

CEDAW Supports Families

- ***CEDAW honors motherhood.***

CEDAW recognizes the status and importance of mothers and provides that motherhood should be honored, not diminished or disparaged or discriminated against. It supports families and the welfare of children. It also is committed to the principle, widely-accepted in the United States and elsewhere, that meaningful participation by both mothers *and* fathers in children's lives benefits children and the family.¹

Accordingly, CEDAW has been interpreted to condemn laws and attitudes that treat the contribution of mothers to society as inferior to the contributions made through paid employment:

In all societies women who have traditionally performed their roles in the private or domestic sphere have long had those activities treated as inferior.... *As such activities are invaluable for the survival of society, there can be no justification for applying different and discriminatory laws or customs to them.*²

Consistent with this principle, in recommending best practices to ratifying countries, the CEDAW Committee has urged the adoption of policies ensuring that those women who care for children or other family members rather than participating in the paid workforce, or who work part-time or in nonstandard employment, are not penalized as a result.³ For example, it has encouraged ratifying countries to examine eligibility for social benefits, like unemployment insurance and pensions, to ensure that women are not being rendered ineligible because of employment patterns such as a greater reliance on part-time work.⁴ The Committee has also urged countries to ensure that their divorce laws do not penalize women who have not worked outside the home, or who have left their work because of their family responsibilities.⁵ It has expressed concern over social reforms that “pose[] real risks for women who had been . . . homemakers, and not part of the paid workforce, or whose careers had been interrupted by childcare and other responsibilities.”⁶ The Committee has recommended an end to discrimination against part-time workers.⁷ These are a few of the many ways that CEDAW seeks to ensure that the work women do within the home as mothers is valued.

- ***CEDAW addresses the realities most women face in balancing work and family.***

Globally, women fill the ranks of the world's poor. In particular, both in the United States and elsewhere, female-headed households struggle to overcome poverty.⁸ These mothers literally cannot afford to devote themselves solely to domestic and childrearing responsibilities.⁹ Yet

when women work, as the CEDAW Committee has noted, they often “shoulder a heavy burden of dual responsibility at work and in the family.”¹⁰

Today only one in five families in the U.S. has a male breadwinner and a female homemaker.¹¹ Women are the primary breadwinners in nearly 4 in 10 families. While many may prefer a time when most two-parent families could get by on one income, that is not the situation now, nor in the foreseeable future. Moreover, one in five families with children are headed by single parents.¹² The U.S. has thus sought to support parents in balancing their roles at home and in the workforce, through legislation such as the Family and Medical Leave Act and the Pregnancy Discrimination Act, for example.

CEDAW too calls for accommodation of the dual roles most parents play today¹³ and promotes policies that help both mothers and fathers, making it possible for parents to undertake the paid work necessary to support a family while taking good care of their children. For example the CEDAW Committee has applauded efforts to assist parents in reconciling family and work responsibilities by making affordable, quality child care broadly available,¹⁴ and in general has urged that family-friendly policies be made available to both men and women in the workplace.¹⁵

In addition, the CEDAW Committee has recommended efforts to encourage fathers to become more involved in the lives of their children and to share the joys and challenges of parenting. This focus too is squarely in line with U.S. policy; for example, President Bush helped fund a National Responsible Fatherhood Clearinghouse (NRFC) to promote the role of fathers in their families’ lives.

- ***CEDAW protects mothers by seeking to eradicate family violence that endangers women and their families.***

CEDAW condemns “widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks, and female circumcision.”¹⁶ Just as the United States has worked to end violence in the home through measures such as the Violence Against Women Act, CEDAW seeks to end the severe harm that this violence can pose to women and their families. By promoting women’s safety from a wide variety of forms of abuse within the family, CEDAW protects mothers and children.

For example, the CEDAW Committee has urged ratifying countries to stamp out polygamy, explaining that it “can have such serious emotional and financial consequences for [a woman] and her dependents that such marriages ought to be discouraged and prohibited.”¹⁷ The Committee has also spoken out against forced marriage¹⁸ and child marriage.¹⁹ It has criticized laws that exempt a rapist from punishment if he subsequently marries his victim,²⁰ and has expressed deep concern about a Haitian “practice of rape or incest by fathers, uncles or other close adult male relatives of young girls on the pretext of warding off ‘other males the family does not know.’”²¹ It has repeatedly condemned female genital mutilation.²²

The Committee has denounced lenient treatment of “honor” killings, which typically are committed by family or clan members against a female victim.²³ And it has criticized persistent practices of sex-selective abortion, female infanticide, and the abandonment of female children.²⁴

In these ways, CEDAW recognizes the hard reality of women’s experiences in many countries throughout the world. Consistent with U.S. policy, it has sought to end family violence in all its forms.

- ***CEDAW helps families by protecting mothers’ health.***

CEDAW calls upon ratifying countries to ensure that women receive necessary medical care and adequate nutrition during pregnancy and after giving birth.²⁵ Around the world, “[m]any women are at risk of death or disability from pregnancy-related causes because they lack the funds to obtain or access the necessary services, which include ante-natal, maternity and post-natal services.”²⁶ The United States is committed to protecting the health of mother and their children through programs such as Medicaid, the Special Supplemental Food Program for Women, Infants, and Children (WIC), federally funded Community Health Centers that provide free or reduced -cost maternity care, and Maternal and Child Health block grants. Countries ratifying CEDAW similarly commit to seeking to ensure that motherhood doesn’t cost women their life or their health, by protecting “women’s right to safe motherhood and emergency obstetric services.”²⁷

CEDAW seeks to support, empower, and protect mothers and families. Ratifying CEDAW would powerfully reaffirm the United States’ commitments to these principles.

¹ For example, it acknowledges and honors “*the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity* and the role of both parents in the family and in the upbringing of children.” Preamble (emphasis added). It states “that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole....” *Id.*

² CEDAW General Recommendation 21, ¶¶ 11-12.

³ Japan, ¶ 369, U.N. Doc. A/58/38 (2003); Luxembourg, ¶ 17, U.N. Doc. CEDAW/C/LUX/CO/5 (2008); Malta, ¶ 106, U.N. Doc. A/59/38 (2004).

⁴ Canada, ¶ 382, U.N. Doc. CEDAW/C/CAN/CO/7 (2008); Germany, ¶ 389, U.N. Doc. A/59/38 (2004).

⁵ *E.g.*, Iceland, ¶ 35, U.N. Doc. CEDAW/C/ICE/CO/6 (2008).

⁶ Italy, ¶ 354, U.N. Doc. A/52/38/Rev.1; *see also* Nepal, ¶ 207, U.N. Doc. A/59/38 (2004) (recommending job training and loan opportunities for widows).

⁷ Netherlands, ¶ 214, U.N. Doc. A/56/38 (2001).

⁸ *See, e.g.*, Republic of Korea, ¶ 31, U.N. Doc. CEDAW/C/KOR/CO/6 (2007) (expressing “concern about the feminization of poverty in certain groups of women, particularly the prevalence of poverty among female-headed households”); Estonia, ¶ 109 U.N. Doc. A/57/38 (2002) (expressing concern “at the increase of poverty among various groups of women, in particular of those who are heads of household and those with small children”); Belarus, ¶ 365 U.N. Doc. A/55/38 (2000) (noting that women who are the sole breadwinners are particularly vulnerable to a bleak economic situation).

⁹ See Trinidad & Tobago, ¶ 155, U.N.Doc. A/57/38 (2002) (“The Committee is concerned at the high incidence of poverty in certain groups of women, in particular female heads of households. The Committee recognizes that women-headed households have been negatively affected by . . . the changing global situation.”).

¹⁰ Fiji, ¶ 54, U.N. Doc. A/57/38 (2002); see also, e.g., Estonia, ¶ 107, U.N. Doc. A/57/38 (2002) (expressing concern at “the situation of young women who face additional difficulties in the labor market owing to the domestic and family responsibilities assigned to them, placing them in a vulnerable position and leading to a higher incidence in part-time or temporary work among them); Slovenia, ¶ 100, U.N. Doc. CEDAW/C/SYN/CO/4 (2008) (expressing concern as to the “double burden” that working women face when they also perform most household work).

¹¹ Boushey, Heather and Ann O’Leary, *Our Working Nation: How Working Women Are Reshaping America’s Families and Economy and What It Means for Policymakers* (2010) 1-2, available at http://www.americanprogress.org/issues/2010/03/pdf/our_working_nation.pdf.

¹² *Id.* at 2.

¹³ CEDAW, Art. 11(c).

¹⁴ E.g., Algeria, ¶ 88, U.N. Doc. A/54/38/Rev.1 (1999); Austria, ¶ 22, U.N. Doc. CEDAW/C/AUT/CO/6 (2007); Bangladesh, ¶ 253, U.N. Doc. A/59/38 (2004); Canada, ¶¶ 379-80, U.N. Doc. CEDAW/C/CAN/CO/7 (2008); Germany, ¶ 313, U.N. Doc. A/55/38 (2000); Malta, ¶ 113, U.N. Doc. A/59/28 (2004); Netherlands, ¶ 204, U.N. Doc. A/56/38 (2001); Slovakia, ¶¶ 89-90, U.N. Doc. A/53/38/Rev.1 (1998).

¹⁵ Ireland, ¶ 183, U.N. Doc. A/60/38 (2005).

¹⁶ General Recommendation No. 11 (11th Session, 1992) at ¶ 11.

¹⁷ General Recommendation No. 21 (13th Session, 1994) at ¶ 14; see also, e.g., Bahrain, ¶ 20, U.N. Doc. CEDAW/C/BHR/CO/2 (2008); Burkina Faso, ¶ 340, U.N. Doc. A/60/38 (2005); Cameroon, ¶ 54, U.N. Doc. CEDAW/C/CMR/CO/3 (2009); Ghana, ¶ 21, U.N. Doc. CEDAW/C/GHA/CO/5 (2006); Mauritania, ¶ 21, U.N. Doc. Cedaw/C/MRT/CO/1 (2007).

¹⁸ E. g., Bhutan, ¶ 126, U.N. Doc. A/59/38 (2004); Equatorial Guinea, ¶ 196, U.N. Doc. A/59/38 (2004); Mauritania, ¶ 21, U.N. Doc. Cedaw/C/MRT/CO/1 (2007).

¹⁹ Ghana, ¶ 21, CEDAW/C/GHA/CO/5 (2006)

²⁰ E.g., Cameroon, ¶ 14, U.N. Doc. CEDAW/C/CMR/CO/3 (2009); Jordan, ¶ 23, U.N. Doc. CEDAW/C/JOR/CO/4 (2007).

²¹ Haiti, ¶ 22, U.N. Doc. CEDAW/C/HTI/CO/7 (2009).

²² See, e.g., Benin, ¶ 147, U.N. Doc. A/60/38 (2005); Cameroon, ¶ 54, U.N. Doc. CEDAW/C/CMR/CO/3 (2009); Ethiopia, ¶ 251, U.N. Doc. A/59/38 (2004); Ghana, ¶ 21, CEDAW/C/GHA/CO/5 (2006); Mauritania, ¶ 21, U.N. Doc. Cedaw/C/MRT/CO/1 (2007).

²³ Jordan, ¶ 23, U.N. Doc. CEDAW/C/JOR/CO/4 (2007); see also Yemen, ¶ 390, U.N. Doc. A/57/38 (2002).

²⁴ E.g., China, ¶ 31, U.N. Doc. CEDAW/C/CHN/CO/6 (2006).

²⁵ CEDAW, Art. 12(2).

²⁶ CEDAW General Recommendation No. 24, ¶ 27 (1999).

²⁷ *Id.*