

International Law

I need the
ERA because...

WITHOUT THE
ERA, THE UNITED
STATES VIOLATES
INTERNATIONAL LAW

The UN Human Rights Committee has strongly recommended that the United States “redouble its efforts to guarantee protection against sex and gender-based discrimination in its Constitution, including through initiatives such as the Equal Rights Amendment [ERA],” while “regret[ting] the lack of an explicit guarantee in the Constitution against sex- and gender-based discrimination” in violation of Articles 2 and 3 of the International Covenant on Civil and Political Rights (ICCPR).

The US Constitution

The United States Constitution does not explicitly prohibit discrimination on the basis of sex or gender. This is in stark contrast to 85% of UN member states around the world which do have constitutions that explicitly prohibit discrimination on the basis of sex and/or gender. A lack of constitutional equality contravenes one of the most fundamental international human rights principles of equality and non-discrimination, which all States have an obligation and duty to respect, protect, and fulfill, including through formal protection in their constitutions.

The US at the UN Human Rights Committee

In October 2023, the United States was reviewed by the United Nations Human Rights Committee, the treaty body responsible for overseeing the implementation of the International Covenant on Civil and Political Rights (ICCPR).

Equality Now, the ERA Coalition, the End FGM/C U.S. Network, Unchained at Last, and the Alliance for Universal Digital Rights, made a joint submission and oral statements providing information and recommendations to the Committee on women’s and girls’ rights violations in

the US, including the lack of constitutional equality. We recommended that the Committee ask the US to ratify the treaty on women’s rights, CEDAW, and to “Take every step necessary, including publication by the Federal Archivist, to recognize and incorporate the Equal Rights Amendment as the 28th amendment to the US Constitution guaranteeing equality on the basis of sex.” **Significantly, it was the first time that a UN treaty body has explicitly recommended to the US to adopt the ERA.**

Preventing child marriage, female genital mutilation (FGM), domestic violence, and other violations

In addition to the ERA, the Committee responded to many of our other requests in its concluding observations, including urging the United States to:

- “intensify its efforts to prevent, combat and eradicate violence against women,” including by “encouraging states to pass legislation that prohibits and criminalizes all forms of FGM and effectively implement the Stop FGM Act.”
- “further adopt measures at all levels in order to prohibit marriage under the age of 18 years.”

Adopting the ERA into the Constitution could facilitate the elimination of sex discriminatory laws, including, for example, state laws permitting children under 18 to be married due to their disproportionately negative impact on girls. It would also grant clear congressional authority to pass robust protectionist laws for the purpose of preventing or eliminating existing discriminatory practices on the basis of sex and gender.

View the [OHCHR webpage](#) to read the full submission and the Committee’s concluding observations, which the US is legally obligated to implement in its domestic law and policy.

Learn more: equalitynow.org/INeedERA