

# BRIEFING BOOK on HUMAN RIGHTS

FIRST EDITION 2019-2020

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## SYNERGY BETWEEN POLICIES OF THE LEAGUE OF WOMEN VOTERS AND UNITED NATIONS HUMAN RIGHTS CONVENTIONS



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Disclaimer: The Human Rights Special Interest Group (HR-SIG) is a non-profit independent entity, whose educational work is based on factual public sources of information. We review our work to safeguard our independence. HR-SIG is not endorsed or sponsored by the League of Women Voters of the United States.

## EXECUTIVE SUMMARY

*The Briefing Book on Human Rights, First Edition 2019-2020, Synergy Between Policies of the League of Women Voters and United Nations Human Rights Conventions, embraces the expectation in the United Nations Universal Declaration of Human Rights that “every individual and every organ of society... shall strive by teaching and education to promote respect for these (human) rights and freedoms...”*

The *Briefing Book* is designed as an educational vehicle to present fact-based, publicly available information in an accessible format. Included herein are reviews of many of the core United Nations human rights conventions, most notably those that synergize with the positions articulated by the League of Women Voters of the United States in *Impact on Issues 2019-2020*. By demonstrating the synergy between United Nations human rights conventions and the League of Women Voters’ stated positions, the Briefing Book highlights the impressive shared commitment to human rights.

### About the Human Rights Special Interest Group (HR-SIG)

The Human Rights Special Interest Group (HR-SIG) is a self-organized independent entity. Its members are inspired by the League’s history of commitment to protecting human rights, especially as this effort reflects the League’s mission of **Empowering Voters ~ Defending Democracy** and its commitment to diversity, equity and inclusion in principle and in practice. Members served as League delegates to the United Nations’ 63<sup>rd</sup> Commission on the Status of Women in New York City in March 2019. However, and most importantly, although HR-SIG members are active in their local and State Leagues, they are independent of and do not represent the LWVUS.

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*“Never doubt that a small group of thoughtful committed citizens can change the world;  
indeed, it’s the only thing that ever has.”*

Margaret Mead

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## LWV IMPACT ON ISSUES 2018-2020

### International Relations

#### United Nations

##### The League's Position

Statement of Position on the United Nations, as announced by the National Board, June 1977 and updated, June 2002:

(Section copied without original formatting from <https://www.lwv.org/impact-issues>.)

The League of Women Voters of the United States supports a strong, effective United Nations and endorses the full and active participation of the United States in the UN system. The League supports UN efforts to

- promote international peace and security;
- advance the social and economic well-being of the world's people;
- ensure respect for human rights and fundamental freedoms;
- foster trust and cooperation among nations by encouraging adherence to conventions, treaties, and other international agreements;
- protect the integrity of the world environment;
- achieve the full and equal participation of women in all aspects of civil and political life.

The United Nations should be an important component of U.S. foreign policy. The League supports U.S. policies that strengthen the UN's capacity to solve global problems and promote prosperity throughout the world. The United States should work actively and constructively within the UN system, exercising diplomatic leadership in advance of decision-making. The United States should not place conditions on its participation in the United Nations, except in the most extreme cases, such as flagrant violations of the Charter.

The League supports UN leadership in a comprehensive, multi-faceted approach to promoting world peace and security that includes ongoing efforts to eliminate the underlying causes of conflict. UN peace operations should include such strategies as

- an increased emphasis on preventive diplomacy and the use of such techniques as an early warning system to identify possible threats to peace and mediation to help resolve disputes;
- preventive deployment of UN peacekeepers to forestall the outbreak of hostilities;
- enhanced capacity to respond rapidly and effectively to contain conflict and establish a just and stable peace;
- UN peacekeeping operations that have strong political and financial support from the world community and the consent of the local parties;
- military intervention, as a last resort, to halt genocide and other crimes against humanity and to prevent the spread of conflict;
- protection of civilian populations, including protection of displaced persons;
- long-term commitment, both pre- and post-conflict, to establishing the institutions and conditions needed for real economic and social development;
- enhanced capacity at UN headquarters to plan, manage, and support UN peace operations.

The United States should support all aspects of UN peace operations. Non-governmental organizations (NGOs) have an important role to play in peace operations, including participating in behind-the-scenes diplomatic efforts and providing humanitarian aid.

The League strongly supports the central role of the United Nations in addressing the social, economic, and humanitarian needs of all people. The advancement and empowerment of women is fundamental to achieving peace and prosperity and should be a high priority for UN programs. Other areas for emphasis include:

- eradicating poverty and hunger;
- improving basic living standards worldwide;
- promoting the well-being and potential of children, with special attention to the girl child;
- promoting human and political rights;
- ensuring access to a basic education for all;
- ensuring a basic level of health care for all;
- protecting the environment and the world's natural resources.

The League supports efforts to strengthen the development and humanitarian work of the United Nations through greater coordination among agencies, more efficient use of resources, additional funding as required, and more partnerships with NGOs and other non-state actors. UN-sponsored world conferences are valuable forums for building international consensus and developing practical plans of action to solve global problems.

The United States should provide strong leadership and financial support to the UN specialized agencies, participate constructively in international conferences, and fulfill all agreed-upon commitments.

The League believes that world peace and progress rest in part on a body of international law developed through conventions, covenants, and treaties and on the judgments of international courts. Disputes between nations should be considered and settled in the International Court of Justice, and its judicial decisions should be honored.

The League supports the creation of a permanent international tribunal, such as the International Criminal Court, to try individuals charged with crimes of genocide, war crimes, and other systematic crimes against humanity.

All court procedures must meet the highest judicial standards, including guarantees of due process protections and the integrity and impartiality of the courts' officials.

The League supports full U.S. participation in the international judicial system and U.S. ratification and observance of international treaties and conventions consistent with LWVUS principles and positions.

The League supports the basic principles of the UN Charter. The League supports one-nation, one-vote in the General Assembly, the veto power in the Security Council, and a strong, effective office of the Secretary-General. The League supports measures to make the Security Council a more representative body that better reflects the diverse interests of UN member nations and the world's people. The United States should work to encourage member nations to consider the needs of the world and avoid divisive politicization of issues.

Member nations have the collective responsibility to provide the resources necessary for the UN to carry out its mandates, with each providing financial contributions commensurate with its ability to pay. The United States should meet its financial obligations to the UN on time, in full, and without conditions.

## UNIVERSAL DECLARATION OF HUMAN RIGHTS

*Review by: CSW63 Delegates Jill Follows (VA); Savanna Mapelli (PA), Kathleen Montgomery (CA), Anu Sahai (VA), Susan Sherer (PA), ErinLeigh Darnley (NY), Sheila Denn (NC)*

Democracy is one of the core values of the United Nations. Democratic principles respecting human rights and supporting fundamental political freedoms and periodic genuine elections by universal suffrage are enshrined in United Nations conventions.

Today's review of the **UNIVERSAL DECLARATION OF HUMAN RIGHTS** (UDHR) is the first in a series of reviews of United Nations human rights conventions. The reviews are written by the members of the HR-SIG, and are inspired by the League's history of human rights advocacy. HR-SIG members are motivated to start a fresh dialogue about the impact these historical UN conventions have today on the League's principle of **Empowering Voters ~ Defending Democracy**.

The UNIVERSAL DECLARATION OF HUMAN RIGHTS is the first United Nations convention to set forth aspirational goals for universal and inalienable rights and freedoms afforded to human beings. <http://www.un.org/en/universal-declaration-human-rights/> It is almost impossible to overstate the importance of the Universal Declaration of Human Rights. It is one of the most impactful documents ever written, and women took a leading role in drafting the convention. The convention was adopted by the United Nations General Assembly on December 10, 1948. This day is celebrated yearly as Human Rights Day.



**Background:** Our review begins with a little history. The year was 1948. In the aftermath of the atrocity of WWII, the world was divided into Eastern and Western blocks. The newly chartered United Nations had the mandate to maintain world peace through democracy initiatives — a monumental task. So it directed a delegation of diplomats, jurists, and philosophers to draft the world's first human rights treaty. The drafting committee, known as the UN Human Rights Commission (the Commission), was chaired by Eleanor Roosevelt, the Former First Lady of the United States and an outspoken advocate for human rights and freedoms. She lobbied for the adoption of values and rights that transcended national agendas and promised human rights for all people across all borders. She was posthumously awarded the UN Human Rights Prize for her contributions. The other committee members, all men, hailed from Australia, Canada, Chile, France, Great Britain, India, Lebanon, Republic of China, and the

USSR. They were soldiers and diplomats, philosophers and jurists, trade unionists and educators. They championed human rights and pursued their mandate by all reasonable measures, including robust debates based on Confucius doctrine and the philosophy of Thomas Aquinas.

**Women's Participation in Drafting the Document:** Women diplomats and delegates also toiled with conviction to ensure that the final words in the UDHR had lasting relevance and flexibility to cover the rights of all human beings. These women realized that the actual words in the final formal document would matter. Some of the contributions of these talented wordsmiths include: **Minerva Bernardino** from the Dominican Republic (diplomat) who convinced the committee to amend the Preamble to include the words that claimed the UN reaffirmed its faith in ... "the equal rights of men and women..." not just men; **Hansa Mehta** from India who, over the advice of

Mrs. Roosevelt, secured consent of the drafters to change the words in Article 1 from “All men are born free...” to read “All human beings are born free...” ; [Marie-Helene Lefaucheux](#) from France who advocated for inclusion of language in Article 2 that afforded human rights freedoms regardless of sex, race, color, and many other distinctions; [Begum Shaista Ikramullah](#) from Pakistan (diplomat) who championed the language in Article 16 that addressed the nature of the family and the equal rights of partners before, during and after the dissolution of marriage; [Evdokia Uralova](#) (Byelorussia) who advocated for inclusion of Article 23 that included the inspirational words that “Everyone, without any discrimination, has the right to equal pay for equal work.”

<https://www.un.org/en/events/humanrightsday/women-who-shaped-the-universal-declaration.shtml>

**Goals of the Convention:** The convention was intended to be a “common standard of achievement for all peoples and all nations.” It emphasized the need to view each one of its specifically identified human rights as part of an integrated holistic framework of rights. Many subsequent international human rights treaties are premised on the principles of the Universal Declaration of Human Rights, including conventions on racial discrimination, women’s rights, the rights of persons with disabilities, and the rights of children.

<https://www.ethicsandinternationalaffairs.org/2018/udhr-at-seventy-progress-and-challenges/>

<https://unfoundation.org/blog/post/70-years-of-impact-insights-on-the-universal-declaration-of-human-rights/>

All in all, there are 30 Articles in the UDHR. These aspirational human rights and freedoms have stood the test of time, both in their breadth of coverage and in their unwavering authority. Read more about the individual Articles at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23871&LangID=E>

**Synergy with the LWV:** The following Articles in the UDHR are particularly noteworthy to the League because they support voting rights, equal rights, migrants’ rights, and health care rights:

*Article 21 states “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives” and “The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”*

*Article 7 states “All are equal before the law and are entitled without any discrimination to equal protection of the law.”*

*Article 14 states “Everyone has the right to seek and to enjoy in other countries asylum from persecution.”*

*Article 23 states “Everyone, without any discrimination, has the right to equal pay for equal work.”*

*Article 25 states “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care, and necessary social services...”*

Our Human Rights Special Interest Group will review more international human rights conventions and instruments in the coming months. In concert with the plan to THINK GLOBALLY, ACT LOCALLY, we will continue to highlight the connections between the international human rights conventions and the LWV position statements. Wherever relevant, we will highlight *Impact on Issues 2018-2020* where it is written, in pertinent part, that “The League of Women Voters believes cooperation with other nations is essential in the search for solutions to world problems and that development of international organization and international law is imperative in the promotion of world peace.” (p. 7)



## INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Review by: CSW63 Delegates Jill Follows (VA); Savanna Mapelli (PA), Kathleen Montgomery (CA), Sheila Denn (NC), Anu Sahai (VA), Susan Sherer (PA), ErinLeigh Darnley (NY)

Democracy is one of the core values of the United Nations. Democratic principles respecting human rights and supporting periodic genuine elections through universal suffrage and fundamental political freedoms are enshrined in United Nations conventions.

Today's review of the **INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS** (ICCPR) is the second in a series of reviews of United Nations human rights conventions and treaties. The reviews are written by the members of HR-SIG and inspired by the League's history of human rights advocacy. HR-SIG members are motivated to start a fresh dialogue about the impact these historical UN conventions have today on the League's principle of **Empowering Voters ~ Defending Democracy**.



The **INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS** <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> was adopted by the UN General Assembly in March 1966, nearly 20 years after the United Nations adopted the Universal Declaration of Human Rights. Twenty years may seem like a long time, but the wait was worth it. The ICCPR went a long way toward strengthening the international human rights movement because it operationalized the philosophies of the Universal Declaration of Human Rights. The ICCPR intends that political and civil rights will be respected strictly and without any reservations

by the Member States. The Preamble to the treaty sets forth the ideal of human beings living free and enjoying civil and political rights. The ICCPR includes rights found in the United States Bill of Rights and French *Declaration des droits de l'homme et du citoyen*. The first two Articles of the treaty highlight the foundational principles that free people have the right of self-determination and entitlement to human rights without regard for any distinction such as race, color, sex, language, political opinion, national origin, etc.

<http://legal.un.org/avl/ha/iccpr/iccpr.html>

**Synergy with the LWV:** Each and every one of the first 27 Articles in the ICCPR is important, but Article 25 is mentioned here because of its particular relevance to the LWV's principle of **Empowering Voters ~ Defending Democracy**. Article 25 states that the right to vote is a basic human right and the foundation of democracy.

*Article 25: Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions: (a) to take part in the conduct of public affairs, directly or through freely chosen representatives; (b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) to have access, on general terms of equality, to public service in his country.*

Every country that ratified the ICCPR committed to protect the broad range of human rights declared in the treaty, subject to any Reservations, Understandings, and Declarations, made by a Member State at the time of ratification. By the end of 2018, 172 Member States had ratified the treaty.



**The United States Actions:** The US Senate ratified the ICCPR in 1992, but the Senate watered down the ICCPR protections by issuing a Declaration simultaneously that stated the treaty was “not self-executing.” This Declaration pulled the teeth out of the treaty and compelled all US individuals claiming violations of their human rights to political and civil freedoms to rely on some other law, not the ICCPR, to recognize and enforce their human rights. <http://www1.umn.edu/humanrts/usdocs/civilres.html> (Note especially III (1) stating “That the United States declares that the provisions of Articles 1-27 of the Covenant are not self-executing.”)

**The Human Rights Committee:** The ICCPR set up a monitoring body to oversee the progress of the Member States that ratified the treaty. <https://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx> The monitoring body, known as the Human Rights Committee, is made up of 18 experts from all regions of the world. The committee meets three times a year. It is tasked with reviewing and commenting on the State Reports submitted by the States Parties to the ICCPR. The State Reports purport to outline the legal and practical measures taken by the State Party to implement the treaty. The United States’ implementation of the ICCPR is up for review in 2019. The Human Rights Committee provided the US Government with a List of Issues that must be covered within the body of its Fifth Periodic State Report. The Human Rights Committee wants to hear from the US government on specific topics, including the right to vote and take part in political affairs:

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1296&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1296&Lang=en) (Scroll down to the United States and then click on the first document called LIST OF ISSUES PRIOR TO REPORTING (LoIPR). The 126th session of the Human Rights Committee met in Geneva, Switzerland, July 1-26, 2019.

Civil Society Organizations (CSO) in the United States had the opportunity to submit shadow reports to the Committee on Human Rights. Fifty-one CSOs did just that in late 2018 and early 2019. Their shadow reports drew attention to human rights violations, ranging from the death penalty to immigration. However, only one CSO, the Columbia Law School Human Rights Institute, addressed the need for the United States government to take a long hard look at the need to **Empower Voters ~ Defend Democracy** and create a national human rights institution and support human rights education. This Institute acknowledged an “ongoing and systematic attack on the right to vote at the federal and state levels. While most agencies do not work on voting issues, it is vital to emphasize the need for laws and policies that promote, rather than curtail, access to the ballot box – an essential component of a democracy. The right to vote must be protected as a cornerstone of democracy and foundation for basic human rights. Past UN recommendations remain unheeded, with dire impacts for US elections and democracy.” [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=1296&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=1296&Lang=en) (Scroll down to United States and then click on Columbia Law School’s Human Rights Institute & International Association of Official Human Rights Agencies); See also the (Common) Core Document.

There are opportunities to participate in the preparation of a shadow report, either alone or in partnership with other civil society organizations. The LWV’s vast resources and contributions about local, state, and federal restrictions on voting rights, such as felony disenfranchisement, voter suppression especially among minority voters, gerrymandering, and financial improprieties will shine a spotlight on our core principles and the human rights of democracy and voter empowerment. In the meantime, there are opportunities for local and state Leagues to develop best practices for educating and communicating the work of the United Nations to our elected officials, thus accelerating the implementation of universal human rights.

The 63rd Commission on the Status of Women, held March 2019 at UN headquarters in New York City, concluded that the ICCPR is one of many human rights conventions that “...provide an international legal framework and a comprehensive set of measures for realizing gender equality and the empowerment of all women and girls and the full and equal enjoyment of all human rights and fundamental freedoms by all women and girls, throughout their life cycle.” <https://undocs.org/en/E/CN.6/2019/L.3>

## INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

Review by: CSW63 Delegates Sheila Denn (NC); Jill Follows (VA); CSW63 Delegates Savanna Mapelli (PA), Kathleen Montgomery (CA), Anu Sahai (VA), Susan Sherer (PA), ErinLeigh Darnley (NY)



Democracy is one of the core values of the United Nations. Democratic principles respecting human rights are enshrined in United Nations conventions. Today's review of the **INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS** (ICESCR) is the third in a series of reviews of United Nations human rights conventions and treaties. The reviews are written by the members of HR-SIG and inspired by the League's history of human rights advocacy. HR-SIG members are motivated to start a fresh dialogue about the impact these historical UN conventions have today on the League's principle of **Empowering Voters ~ Defending Democracy**.

**Background:** The ICESCR was adopted by the UN General Assembly on December 16, 1966. It came into force on January 3, 1976, following the fulfillment of Article 27 of the Covenant, which stipulated that the ICESCR would come into force after the deposit with the UN Secretary-General of the 35th instrument of ratification or instrument of accession. It is a multilateral treaty that requires a commitment from its States Parties to work toward greater economic, social, and cultural rights for individuals, both within States and within their non-self-governing territories, which are territories that are governed by a country and are rarely allowed representation in that country's legislature. Examples of such territories controlled by the US are American Samoa and Guam.

The rights set out in the ICESCR include labor rights, and the rights to health, education, housing, food, water, social security, the right to work, the right to just and favorable conditions at work, and the right to an adequate standard of living. <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

The Preamble of the ICESCR Covenant asserts that the economic, social, and cultural rights enumerated within it derive from the "inherent dignity of the human person" and that "the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social, and cultural rights, as well as civil and political rights." The two major principles set forth in the ICESCR are *1) equality and non-discrimination in regard to all of the rights set forth in the treaty; and 2) an obligation by states to respect, protect and fulfill economic, social, and cultural rights.*

**The International Bill of Human Rights:** The International Bill of Human Rights comprises the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). The ICESCR came out of the same process that produced the UDHR, starting in 1945. The UDHR was designed to enumerate foundational human rights. There was to be a second document containing binding commitments, and this evolved into the two covenants, ICCPR and ICESCR. "The International Bill of Human Rights represents a milestone in the history of human rights, a veritable Magna Carta marking mankind's arrival at a vitally important phase: the conscious acquisition of human dignity and worth."  
<https://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf>.

On June 24, 2019, the UN High Commissioner on Human Rights, Michelle Bachelet, presented her Opening Statement on Human Rights to the 41<sup>st</sup> Session of the Human Rights Council. She stated "Social protection is a fundamental right, and it is also an essential safety net....Particularly in times of turbulence and crisis, [measures to

provide security and protection] enable people to secure at least minimal enjoyment of the rights to health, food, water, sanitation, education and housing.”

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24724&LangID=E>

**Synergy with the LWV:** Two Articles in the ICESCR are noteworthy and in alignment with the policies of the LWV:

*Article 3 affirms the equal right of men and women to the enjoyment of all human rights:*

*The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social, and cultural rights set forth in the present Covenant.*

*Article 7 affirms the right to just and favorable conditions at work:*

*The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:*

*(a) Remuneration which provides all workers, as a minimum, with:*

*(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;*

*(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;*

*(b) Safe and healthy working conditions;*

*(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;*

*(d) Rest, leisure, and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.*

**The Committee on Economic, Social, and Cultural Rights:** The ICESCR Covenant is monitored by the UN Committee on Economic, Social, and Cultural Rights. All States Parties must submit reports to this Committee on a regular basis that describe how human rights are being implemented. In turn, the Committee examines the reports and recommends that the State Party consider its “concluding observations.”

The Committee also releases General Comments that pertain to all States Parties and are not specific to any one nation. Some General Comments have dealt with the right to sexual and reproductive health

([https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11)); others with the view on State obligations in the context of business activities. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f24&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f24&Lang=en)

**The United States Has Not Ratified ICESCR:** The United States signed the Covenant in 1979; however, the Senate has failed to ratify it. Even though the US has not ratified the ICESCR, there is still a role for NGOs like the LWV to play in educating its members and the public about the rights enshrined in the ICESCR and the importance of holding the US government accountable in promoting those rights. As stated in the League’s Impact on Issues, “The League strongly supports the central role of the United Nations in addressing the social, economic, and humanitarian needs of all people.” (*Impact on Issues 2018-2020*, p. 40)

## CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

*Review by: CSW63 Delegates Anu Sahai (VA); Jill Follows (VA); Savanna Mapelli (PA), Kathleen Montgomery (CA), Susan Sherer (PA), Sheila Denn (NC), ErinLeigh Darnley (NY)*



This review of the **CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)** is the fourth in a series of reviews of United Nations human rights conventions and treaties. The reviews are written by members of HR-SIG and inspired by the League's history of human rights advocacy. HR-SIG members are motivated to start a fresh dialogue about the impact these historical UN conventions have today on the League's principle of **Empowering Voters ~ Defending Democracy**. Democratic principles respecting human rights are enshrined in United Nations conventions.

This review is an introduction to the provisions of CEDAW. It is intended to motivate discussion among our members. Some of our readers have implemented this particular treaty's provisions in their home communities. We encourage you to use this treaty review as a springboard for sharing your experiences and insights. Even better, please share best practices.

**Background:** The CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN was adopted in 1979 by the United Nations General Assembly. It serves as an International Bill of Rights for Women. It consists of a preamble and 30 articles, defines discrimination against women, and sets up an agenda for national action to end such discrimination. It leaves no doubt that the UN considers discrimination against women to be a continuing violation of its core principles of equality and respect for human dignity.

[www.ohchr.org/en/professionalinterest/pages/cedaw.aspx](http://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx)

CEDAW defines discrimination against women as "...any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field."

**CEDAW Commitments:** By ratifying CEDAW, UN Member States commit to undertake a series of measures to end discrimination against women in all forms, including:

- to 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; and
- 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.

CEDAW provides the basis for creating equality between men and women by ensuring women's equal access to, and equal opportunities in, political and public life — including the right to vote and to stand for election (Art. 7). Ratifying States Parties agree to take all appropriate measures, including legislation and temporary special

measures, so that women can enjoy all their human rights and fundamental freedoms. States Parties also agree to take appropriate measures against all forms of traffic in women and exploitation of women.

CEDAW is the only human rights treaty that affirms the reproductive rights of women and recognizes that regional and local culture and traditions are the forces shaping gender roles and family relations. Noting the relationship between traditional customs and women's human rights, the preamble to CEDAW states that "a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality of men and women."

CEDAW affirms women's rights to acquire, change, or retain their nationality and the nationality of their children.

**CEDAW Committee:** Countries that have ratified CEDAW commit to submitting national reports, at least every four years, on measures they have taken to comply with their treaty obligations. The Committee on the Elimination of Discrimination Against Women monitors the efforts of signatory Member States to comply with CEDAW. The Committee is composed of 23 independent experts on women's rights. The Committee reviews the reports of the States Parties and issues general recommendations and Concluding Observations.

<https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Introduction.aspx>

The scope of the Committee is broad. For example, it encompasses the growing consensus among human rights experts that climate change has a significant impact on the enjoyment of human rights. The Committee recently pointed out that Guyana undermines its CEDAW obligation with its plan to begin offshore oil and gas extraction. Once burned, the increased gas emissions will likely lead to increased natural disasters that will disproportionately impact women, who are the majority of those people currently living below sea-level.

**Synergy with UN Sustainable Development Goal #5:** The United Nations seeks to expedite achievement of gender equality and empowerment of all women and girls and has specifically targeted the elimination of all forms of discrimination against all women and girls everywhere by 2030. <https://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality>

**Synergy with the LWV:** In 2002, the LWVUS submitted testimony to the US Senate Foreign Relations Committee in support of Senate ratification of CEDAW. "In 2011, as the move to ratify CEDAW continued, LWVUS submitted testimony to the Senate Judiciary Committee on Civil and Constitutional Rights." (*Impact on Issues 2018-2020*, p.41-42)

**The United States Has Not Ratified CEDAW:** Almost all UN Member States have signed on and/or ratified this convention. The United States is among a small minority of countries that have not ratified CEDAW, such as Iran and Sudan. The United States has the dubious distinction of being the only country in the Western Hemisphere and the only industrialized democracy that has not ratified this treaty. Ratification of the treaty requires the support of 2/3 of the Senate, or 67 votes.

**Cities for CEDAW:** Many cities and counties in the United States have developed creative work-arounds in the wake of the US Senate's failure to ratify CEDAW. Cities funded CEDAW-like Commissions, and some passed Ordinances or Resolutions, so that now League members can look to dozens of cities, coast to coast, for inspiration on implementing the human rights provisions of the UN Convention on the Elimination of All Forms of Discrimination Against Women.

## CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

*Review by: CSW63 Delegates Susan Sherer (PA), Jill Follows (VA); Savanna Mapelli (PA), Kathleen Montgomery (CA), Sheila Denn (NC), Anu Sahai (VA), ErinLeigh Darnley (NY)*

Today's review of the **CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES** (CRPD) is the fifth in a series of reviews of United Nations human rights conventions and treaties. The reviews are written by members of HR-SIG and inspired by the League's history of human rights advocacy. HR-SIG members are motivated to start a fresh dialogue about the impact these historical UN conventions have today on the League's principle of **Empowering Voters ~ Defending Democracy**. Democratic principles respecting human rights are enshrined in United Nations conventions.



**Background:** The CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES is intended to promote, protect, and ensure the full and equal enjoyment of all human rights by persons with disabilities. It reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. CRPD clarifies and qualifies how all categories of rights apply to persons with disabilities. It identifies areas where adaptations have to be made for persons with disabilities to effectively exercise their rights and areas where their rights have been violated, and where protection of rights must be reinforced.

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

The CRPD, along with its Optional Protocol (OP), were adopted by the United Nations on December 13, 2006, the first comprehensive human rights treaty of the 21<sup>st</sup> century. It went into force on May 3, 2008. There are currently 177 ratifications to the CRPD and 92 ratifications to its Optional Protocol.

<http://www.internationaldisabilityalliance.org/CRPD>. (see below for more information on the Optional Protocol)

**CRPD Committee:** The Committee on the Rights of Persons with Disabilities monitors implementation of the Convention. All States Parties are obliged to submit regular reports to the Committee on how the rights are being implemented. Member States initially report within two years of accepting the Convention and thereafter every four years. The Committee makes suggestions and general recommendations on these reports.

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/committee-on-the-rights-of-persons-with-disabilities-3.html>

The Optional Protocol (OP-CRPD) allows for individual complaints to be submitted to the CRPD Committee. Complaints may only be communicated against a State Party that has ratified or acceded to the OP and only upon exhaustion of all available and effective domestic remedies.

**The United States Has Not Ratified CRPD:** President Obama signed the treaty in 2009, but the US Senate has still not ratified it. It fell five votes short in the Senate in 2012. In 2014, while the Senate Foreign Relations Committee advanced the treaty, the full Senate never took up the vote. <https://medium.com/@civilrightsorg/theres-a-disability-rights-treaty-the-united-states-still-hasn-t-ratified-it-370750457d72>.



**CRPD Commitments:** The general principles of CRPD include respect for inherent dignity, individual autonomy, independence, non-discrimination, full and effective participation and inclusion, respect for differences, and acceptance of disability as part of human diversity and humanity, equality of opportunity, accessibility, equality of sexes, and respect for children with disabilities (Article 3).

**Synergy with the LWV:** Some of the Articles in the treaty align with the positions of the LWV. These specific Articles are listed below. The list of synergies with *Impact on Issues* is long, but Article 29 in the Convention on the Rights of Persons with Disabilities speaks to the core mission of the LWV: ensure equal participation in political and public life, including the right to vote, to stand for election, and hold office (Article 29). Countries that ratified this treaty are also accountable to:

- ✓ combat stereotypes and prejudices and promote awareness of the capabilities of persons with disabilities (Article 8).
- ✓ recognize that all persons are equal before the law and prohibit discrimination on the basis of a disability, guaranteeing equal legal protection (Article 5).
- ✓ protect the physical and mental integrity of persons with disabilities (Article 17).
- ✓ prohibit medical or scientific experiments without consent (Article 15).
- ✓ protect privacy like that of others (Article 22).
- ✓ eliminate obstacles and barriers and ensure that persons with disabilities can access their environment, transportation, public facilities and services, and information and communications technologies (Article 9).
- ✓ foster personal mobility and independence through training and assistive technologies (Article 20).
- ✓ recognize the right to adequate standard of living and social protection, including public housing, services, and assistance (Article 28).
- ✓ provide information to the general public in accessible formats and technologies (Article 21).
- ✓ eliminate discrimination relating to marriage, family and personal relations (Article 23).
- ✓ ensure equal access to primary and secondary education, vocational training, adult education and lifelong learning (Article 24).
- ✓ provide the highest attainable standard of health without discrimination (Article 24).
- ✓ prohibit discrimination in employment (Article 27).

**Synergy with UN Sustainable Development Goal # 10:** The United Nations “Sustainable Development Goals can only be achieved with the full participation of everyone, including those persons with disabilities. Upholding the rights and ensuring the full inclusion of the world’s one billion persons with disabilities is a moral imperative. It is also a practical necessity if we are to build healthy, sustainable societies to the benefit of all ages and abilities.” (Forward to the 2018 UN Flagship Report on Disability and Development by UN Secretary-General Antonio Guterres) <https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2018/12/UN-Flagship-Report-Disability.pdf>

SDG #10 calls on all Member States to reduce inequalities within countries by promoting social, economic, and political inclusiveness of all, including persons with disabilities.

<https://www.un.org/development/desa/disabilities/news/news/the-sustainable-development-goals-sdgs-and-disability.html>



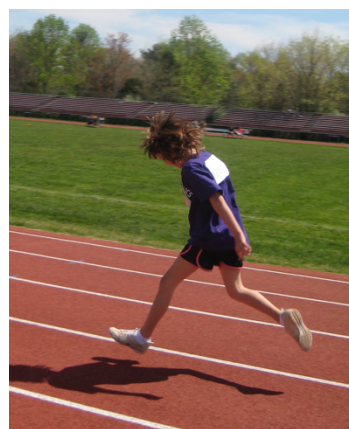
## CONVENTION ON THE RIGHTS OF THE CHILD

*Review by CSW63 Delegates: Savanna Mapelli (PA); Jill Follows (VA); Susan Sherer (PA); Kathleen Montgomery (CA); Sheila Denn (NC); ErinLeigh Darnley (NY); Anu Sahai (VA)*

Today's review of the **CONVENTION ON THE RIGHTS OF THE CHILD** (CRC) and PROTOCOLS thereto is the sixth in a series of reviews of United Nations human rights conventions and treaties. The reviews are written by members of HR-SIG and inspired by the League's history of human rights advocacy. HR-SIG members are motivated to start a fresh dialogue about the impact these historical UN conventions have today on the League's principle of **Empowering Voters ~ Defending Democracy**. Democratic principles respecting human rights are enshrined in United Nations conventions.

**Overview:** The CRC is the most widely ratified international human rights treaty in the world. In 1976 the General Assembly of the United Nations declared that three years later, 1979, would be the International Year of the Child. In 1978 Poland submitted to the United Nations Commission on Human Rights a draft convention on the rights of the child. Over the next ten years, the United States participated actively in contributions to produce a final draft of the CRC.<sup>1</sup>

In November 1989, the General Assembly adopted and opened the Convention on the Rights of the Child (CRC) for signature and ratification. 196 nations have become parties to the CRC after their governments ratified the treaty. The United States is not one of those parties.



Article 1 of the CRC defines a child as a human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier. The CRC establishes the standard of the *best interests of the child* as the primary consideration in all actions concerning children, whether undertaken by institutions, courts, legislative bodies, or administrative authorities. <https://www.unicef.org/child-rights-convention/convention-text>  
In its 54 articles, the CRC promotes four main aspects of children's rights (known as "the four 'P's'"):

*Participation* by children in decisions affecting them;

*Protection* of children against discrimination and all forms of neglect and exploitation;

*Prevention* of harm to them;

*Provision* of assistance to children for their basic needs.

<https://www.loc.gov/law/help/child-rights/international-law.php>

**The Optional Protocols to the CRC and the United States Response:** Even though President Clinton signed the CRC in 1995, to date it has not reached the floor of the US Senate for ratification. However, in 2002 the United States, along with many other Member States, adopted and ratified two Optional Protocols to the CRC. Both of these Optional Protocols expressly permit signatories to the CRC to sign and ratify them independently of ratification of the CRC. <http://legal.un.org/avl/ha/crc/crc.html>

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<sup>1</sup> Cynthia Price Cohen, The Role of the United States in the Drafting of the Convention on the Rights of the Child, 20 EMORY INT'L L. rev 185 (2006). <https://ijustice.org/wp-content/uploads/History-of-CRC.pdf>

The first Optional Protocol (OP1), referred to as the Child Soldiers Protocol, consists of 13 articles. The OP1 mandates that Member States “take all feasible measures” to ensure that members of their armed forces under the age of 18 do not take a direct part in hostilities. Among many terms of the Protocol, States Parties agree to prohibit independent armed groups from recruiting and using children under the age of 18 in conflicts.

For the text of the Child Soldiers Protocol, see

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx>

For the collection of Member States’ Declarations, Reservations, and Objections made upon ratification, see

<https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-11-b.en.pdf>

The second Optional Protocol (OP2), referred to as the Sex Trafficking Protocol, consists of 17 articles. The OP2 prohibits the sale of children, child prostitution, and child pornography as violations of children’s rights. The OP2 also emphasizes the importance of increased public awareness and international cooperation in efforts to combat violations. The OP2 sets forth detailed requirements to end both the sexual exploitation abuse of children and non-sexual exploitation abuse of children, such as forms of forced labor, illegal adoption, and organ donation. It requires punishment not only for those offering or delivering children for the illegal purposes, but also for anyone accepting the child for these activities. The Protocol protects the rights and interests of child victims by requiring governments to provide legal and other support services to child victims, considering the best interests of the child in any interactions with the criminal justice system. Children must also be supported with necessary medical, psychological, logistical, and financial support to aid their rehabilitation and reintegration.<sup>2</sup>

For the text of the Sex Trafficking Protocol, see [https://www.ohchr.org/Documents/ProfessionalInterest/crc-](https://www.ohchr.org/Documents/ProfessionalInterest/crc-sale.pdf)

[sale.pdf](https://www.ohchr.org/Documents/ProfessionalInterest/crc-sale.pdf) For the collection of Member States’ Declarations, Reservations, and Objections made upon ratification

see <https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-11-c.en.pdf>

**The Committee on the Rights of the Child:** The Committee is the body of 18 independent experts elected by States Parties that monitors implementation of the CRC and the Optional Protocols.<sup>3</sup> A third Optional Protocol, not discussed herein, and not ratified by the United States, gives children standing before the Committee, allowing children to bring complaints under the treaty in their own names, as opposed to only through an organization on their behalf. <https://www.unicef.org/child-rights-convention/strengthening-convention-optional-protocols>

**Synergy with the UN Sustainable Development Goals (SDGs):** The United Nations International Children’s Emergency Fund (UNICEF) is the UN agency established to help governments improve the health and education of mothers and children. UNICEF publishes Briefing Notes summarizing SDGs and their many subparts, called SDG Global Indicators, as they relate to children at both national and global levels.

<https://data.unicef.org/resources/sdg-global-indicators-related-to-children/>

The child-related SDGs and their global indicators which UNICEF monitors in this regard include:

- *SDG #2 Zero Hunger (2.2.1 stunting, 2.2.2 wasting/overweight)*
- *SDG #3 Good Health and Well-being (3.1.2 skilled attendant at birth, 3.2.1 under-five mortality, 3.2.2 neonatal mortality, 3.b.1 full vaccination coverage)*

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<sup>2</sup> Revaz, Cris R. "The Optional Protocols to the UN Convention on the Rights of the Child on Sex Trafficking and Child Soldiers." Human Rights Brief 9, no. 1 (2001): 13-16. Available at: <https://digitalcommons.wcl.american.edu/hrbrief/vol9/iss1/4/>

<sup>3</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25007&LangID=E>

- *SDG #4 Quality Education (4.2.1 early childhood development)*
- *SDG#5 Gender Equality (5.2.1 sexual violence by intimate partner, 5.2.2 sexual violence by non-intimate partner)*
- *SDG#6 Clean Water and Sanitation (6.1.1 safely managed drinking water, 6.2.1 safely managed sanitation and hygiene)*
- *SDG #8 Decent Work and Economic Growth (8.7.1 child labor)*
- *SDG #16 Peace, Justice and Strong Institutions (16.2.1 child discipline, 16.2.3 sexual violence against children, 16.9.1 birth registration)*

**Synergy with the LWV:** Many of the Articles of the CRC complement policies of the LWV, as found in *Impact on Issues 2018-2020*. Official positions of the LWV regarding children include, but are not limited to, support for childhood education, support for quality childcare, early intervention for children at risk, and opposition to all forms of domestic and international human trafficking. A few of the corresponding articles of the CRC include Article 28 (“States Parties recognize the right of the child to education....”), Article 3 (“States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being...”), Article 34 (“States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse,” as well as the Sex Trafficking Optional Protocol.

**For a Legal Analysis and Opinion of the CRC with OP1 and OP2, see generally:**

Howard Davidson, *Does the U.N. Convention on the Rights of the Child Make a Difference?* 22 MICH. ST. INT’L L. REV. 497 (2013), Available at: <https://digitalcommons.law.msu.edu/ilr/vol22/iss2/2>

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## UNITED NATIONS PRINCIPLES FOR OLDER PERSONS

*Review by CSW63 Delegates Kathleen Montgomery (CA), Jill Follows (VA); Savanna Mapelli (PA), Anu Sahai (VA), Susan Sherer (PA), ErinLeigh Darnley (NY), Sheila Denn (NC)*

Today's review of the **UNITED NATIONS PRINCIPLES FOR OLDER PERSONS** is the seventh in a series of reviews of United Nations human rights conventions. The reviews are written by members of HR-SIG and inspired by the League's history of human rights advocacy. HR-SIG members are motivated to start a fresh dialogue about the impact these historical UN conventions have today on the League's principle of **Empowering Voters - Defending Democracy**. Democratic principles respecting human rights are enshrined in United Nations conventions.



**Background:** Our previous reviews considered formal United Nations treaties and conventions. Although there is no formal treaty or convention explicitly addressing the concerns of older persons, the United Nations has been far from silent on the issue. The UN convened the First World Assembly on Aging in Vienna in 1982. Nine years later, in 1991, the UN General Assembly adopted resolution 46/91, PRINCIPLES FOR OLDER PERSONS. Broadly, the Principles encourage governments whenever possible to incorporate into their national programs principles that foster independence, care, self-fulfillment, dignity, and participation.

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/OlderPersons.aspx>

**Open-Ended Working Group on Ageing (OEWG):** Following the adoption of the PRINCIPLES FOR OLDER PERSONS, the UN convened the Second World Assembly on Ageing in Madrid in 2002, which resulted in the Madrid International Plan of Action on Ageing.

<https://www.un.org/development/desa/ageing/madrid-plan-of-action-and-its-implementation.html>

Frustrated that the Madrid Plan of Action received little attention, the UN General Assembly established the Open-Ended Working Group on Ageing (OEWG) in 2010. The OEWG is recognized as the most prominent international forum specifically devoted to the rights of older persons; it meets annually in New York for progress reporting and agenda setting by Member States. In 2012, the UN General Assembly resolved (67/139) that the OEWG shall, as part of its mandate, "consider proposals for an international legal instrument to promote and protect the rights and dignity of older persons." <https://undocs.org/A/RES/67/139>.

Nevertheless, this has remained an elusive goal. At the tenth OEWG meeting in 2019, the UN High Commissioner for Human Rights, Michelle Bachelet, addressed the gathering and lamented that, "existing international human rights instruments are silent on older persons." She again called for a dedicated convention to establish "much needed international standards related to the human rights of older persons" and to "put in place monitoring mechanisms for accountability and redress to ensure the implementation of measures to protect, respect, and fulfill the human rights of older persons."

**Synergy with CEDAW:** Commissioner Bachelet's concern about the persistent lack of explicit UN standards and legal conventions to protect the human rights of older persons has been echoed by the Committee on the Elimination of All Forms of Discrimination Against Women. This Committee is the UN treaty body that oversees

the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and has been proactive on behalf of older women. (See the review of CEDAW on p. 13 herein).

In 2002, the Committee reported that age is one of the grounds on which women may suffer multiple forms of discrimination. In 2010, the Committee adopted General Recommendation No. 27 on Older Women and Protection of Their Human Rights. This Recommendation highlighted data demonstrating the demographic trend that the 21st Century is the "Century of Ageing," with issues that deeply affect countries across the globe and at varying levels of development. <https://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW-C-2010-47-GC1.pdf>

The Committee's 2010 Recommendation begins by declaring that "States must recognize that *older women are an important resource to society*" and calling for States to take all appropriate measures, including legislation, to eliminate discrimination against older women to "ensure that *older women participate fully and effectively in the political, social, cultural and civil life*, and any other field in their societies." The importance of women's participation in public and political life is emphasized in Section 39 of the Recommendation:

*39. States parties have an obligation to ensure that older women have the opportunity to participate in public and political life, and hold public office at all levels, and that older women have the necessary documentation to register to vote and run as candidates for election.*

**Synergy with the UN Sustainable Development Goals (SDGs):** Older persons' rights also are reflected in the United Nations plan of action to achieve sustainable development on our planet by 2030. Although there is not a specific set-aside goal for older persons, ageing implicitly cuts across many of the 17 SDGs, including the goals on poverty eradication, healthy living, decent work, and reduced inequalities. As emphasized in the 2030 Agenda for Sustainable Development, it is important to go beyond recognizing older persons as a vulnerable group and to recognize older persons as "active agents of societal development." The full brief may be found at <https://www.un.org/development/desa/ageing/news/2017/07/ageing-older-persons-and-the-2030-agenda-for-sustainable-development/>.

**Synergy with the LWV:** Two of the PRINCIPLES FOR OLDER PERSONS particularly resonate with the League of Women Voters' position that democratic government depends on informed and active participation of its citizens:

*7. Older persons should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their well-being, and share their knowledge and skills with younger generations.*

*8. Older persons should be able to seek and develop opportunities for service to their community and to serve as volunteers in positions appropriate to their interests and capabilities.*

The League of Women Voters' *Impact on Issues 2018-2020* contains an all-inclusive position for equal rights: "Secure equal rights and equal opportunity for all. Promote social and economic justice and the health and safety of all Americans" (p. 8). As we move further into the 21st "Century of Ageing," local, state, and national Leagues may determine that a more explicit focus on ageing is warranted.

## INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

*Review by CSW63 Delegates: Jill Follows (VA); Savanna Mapelli (PA), Kathleen Montgomery (CA), Susan Sherer (PA), Sheila Denn (NC), Anu Sahai (VA), ErinLeigh Darnley (NY), Guest Reviewer Linda Wassenich*



This review of the **INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES** (ICPMW) is the eighth in a series of reviews of United Nations core human rights conventions and treaties. The reviews are written by members of HR-SIG and inspired by the League's history of human rights advocacy. HR-SIG members are motivated to start a fresh dialogue about the impact these historical UN conventions have today on the League's principle of **Empowering Voters ~ Defending Democracy**. Democratic principles respecting human rights are enshrined in United Nations Conventions.

**Overview:** ICPMW was adopted by the United Nations General Assembly in December 1990. The ICPMW was by no means the first instrument to address human rights for migrant workers. Indeed, the ICPMW looked to the constitutions of predecessor organizations such as the International Labour Organization and the

United Nations Educational, Scientific, and Cultural Organization, as well as the helpful experiences of UN Member States for inspiration in drafting the convention. Respectful of the need to provide migrant workers and their families, everywhere and in all stages of vulnerability, with sufficient international protection of their human rights, the United Nations drafted the ICPMW.

In the ICPMW a "migrant worker" refers to a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which he or she is not a national (ICPMW, Article 2 (1)). The ICPMW does not apply to refugees unless the State Party concerned has relevant legislation or has ratified the convention (ICPMW, Article. 3 (d)).

It is generally agreed that the distinction between migrants and refugees arises from the reason that motivated the individuals to leave their country of origin. "While there is no formal legal definition, most experts agree that an international migrant is someone who changes their country of usual residence, irrespective of the reason for migration or legal status. A refugee is a person who is outside their country of origin for reasons of feared persecution, conflict, generalized violence, or other circumstances that have seriously disturbed public order and requires international protection." <https://refugeesmigrants.un.org/>

The ICPMW predated the movement of large numbers of refugees into Europe and the United States. This core convention has been used to set the foundation for subsequent treaties addressing the needs of refugees. <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>

**Protected Human Rights:** The ICPMW has 93 Articles, most of which accord the following basic human rights to all migrant workers and their families: the right to life; freedom from torture and inhuman punishment; freedom from slavery or forced compulsory labor; freedom of thought and religion; freedom of expression; freedom from unlawful interference with his/her privacy; and freedom from arbitrary deprivation of property.

The ICPMW also includes extensive provisions for the protection of human rights of migrant workers who are deprived of their liberty, detained by a State or subjected to arbitrary arrest. (ICPMW Articles 16-20)



A core tenet of all the UN human rights treaties is the fundamental belief that human rights are rights of all individuals, without distinction of any kind, such as race, sex, color, language, religion, political conviction, ethnic origin, nationality, age, economic position, property, marital status, birth, or other status. Under the ICPMW, the human rights of migrant workers and their families are protected during the entire migration process, from preparation stages, departure, transit, and the entire period of stay and remunerated activity in the State of employment. The ICPMW recognizes that the family is the natural group unit of society and the Member State to the convention (country that ratified the convention) agrees to ensure the protection of the family unit of the migrant worker. (ICPMW Article 44)

**Committee on the Protection of the Rights of All Migrant Workers:** The implementation of the ICPMW is monitored by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Committee, consisting of 14 independent experts, submits a report to the UN Secretary-General every five years. The report addresses the legislative, judicial, and administrative measures taken by Member States to give effect to the Convention. The Committee also may receive and consider communications from a State Party claiming that another State Party failed to fulfill its obligations under the ICPMW.

<https://www.ohchr.org/EN/HRBodies/CMW/Pages/CMWIndex.aspx>

On October 19, 2018, the Committee issued the following statement: “Addressing irregular migration through harsh border control measures and criminalizing irregular migrants is disproportionate to migration governance, contributes to rising intolerance and xenophobia, and the social exclusion of migrants.” The Special Rapporteur on the human rights of migrants, Mr. Felipe Gonzalez Morales, added that “States have a duty to provide all migrants with access to justice to obtain redress for any discriminatory treatment or human rights violations that they experience.”

Various other Committees, respecting the work of other human rights conventions, weighed in on the trauma of separating families. Ms. Renate Winter, the Chair of the Committee on the Rights of the Child, stated “The policy of some governments to separate children from their parents solely based on their immigration status and as a deterrent to irregular migration is both shocking and violates the human rights of the children with long-lasting effects on the health of the child.” <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23764&LangID=E>

Ms. Dalia Leinarte, Chair of the Committee on the Elimination of All Forms of Discrimination Against Women, wrote “It is unthinkable that women as mothers should be subjected to this excruciating ordeal of being separated from their children, particularly girls, who may fall prey to serious human rights violations.”

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23764&LangID=E>

**The United States Has Not Ratified the ICPMW:** The ICPMW has no binding legal authority in the United States. The United States is not alone in its failure to ratify the convention. Indeed, more than 130 of the 193 UN Member States (countries) have not ratified the ICPMW. (As of September 2019, only 55 countries had ratified this convention.) Nonetheless, the ICPMW serves as a stark reminder of the universality of human rights and the need to establish norms of human decency for those people trapped in seriously vulnerable situations.

**Synergy with the LWV:** Although the United States has not ratified the ICPMW, the League of Women Voters has a well-articulated policy position on Immigration (*Impact on Issues 2018-2020*, p.81) that addresses the human rights of migrant workers and their families, as well as other non-worker migrants or refugees. The League of Women Voters believes that immigration policies should:

*\* promote reunification of immediate families; meet the economic, business, and employment needs of the United States; and be responsive to those facing political persecution or humanitarian crises;*

*\* provide an efficient, expeditious system (with minimal or no backlogs) for legal entry of immigrants into the United States and support provisions for unauthorized immigrants already in the country to earn legal status;*



*\* support due process for all persons, including the right to a fair hearing, right to counsel, right of appeal, and right to humane treatment*

*\* make provisions for qualified persons to enter the United States on student visas.*

(Statement of Position on Immigration, as announced by the National Board, April 2008.)

**Synergy with the UN Sustainable Development Goals:** The United Nations Department of Economic and Social Affairs (DESA) continues to revise its plan of action for realizing the Sustainable Development Goals (SDG) that concern migrants and migration. The overwhelming majority of SDGs set targets intended to address the human rights of migrants, refugees, and displaced persons. By way of limited example only, the following rationale has been given by DESA for addressing some migrants' needs for:

*Ending Poverty (SDG #1): Denial of access to economic resources, notably land, is an acknowledged driver of migration;*

*Ending Hunger (SDG#2): Increasing the productivity of small-scale food producers, particularly women, is crucial to permitting people to stay on the land and continue farming rather than being compelled to migrate;*

*Ensuring Health (SDG#3): Migrants face risks of exposure to epidemics and communicable diseases and lack access to preventive treatment;*

*Inclusive Quality Education (SDG #4): Lack of access to quality education in the home country is a major driver of migration;*

*Achieving Gender Equality (SDG#5): 48% of all migrants are women and girls, many of whom migrate to escape violence or seek social protection coverage for domestic work;*

*Securing Decent Work (SDG#8): High levels of youth unemployment in the country of origin drive migration;*

*Sustainable Environment (SDG#13): The consequences of climate change are foreseen as a major driver of displacement of people; (SDG#14): Sea level rise will increase pressure for human displacement; (SDG#15): Loss of forests, land degradation and loss of biodiversity increase migration;*

*Peaceful and Inclusive Societies (SDG# 16): Violence, persecution, and warfare are major drivers of migration; Unaccompanied migrant children are especially subject to abuse; Detention of migrant and refugee children does not comport with the international human rights standard for compelling processes that are in the best-interests-of-the-child;*

*International Cooperation (SDG#17): Countries must exchange data on migration and enact regulations comporting with international cooperation.*

See Version 3 (February 2016) of "The Sustainable Development Goals and Migrants/Migration" at

[https://www.un.org/en/development/desa/population/migration/events/coordination/14/documents/backgrounddocs/GMPA\\_14CM.pdf](https://www.un.org/en/development/desa/population/migration/events/coordination/14/documents/backgrounddocs/GMPA_14CM.pdf)

#### **Additional Reading:**

GLOBAL COMPACT FOR SAFE, ORDERLY, and REGULAR MIGRATION (2018) An intergovernmental negotiated agreement, prepared under the auspices of the UN <https://refugeesmigrants.un.org/migration-compact>

GLOBAL COMPACT ON REFUGEES <https://www.unhcr.org/en-us/the-global-compact-on-refugees.html>

Brookings Institute: The Global Compact on Migration: Dead on Arrival? <https://www.brookings.edu/blog/up-front/2018/12/12/the-global-compact-on-migration-dead-on-arrival/>

## INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

*Review by CSW63 Delegates: Jill Follows (VA); Sheila Denn (NC), Sue Sherer (PA), Kathleen Montgomery (CA), Savanna Mapelli (PA), Anu Sahai (VA), ErinLeigh Darnley (NY)*

Today's review of the **INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (ICERD)** is the ninth in a series of reviews of United Nations human rights conventions and treaties. The reviews are written by members of HR-SIG and inspired by the League's history of human rights advocacy. HR-SIG members are motivated to start a fresh dialogue about the impact these historical UN conventions have today on the League's principle of **Empowering Voters ~ Defending Democracy**. Democratic principles respecting human rights are enshrined in United Nations conventions.

**Overview:** The United Nations General Assembly adopted the INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION on December 21, 1965. The Preamble to this Convention did not mince words. It affirmed that the United Nations finds the existence of racial barriers repugnant to the principles of human dignity and equality. It condemned any doctrine of superiority based on race as scientifically false, morally reprehensible, and capable of disturbing peace and security throughout the world.

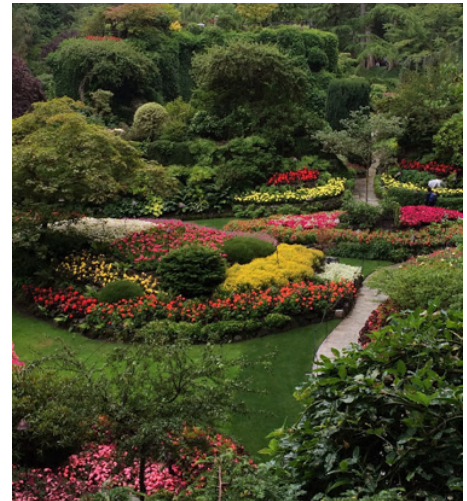
ICERD defines the term *racial discrimination* as "any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life."

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

This convention calls on all States Parties (countries) to condemn racial discrimination and racial segregation, rescind all laws and regulations that create or perpetuate racial discrimination, condemn racially motivated propaganda, and institute immediate action to eradicate discrimination, and declare all offenses constituting racial discrimination and inciting racist activities to be punishable by law.

**Protected Human Rights:** The States Parties to ICERD commit to educating and informing their people about tolerance and friendship between all people of all racial or ethnic groups. The States Parties agree to protect everyone's human rights to: equal treatment before the law; protection from government-inflicted violence; vote and stand for election; take part in government, move and reside within the nation's borders, leave and then return to the nation, marry the person of their own choosing, own property, inherit property, assemble peacefully, think and worship freely, secure a job, secure housing, receive health care and social protection services, go to school, participate in cultural and social activities, and access any place or service intended for general public use.

**Committee on the Elimination of Racial Discrimination (CERD):** CERD is a body of 18 experts with the mandate to monitor the implementation of the convention. The experts fulfill their mandate by analyzing reports from the



States Parties, civil society, human rights institutions, and UN partners. Those reports spell out the measures a nation has taken to comply with the provisions of the convention. After completing the review of the reports, CERD files an annual report with the United Nations General Assembly and may make concluding observations and general recommendations aimed at improving or clarifying the obligations of the States Parties under the convention. CERD also has a mechanism to receive urgent warnings of a risk of racial discrimination and a procedure to intervene to prevent or stop the racial discrimination.

[https://sustainabledevelopment.un.org/content/documents/14579OHCHR\\_Comm\\_on\\_the\\_Elimination\\_of\\_Racial\\_Discrimination.pdf](https://sustainabledevelopment.un.org/content/documents/14579OHCHR_Comm_on_the_Elimination_of_Racial_Discrimination.pdf)

**The United States Gave a Qualified Ratification to ICERD:** In 1994, nearly 30 years after the United Nations General Assembly adopted the International Convention on the Elimination of All Forms of Racial Discrimination, the United States Senate gave its advice and consent to President Bill Clinton to ratify ICERD, but only with three Reservations, an Understanding, and a Declaration. These additional qualifications restricted the extent to which the United States would adhere to the convention.

The Declaration stated that the United States will not consider ICERD to be a self-executing treaty. In other words, even though the United States ratified the ICERD, it declared that ICERD had no teeth to create an independent cause of action for racial discrimination in US courts. “The United States claimed that because its laws provided extensive protections and remedies against racial discrimination, it did not need to enact additional legislation to comply with ICERD.” <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1646&context=ilj>

The text of the Reservations, Understandings, and Declaration by the United States to ICERD may be read at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-2&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&clang=en) (Scroll down and click on the United States of America, then scroll further to read the full text of the Declaration.)

**Synergy with the UN Sustainable Development Goals (SDGs):** The Committee on the Elimination of Racial Discrimination collects and analyzes data from its review of the reports from States Parties and other stakeholders. This data is used to track progress toward attainment of the Sustainable Development Goals. By way of example:

*SDG#1 and SDG#5 (Eliminate Poverty and Achieve Gender Equality): Data shows that racial discrimination exacerbates poverty by compromising individuals', particularly women's, access to health care (SDG#3), access to basic services and housing (SDG#11), education (SDG#4), employment (SDG#8), access to water (SDG#6), and access to electricity (SDG#7.)*

The data led CERD to identify racial discrimination as an underlying cause of migration that leads, in turn, to subsequent racial discrimination, hate speech, violence, and poverty in the newly chosen host country.

**Synergy with the LWV:** The League's overarching Social Policy Position is to “Secure equal rights and equal opportunity for all. Promote social and economic justice and the health and safety of all Americans.” More explicitly, the League addresses racial discrimination under the heading of Equality of Opportunity, where it is stated that the League “believes that the federal government shares with other levels of government the responsibility to provide equality of opportunity for education, employment, and housing for all persons in the United States regardless of their race, color, gender, religion, national origin, age, sexual orientation, or disability.” Statement of Position on Equality of Opportunity, as revised by the National Board in January 1989, based on positions announced by the National Board in January 1969, adopted by the 1972 Convention, expanded by the 1980 Convention and the 2010 Convention. (*Impact on Issues 2018-2020*, p.68)

If we commit to the UN principle of “leaving no one behind,” then our future activities can reaffirm the core United Nations human rights conventions, starting with the Universal Declaration of Human Rights. We can acknowledge the need for disaggregated data in order to highlight the existence of systemic racism and strive for a more peaceful, inclusive and equitable world.

## THE HUMAN RIGHTS SPECIAL INTEREST GROUP: BIOS



**ErinLeigh Darnley** (NY) serves as a member of the board of both the NYS and Syracuse Metropolitan Leagues. Among her many League activities, she speaks on the ERA and United Nations goals, lobbies for election reform in the state capital, and participates in voter registration events. She graduated from the Rochester Institute of Technology and was self-employed for two decades. She volunteers with the Fayetteville-Manlius Schools and Matilda Joslyn Gage Foundation.



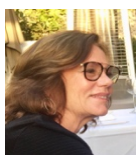
**Sheila Denn** (NC) is Secretary on the Board of her local League, Wake County. She serves as Co-Chair of the ERA and Redistricting Committees for her League. She has a long-standing interest in international human rights stemming from her volunteer work with Amnesty International in the 1990s. She has a Masters in Information Science and has taught in the areas of relational database design and research methods.



**Jill Follows** (VA) served the national League as one of its UN Observers between 2017 and 2020. Her portfolio included the monitoring of United Nations human rights laws, bodies, and committees. She coordinated the HR-SIG initiative to document the synergy between the League's policy positions and the UN human rights conventions. She is both an attorney and RN. She assumes the role of Co-Chair of Action and Advocacy for the LWV Fairfax Area, in 2020. She is a delegate to the LWVUS 2020 Convention.



**Savanna Mapelli** (PA) is a member of the Philadelphia League and was the prior chair of Voter Registration for the Bucks County LWV. She is an attorney in New Jersey and pursues interests through the disaster action team of the American Red Cross and dance therapies for Parkinsons patients and the elderly.



**Kathleen Montgomery** (CA) serves on the board of her local League, Orange Coast, as Director of International Relations. She is a sociologist whose interests in human rights have permeated her research on women's experiences of incivility and disempowerment in the workplace, as well as conflicts of interest and patients' informed consent in the health care sector.



**Anu Sahai** (VA) has been a member of the League for five years. She is the Co-President of the Fairfax Area League. A lawyer by profession, Anu worked in legal aid in India before moving to the United States in 1991. She commits time and energy to League initiatives, especially to those concerning ERA ratification, redistricting, and census. She is a delegate to the 2020 LWVUS Convention.



**Susan Sherer** (PA) is a member of the Lehigh Valley League. She is Professor Emeritus, Management Information Systems, Lehigh University. Her research interests include information systems benefits and risks and healthcare information systems.