage in the Campaign?*, WOMEN’S INTERCULTURAL NETWORK, <http://citiesforcedaw.org/resources/> (last visited Feb. 15, 2023).

189. *The 200 Largest Cities in the United States by Population 2023*, WORLD POPULATION REV., <https://worldpopulationreview.com/us-cities> (last visited Feb. 15, 2023).

190. *CEDAW in the United States: Why a Treaty for the Rights of Women?*, *supra* note 12. New York City aimed to incorporate both principles of “CEDAW and the UN Convention on the Elimination of All Forms of Racial Discrimination (CERD)” into its city laws. *Id.* See *Resolution Calling Upon the United States Senate to Ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, N.Y. CITY COUNCIL (Dec. 4, 2014), <http://legislation.nyc/id/2141232>.

191. Los Angeles has passed a binding CEDAW Ordinance. Hansel, *supra* note 7.

192. *How Can You Engage in the Campaign?*, *supra* note 188.

193. *Cities for CEDAW: Status of Local Activities*, *supra* note 14.

194. *The 50 Largest Cities in the United States*, POLITIFACT, <https://www.politifact.com/largestcities/> (last visited Feb. 16, 2023).

195. Adam McCann, *Best & Worst States for Women’s Equality*, WALLETHUB (Aug. 22, 2022), <https://wallethub.com/edu/best-and-worst-states-for-women-equality/5835>.

196. K. Sujata, *Chicago Ranks Last for Gender Equity Among the Country’s Top Cities—This is What We Need to Do to Change That*, BETTER.NET (Sept. 28, 2017), <https://better.net/chicago/life/chicago-ranks-last-gender-equity-among-countrys-top-cities-need-change/>.

197. *Id.* Chicago’s domestic violence police reporting decreased after the implementation of March 2020’s COVID-19 Stay-At-Home Order, but this does not necessarily signal improvement of domestic violence rates within the city. According to a study on domestic violence reporting in Chicago, the decrease in domestic violence reporting could “reflect an exacerbation of underreporting,” along with the impact of a decrease in access to “mental health and personal safety resources” due to pandemic-related business closings. Louisa Baidoo et al., *Domestic Violence Police Reporting and Resources During the 2020 COVID-19 Stay-at-Home Order in Chicago*,

Alarming, in 2017, Chicago ranked the lowest out of the country's ten largest cities in terms of gender equality indicators.¹⁹⁸ To put this ranking into perspective, the study found that if Chicago were on track with the gender equality progress of other large United States cities with higher "parity scores, it would add an additional \$58 billion to our region's economy."¹⁹⁹ The need for change in Chicago's gender equality efforts is clear, and a CEDAW Ordinance could provide an integral guide for comprehensively addressing gender inequality within the city.

2. *Engagement with CEDAW in Illinois and Chicago*

Engagement with CEDAW in Illinois was at its peak in 2011, when the Illinois House of Representatives passed a CEDAW Resolution.²⁰⁰ The Resolution urged the Senate to ratify CEDAW and affirmed the Illinois House of Representatives support of the Convention.²⁰¹ While this Resolution was important for CEDAW awareness within Illinois, the Resolution is a simple resolution, meaning it is not binding in any capacity and merely acts as an endorsement of CEDAW's principles without doing more on the State or local level.²⁰² At the county-level, the Cook County Board of Commissioners adopted a Resolution in 2004, "urging the United States Senate to ratify this international human rights convention that opposes discrimination against women." These resolutions are important pushes for federal ratification and local-level awareness of CEDAW. But additional local-level engagement with CEDAW is needed as Chicago has not implemented a CEDAW Ordinance or Resolution. Lack of local implementation of CEDAW prompted the creation of "Chicago & Cook County for CEDAW" (The Coalition).²⁰³

The Chicago for CEDAW movement was launched by the UN Association of Greater Chicago in 2018 with the objective of building a "coalition of support around CEDAW."²⁰⁴ The Coalition centers on a

Illinois, JAMA NETWORK (Sept. 2, 2021), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2783683>.

198. Sujata, *supra* note 196.

199. *Id.*

200. H.R. 0021, 97th Gen. Assemb., Reg. Sess. (Ill. 2011).

201. *Id.*

202. *Types of Legislation*, U.S. SENATE, https://www.senate.gov/legislative/common/briefing/leg_laws_acts.htm (last visited Mar. 16, 2023).

203. *Chicago & Cook County for CEDAW*, *supra* note 73; *Cities for CEDAW: Status of Local Activities*, *supra* note 14. COOK CNTY., ILL., RESOL. 04-R-105 (2004), available at <https://cookctyclerk.com/html/032304ressdoc.htm>.

204. *CBA Seminar—Chicago for CEDAW*, UNITED NATIONS ASS'N CHI. (May 20, 2020), <https://www.facebook.com/watch/?v=1506372256210671>.

short term and long term goal, with the former being to “earn a proclamation of support for CEDAW from the City of Chicago on UN Day,” and the latter being to “pass a resolution and ordinance that would enact the principles of CEDAW into law in Chicago,” with the intention to expand the Ordinance to Cook County.²⁰⁵ In May 2020, the Coalition comprised of twenty local organizations committed to supporting gender-equality progress through CEDAW’s principles within the Chicagoland area.²⁰⁶

A major success of the Chicago for CEDAW Coalition was receiving a Mayoral Proclamation of Support from then-Mayor Rahm Emanuel.²⁰⁷ The Coalition had also met with elected officials, including then-Mayor Lori Lightfoot, members of Congress, the Chicago City Clerk, and City Commissioners.²⁰⁸ The efforts of the Chicago Coalition are admirable but have not yet resulted in a Chicago or Cook County CEDAW Resolution or Ordinance.

3. *Requirements for a Successful CEDAW Ordinance*

The Cities for CEDAW campaign set out three requirements for implementing a successful CEDAW Ordinance: (1) organize funding to support implementation of CEDAW’s principles, (2) create an oversight body to monitor local-level implementation, and (3) conduct a gender analysis of the city’s operations.²⁰⁹ Cities for CEDAW also has templates for Resolutions and Ordinances, and comprehensive instructions on how to best connect with local officials to move a city’s CEDAW compliance forward.²¹⁰ Cities and counties with CEDAW Ordinances already in place provide a roadmap for how to fulfill Cities for CEDAW’s key requirements. San Francisco provides an excellent example of how a city can establish funding and an oversight body to conduct gender analyses, and Durham County, North Carolina, provides a powerful example of how gender analyses can engage young women in their community’s gender equity plan and progress.

205. *Id.*

206. *Id.*

207. *Id.*

208. *Id.*

209. *Cities for CEDAW Advancing Women’s Human Rights Locally*, *supra* note 68.

210. *Cities for CEDAW: Promoting Women’s Equality in Your Community Guidelines and Toolkit*, *supra* note 9.

4. *San Francisco—A Blueprint for Funding, Oversight and Gender Analysis*

San Francisco was the first city in the world to enact a CEDAW Ordinance,²¹¹ and has been a strong example of what CEDAW Ordinances can do for gender equality at the city-level. After “years of advocacy on the part of the San Francisco women’s community,” the Commission on the Status of Women was “established by the San Francisco Board of Supervisors in 1975.”²¹² The Commission is comprised of seven seats appointed by the Mayor for renewable four-year terms.²¹³ The Commission is the central hub for fulfilling the three requirements for a successful CEDAW Ordinance. In 1994, Proposition E was approved by San Francisco voters, creating “a permanent City Department on the Status of Women to carry out the policies of the Commission.”²¹⁴ Because the Commission operates through the permanent City Department on the Status of Women, the Commission’s oversight efforts are funded by the City of San Francisco, fulfilling the requirement of stable funding for CEDAW implementation.²¹⁵

The final requirement, gender analysis, is a “data-driven, human rights-based tool for promoting gender-responsive governance.”²¹⁶ The San Francisco Department on the Status of Women details the purposes of a gender analysis as: (1) closing the gender inequality gap, (2) holding public departments accountable and ensuring their compliance with CEDAW principles, and (3) empowering public departments to integrate gender equity analyses into their structures.²¹⁷

San Francisco’s Department on the Status of Women and the city’s CEDAW Task Force are the leaders of the gender analysis process in San Francisco.²¹⁸ The CEDAW Task Force is “an oversight body composed of both governmental and non-governmental representatives,”

211. *Cities for CEDAW Factsheet: Implementing CEDAW as a Local Ordinance*, *supra* note 8.

212. *About DOSW, Executive Summary*, S.F. DEP’T ON THE STATUS OF WOMEN, <https://dosw.org/#buzz> (last visited Mar. 16, 2023).

213. *About Us*, S.F.GOV, <https://sf.gov/departments/commission-status-women/about> (last visited Mar. 16, 2023).

214. *About DOSW, Executive Summary*, *supra* note 212.

215. *About Us*, DEP’T ON THE STATUS OF WOMEN, CITY & CNTY. OF S.F., <https://sfgov.org/dosw/about-us> (last visited Mar. 16, 2023).

216. *Designing and Implementing a Meaningful Gender Analysis: Goals, Strategies, & Recommendations*, S.F. DEP’T ON THE STATUS OF WOMEN (Aug. 2014), <https://sfgov.org/dosw/sites/default/files/DOSW%20Gender%20Analysis%20Toolkit.pdf>.

217. *Id.*

218. *Human Rights in Action: San Francisco’s Local Implementation of The United Nations’ Women’s Treaty (CEDAW)*, DEP’T ON THE STATUS OF WOMEN, S.F. (2010), https://sfgov.org/dosw/sites/default/files/Documents/dosw/Reports/CEDAW_report_101810.pdf.

that developed the gender analysis system for the city.²¹⁹ San Francisco's CEDAW Ordinance requires City Departments to utilize the Task Force's gender analysis guidelines to analyze compliance with CEDAW's principles within the department.²²⁰ City Departments must "gather data, examine the data, and recommend what practices and policies should change to promote gender equity."²²¹ In areas identified as needing improvement in gender equity, the Departments are required to create action plans with timelines for implementing changes.²²² Seven City Departments in San Francisco have utilized the CEDAW Task Force's guidelines to conduct gender analyses.²²³

The San Francisco Department on the Status of Women and the Women's Intercultural Network (WIN) published a list of the top ten achievements of San Francisco's CEDAW Ordinance.²²⁴ One notable and life-saving achievement was "44 months without domestic violence homicide," from the period of 2011–2014.²²⁵ This was a major stride in meaningfully addressing violence against women, which was a major issue within the city,²²⁶ as just ten years prior to this unprecedented achievement, 40% of female homicides in San Francisco were the product of domestic violence.²²⁷

While San Francisco's chartered Commission, and CEDAW Task Force are strong entities that have the support and funding necessary to conduct meaningful gender analyses, not all cities are able or willing to commit the time and expense necessary to create a new City

219. *Id.*

220. *Id.* The gender analysis tool developed by the CEDAW Task Force is comprised of five steps: (1) defining the department's vision and desired outcome; (2) collecting and analyzing data; (3) developing options to address identified discrimination; (4) prioritizing strategies and creating an action plan; and (5) developing a monitoring mechanism to track progress. *Id.*

221. *Id.*

222. *Id.*

223. *Id.*

224. *Cities for CEDAW Advancing Women's Human Rights Locally*, *supra* note 68.

225. *Id.*

226. *Man Sentenced for Stabbing Near Kids*, ABC7 L.A. (Dec. 12, 2008), <https://abc7.com/archive/6553060/>; *Justice and Courage: A Blueprint*, DEP'T ON THE STATUS OF WOMEN, S.F., <https://sfgov.org/dosw/node/256#exec> (last visited Mar. 16, 2023); DEP'T ON THE STATUS OF WOMEN, S.F., FINAL EVALUATION OF THE JUSTICE AND COURAGE OVERSIGHT PANEL ON DOMESTIC VIOLENCE POLICY REFORM IN SAN FRANCISCO, 2002-2014 (2014), available at <https://sfgov.org/dosw/sites/default/files/Final%20Evaluation%20of%20Justice%20%26%20Courage.pdf>. The city of San Francisco was shocked and disheartened in October 2000 by the tragic murder of a young Filipina mother, Claire Tempongko, in front of her two children, by her ex-boyfriend Tari Ramirez. *Id.* After the deeply disturbing death of Ms. Tempongko, the Commission on the Status of Women issued a report titled *A Blueprint for San Francisco's Response to Domestic Violence*, in dedication to Ms. Tempongko and others impacted by domestic violence. *Id.*

227. FINAL EVALUATION OF THE JUSTICE AND COURAGE OVERSIGHT PANEL ON DOMESTIC VIOLENCE POLICY REFORM IN SAN FRANCISCO, 2002-2014, *supra* note 226.

Department for CEDAW monitoring. An alternative to creating a Commission on the Status of Women within the city's structure is to partner with universities and other bodies with the capacity to take on the important task of conducting gender analyses.

5. *Durham County—A Blueprint for Impassioned Gender Analysis*

Durham County became the first area in North Carolina to adopt a CEDAW Resolution in September 2017.²²⁸ As Women NC Founder, Beth Dehghan, puts it: “the passage of this resolution reflects a strong commitment to improving human rights in this community.”²²⁹ Without a formal governmental department like San Francisco's to take charge of CEDAW implementation and gender analyses, Durham County activists needed to get creative. In Durham, organizers have tapped into the surrounding universities, developing the WomenNC Scholars Program, which trains university students to conduct gender analyses.²³⁰

The Women NC Scholars Program “has trained 61 university students from UNC-CH, Duke, NC State, NC Central, UNC-Greensboro, Shaw University, Meredith College, and Bennett College” to carry out the impactful research and reporting on women and girls.²³¹ The student-driven research focuses on “women's health, economic disparities, gentrification and housing issues, violence against women, employment, education, and leadership in Durham County.”²³² Students help craft budget and policy recommendations for furthering gender equity work, and in turn are meaningfully provided a seat at the table.²³³

Recent reports generated from students working on gender research range from “Examination of Dress Code Policies Influencing Body Shame, Sexualization and Learning Environment of African American Middle School Girls,” to “The Impact of Environmental Toxins on Maternal & Child Health in Durham, North Carolina.”²³⁴

228. *County of Durham, NC Unanimously Endorses CEDAW*, FEMINIST MAJORITY FOUND. (Sept. 19, 2017), <https://feminist.org/news/county-of-durham-nc-unanimously-endorses-cedaw/>.

229. *Id.*; *We are WomenNC*, WOMENNC, <https://www.womennc.org/about-us> (last visited Feb. 16, 2023).

230. *About the WomenNC Scholars Program*, WOMENNC, <https://www.womennc.org/scholar-program> (last visited Feb. 16, 2023).

231. *Id.*

232. *Durham, First Human and Women's Rights City in North Carolina*, NC NOW (Aug. 6, 2018), <https://northcarolinanow.wordpress.com/2018/08/06/durham-first-human-and-womens-rights-city-in-north-carolina/>.

233. *We are WomenNC*, *supra* note 229.

234. *Cities for CEDAW: About the Program*, WOMENNC, <https://www.womennc.org/cities-for-cedaw> (last visited Feb. 16, 2023).

The report on dress code impacts, authored by Bridget Pittman-Blackwell in February 2020, concluded that “African American girls were two times more likely to be subjected to discipline for minor violations, such as dress code violations,” and further that dress code policies have reinforced “gender specific stereotypes.”²³⁵ Policy recommendations urged the inclusion of specific and intentional language in the Durham Public School dress code that “will not reinforce gender stereotypes, marginalization or oppression of any group.”²³⁶ These policy recommendations actively help inform and reshape Durham County’s progress toward gender equality.

6. *Imagining CEDAW Ordinance Structures in Chicago*

Chicago could follow the lead of San Francisco, by establishing a chartered Women’s Commission within a City Department to oversee implementation of CEDAW’s principles. Cook County currently has a Women’s Commission “composed of twenty-one members” with experience “working toward the improvement of the status of women and girls in society.”²³⁷ Further, the city of Chicago has an Advisory Council on Women, which was established by the Chicago Commission on Human Relations “to review existing city-wide programs, recommend policies that serve their target population, and act as a liaison between the city and community organizations.”²³⁸ Either of these local bodies would be prime candidates for overseeing and initiating gender analyses in Chicago, meaning the establishment of a separate department may not even be necessary to fulfill CEDAW Ordinance requirements.

Alternatively, Chicago could engage with the many colleges and universities in the Chicagoland area to establish a student-driven gender analysis effort, like that of Durham County. Chicago is a city with an extensive university system, including University of Illinois at Chicago, University of Chicago, Northwestern University, Loyola University Chicago, and DePaul University.²³⁹ By choosing to engage in

235. Bridgett Pittman-Blackwell, *An Examination of Dress Code Policies Influencing Body Shame, Sexualization, and the Learning Environment of African American Middle School Girls*, N.C. CENT. UNIV., WOMENNC (2020), https://uploads-ssl.webflow.com/60a91160cb6bcd5cb2d1ba28/61ad813b839c03e1510226e3_2019-Research-Pittman-Blackwell.pdf.

236. *Id.*

237. *Women’s Commission Members*, COOK CNTY. GOV’T, <https://www.cookcountyil.gov/agency/womens-commission-members/> (last visited Mar. 16, 2023).

238. *Advisory Council on Women*, CITY OF CHI., https://www.chicago.gov/city/en/depts/cchr/supp_info/AdvisoryCouncilonWomen.html (last visited Mar. 16, 2023).

239. *College Search Near Chicago, IL*, COLLEGESIMPLY, <https://www.collegesimply.com/colleges/search?sort=Popularity&place=Chicago-illinois&fr=&fm=&years=4&years=2&gpa=&sat=>

gender analyses at the university level, Chicago would create a space for young women to contribute to gender-equity in their community.

IV. IMPACT

Federal ratification of CEDAW would have a positive impact on United States efforts to advance gender equality. With a continued commitment from the Biden-Harris Administration, perhaps the Senate Foreign Relations Committee will soon debate CEDAW's ratification once again, this time with a wave of city ordinances signaling the citizenry's growing support. Though a President's support of CEDAW is not dispositive, as previous Presidents have advocated for CEDAW²⁴⁰ to no avail.

Ratification of CEDAW federally would "send a strong signal to the world of the U.S. standing up for women's human rights and exerting moral leadership," while also taking concrete strides to combat domestic gender discrimination.²⁴¹ Further, it is important to note that as a non-party to CEDAW, no United States citizen can be a member of the CEDAW Committee, as noted in Article 17 of CEDAW, members are chosen from "a list of persons nominated by State Parties," with each State Party nominating a person from its citizenry.²⁴² Non-ratification of CEDAW continues to leave the United States critically absent from the international playing field for women's rights.

Non-ratification of CEDAW also continues to show a lack of federal commitment to women's rights on a domestic level. The United States still has a long way to go in eliminating the wage gap and combatting GBV and trafficking of women and girls. Non-ratification deprives the United States domestic system of international checkpoints and accountability. Ratification could incentivize United States domestic progress toward true gender equity. Under Article 18, State Parties to CEDAW must submit reports on the "legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention" for evaluation by the Committee.²⁴³

&act=&admit=comp&field=&major=&radius=50&zip=&state=&size=&tuition-fees=&net-price= (last visited Mar. 16, 2023).

240. President Jimmy Carter initially signed onto CEDAW in 1980. *US: Ratify Women's Rights Treaty*, HUM. RTS. WATCH (July 15, 2010), <https://www.hrw.org/news/2010/07/15/us-ratify-womens-rights-treaty#>. Since Carter's presidency, several Presidents have signaled support of CEDAW, including President Obama. *Id.*

241. Verveer & de Silva de Alwis, *supra* note 6.

242. U.N. Convention on the Elimination of All Forms of Discrimination Against Women, *supra* note 30, at 21.

243. *Id.*

This process incentivizes domestic movement to comply with the treaty and connects State Parties to the Committee for guidance and recommendations to promote and empower gender equity progress. Without ratifying CEDAW, the United States lacks this critical accountability tool. While ratifying CEDAW would have a positive impact on both United States domestic and international efforts toward gender equality, the over forty-year struggle for federal ratification has shown the uphill battle ratification faces time and time again.²⁴⁴

In the meantime, enactment of resolutions and ordinances enshrined with the principles of CEDAW will continue to ground and focus the fight toward gender equality on the local level. Continuing to push forward the Chicago-based CEDAW movement will be instrumental in bringing awareness to CEDAW's equity plan for women, as Chicago is the third largest city²⁴⁵ in the United States and needs to take serious steps to address GBV and gender inequality.²⁴⁶ While Chicago does not currently have a CEDAW Resolution or Ordinance, acknowledgement on the County-level from the Cook County Board of Commissioners Resolution, and the City level from the Chicago Mayoral Proclamation," signal that enacting a Chicago CEDAW Ordinance is more attainable than federal ratification and should continue to be pursued adamantly.

The passing of a CEDAW Ordinance or Resolution in Chicago could allow for a more focused and centralized effort toward combating gender inequity within the city. Performance of gender analyses within Chicago could lead to concrete reduction in GBV, as was the case in San Francisco. It could also lead to empowerment of youth-based advocacy and engagement with university students, as seen in Durham County. Inaction in Chicago takes women in the United States' third largest city²⁴⁷ out of the critical and inspiring progress toward gender equity—Chicago women's safety and equity deserves to be prioritized by their city through enactment of a CEDAW Ordinance.

V. CONCLUSION

Women's rights advocates must continue to raise awareness around CEDAW, and push for federal ratification of this impactful human rights treaty. United States ratification of CEDAW would have an im-

244. *The U.N. Convention on the Elimination of All Forms of Discrimination Against Women*, *supra* note 2.

245. *The 200 Largest Cities in the United States by Population 2023*, *supra* note 189.

246. Sujata, *supra* note 196.

247. *The 200 Largest Cities in the United States by Population 2023*, *supra* note 189.

impactful presence on various forms of discrimination against women, both domestically and internationally. Domestically, CEDAW would improve the lives of American women by bolstering and guiding efforts to combat GBV, trafficking of women and girls, and the gender wage gap. Further, ratification comports with domestic law, and meshes well with policy concerns with promoting justice and equity around the intersection of racism and sexism. Additionally, United States ratification would re-affirm the United States' role in promoting and legitimately advocating for women's rights on a global level, and would allow the United States to contribute to CEDAW's efforts to urge other countries to protect and promote women's rights.

On the local level, it is vital that large cities like Chicago take measures into their own hands by enacting CEDAW Ordinances as the world waits for the United States to join CEDAW. Efforts in San Francisco and Durham County display the powerful impact that CEDAW can have at the local level. Further, with the concerning risks posed against the safety and well-being of Chicago women compared to their peers in other cities, there is no time to wait. Chicago advocates must continue to push forward the Chicago campaign for a CEDAW Ordinance, to begin protecting and empowering Chicago women through the lens of CEDAW's impactful principles.

Alyssa Moinet

