

May 6, 2019

To: Honorable Members of the House Judiciary Subcommittee on the Constitution, Civil Rights and Civil Liberties

Re: H.J.Res.38 - Removing the deadline for the ratification of the equal rights amendment.

Thank you for the opportunity to present testimony to the House of Representatives Judiciary Subcommittee on the Constitution, Civil Rights and Civil Liberties. My name is Kate Kelly; I am a Human Rights Attorney at Equality Now. Equality Now is an international human rights organization established in 1992 that works to promote and protect the rights of all women and girls around the world, including legal equality and access to justice, and ending harmful practices, sex trafficking and sexual violence. Equality Now is a lead organization of the ERA Coalition and has worked with local organizations for equality in other constitutions around the world, including Afghanistan, Egypt and Kenya. I have personally worked on ratification of the Equal Rights Amendment (ERA) since 2012 at both the local level, in several different states, and the federal level.

Almost **every other country in the world has a gender equality provision in their constitution.**¹ This includes all industrialized nations, and many emerging democracies like Afghanistan where the United States has played a major role in shaping the constitution. Article 22 of the Afghan Constitution states, in part: “The citizens of Afghanistan, man and woman, have equal rights and duties before the law.”² The lack of a gender provision in the U.S. Constitution makes us an outlier among nations, and it is time to remedy this. Adding the ERA to the Constitution would also bring the United States into compliance with its obligations under international law, including the International Covenant on Civil and Political Rights,³ and its commitments under Agenda 2030 for Sustainable Development⁴, making the United States more credible on the international stage.

¹ UN Women Global Gender Equality Constitutional Database. *available at* <http://constitutions.unwomen.org/en/dashboard>.

² The Constitution of Afghanistan (Ratified) January 26, 2004, *available at* <http://www.afghanembassy.com/pl/afg/images/pliki/TheConstitution.pdf>.

³ ICCPR, art. 2.

⁴ *Sustainable Development Goal 5: Achieve gender equality and empower all women and girls*, United Nations Sustainable Development Goals Knowledge Platform, <https://sustainabledevelopment.un.org/sdg5>.

Europe

1 Birdcage Walk, London, SW1H 9JJ, UK
p. +44(0)20-7304-6902 | f. +44(0)20-7973-1292
ukinfo@equalitynow.org

Americas

125 Maiden Lane, 9th Floor, Suite B
New York, NY 10038, USA
p. +1 212-586-0906 | f. +1 212-586-1611
info@equalitynow.org

Africa

1st Floor, Bishops Garden Towers, Bishops Road
Mailing : PO Box 2018 - 00202, Nairobi, Kenya
p. +254 20-2719-832 | f.: +254 20-2719-868
equalitynownairobi@equalitynow.org

Gender equality is an American value, not a partisan issue. The original ERA was long supported by members of all political parties, and that support continues in the modern-day ratification effort. One of the lead sponsors of the successful ERA ratification in Illinois in 2018 was Steve Andersson, a Republican member of the Illinois House of Representatives. The lead patron of the ERA ratification resolution in the Virginia Senate in 2019 is also from the GOP, Senator Glen Sturtevant of Richmond. The deadline elimination bills in both the House and Senate enjoy bipartisan support.⁵ **The ERA is straightforward and is supported by common-sense politicians on both sides of the aisle.**

The primary procedural hurdle for ratification of the ERA remains the expiration of the 1982 extended deadline. Given that Article V is silent on the issue of deadlines and left the governance of the ratification process up to Congress, it is clear that **Congress has the power to remove the original deadline** it put in place in the preamble. Equality Now urges you to favorably pass Representative Speier's H.J.Res.38 out of this committee and send it to the full House floor for a vote to remove the deadline, allow for additional states to ratify, and for the amendment to be fully incorporated into the U.S. Constitution when it meets the 3/4ths state ratification requirement contained in Article V.

The ERA would provide permanent protection for all women and all marginalized genders from sex based discrimination directly in our Constitution, and is desperately needed. **American women should not be some of the least protected under law in all the world.** Thank you for your service and your continued work to protect our basic human rights. We applaud you for being part of this historic, and long-overdue change to our founding document.

Sincerely,

A handwritten signature in cursive script that reads "Kate Kelly". The signature is written in dark ink on a white background.

Kate Kelly
Human Rights Attorney, Equality Now

⁵ Lisa Murkowski and Ben Cardin, "It's time to finally pass the Equal Rights Amendment," The Washington Post, January 25, 2019, *available at* https://www.washingtonpost.com/opinions/its-time-to-finally-pass-the-equal-rights-amendment/2019/01/25/54b3626e-20d0-11e9-9145-3f74070bbdb9_story.html