

QUESTIONS
FOR EQUALITY:
YOUR 2024
UNITED STATES
ELECTION GUIDE

This election guide was created to inspire critical thought and dialogue about the future of the United States. As studies and data continue to emerge about the impact of gender inequality within the US, influencers, legal professionals, educators, activists, and voters alike should reflect on how future leaders will shape the nation's future.

Topics referenced in this guide include constitutional equality, the rollback of [bodily autonomy](#), the rape epidemic, pre-existing gaps in equal pay, barriers to [receiving and providing paid care](#), and the lack of comprehensive legislation on grave human rights violations like [child marriage](#) and [female genital mutilation](#) in the United States.

This guide aims to provide clear, accessible questions to ask candidates that will shed light on these issues and challenge readers to consider how a lack of constitutional equality can affect all US residents, not only women and girls.

Equality Within the United States Constitution

While the questions in this toolkit offer readers a way to thoughtfully assess where candidates stand on key issues facing the US population today, feminists and legal scholars have long championed what they consider to be a remedy to inequality: a proposed constitutional amendment that guarantees and upholds equal protections under the law.

The Equal Rights Amendment (ERA), first proposed in 1923, would guarantee that “Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.” Despite meeting all constitutional requirements necessary to become the 28th Amendment, including ratification by 38 states, the ERA has yet to be published and incorporated into the Constitution.

How can the ERA help me?

Incorporating the ERA into the Constitution could improve lives in several ways, including by shielding women’s rights that are under attack, by categorizing sex as a “protected class” under the legal system and by empowering Congress to pass laws to address sex discrimination and gender inequality. This could include supporting legal action against female genital mutilation, child marriage, and economic disparity, and to prevent and remedy gender-based violence.

The ERA could support reproductive rights, which is particularly noteworthy after the anniversary of the overturning of *Roe v. Wade* on June 24. Reproductive healthcare, including access to abortion, is fundamental to equality, and the ERA could change the way the Supreme Court of the

United States decides reproductive rights cases. We've already seen state-level successes that could indicate the potential of a federal ERA. For example, in Nevada and Pennsylvania, two states that have incorporated an ERA into their State Constitutions, recent attempts to limit or restrict Medicaid coverage for abortion were struck down. The state ERAs were the legal basis for both cases.

The ERA could also impact the care economy. Globally, women perform the vast majority (2.8x more) of unpaid care and domestic work, and the US is no exception. Women workers who become mothers in the US also suffer lower pay and there is no universal paid family leave. The ERA could be used to facilitate paid or mandatory leave for all parents and caregivers to remedy persistent inequalities due to underlying gender stereotypes and discriminatory norms. It would also grant the legislative branch constitutional authority to enact positive protections, such as the right to receive and provide care.

What is the current status of the ERA?

38 out of 50 states have ratified the ERA, constituting the three-fourths majority needed to incorporate the amendment into the United States Constitution. Despite the ERA appealing to people across party lines, it hasn't been published by the Federal Archivist. However, leading constitutional scholars and the American Bar Association have demonstrated that the ERA is valid for all intents and purposes and should be implemented.



Economic Inequality and Workers' Rights

FACT:

According to the US Census Bureau, in 2023, [women working full time earned just under 83 cents for every dollar earned by men](#). Black women earned an average of 64 cents on the dollar compared to white men, and Hispanic women earned just 51 cents on the dollar.

QUESTIONS:

- How will your planned tax legislation impact women and US families?
- What will you do to enact positive protections to ensure economic equality and rights in the US?
- New 2023 data shows that women in the US lost out on [\\$1.7 trillion](#) in earnings as compared with men. What will you do to close the gender pay gap?
- Under your leadership, how will you direct efforts to secure the ratification of the international treaty on economic rights, known as the International Covenant on Economic, Social and Cultural Rights*?

* [The International Covenant on Economic, Social and Cultural Rights](#), adopted in 1966, requires that men and women have equal economic, social, and cultural rights. While the United States signed the Covenant in 1977, the Government has yet to ratify it.

Abortion and Reproductive Health Rights

FACT:

Access to healthcare, including abortion, is a matter of equality. Abortion bans disproportionately discriminate against Black, Indigenous, and other people of color, as well as economically disadvantaged communities.

QUESTIONS:

- What will you do to end the policing of women's right to bodily autonomy within the US legislative system?
- If elected, how will you ensure safe, accessible reproductive healthcare for women and people of all genders?
- Will you enact legal measures to ensure that the right to abortion is implicitly protected or conferred by a constitutional provision?





International Law and Domestic Policy

FACT:

[85% of United Nations Member States](#) have constitutions that prohibit discrimination based on sex and/or gender. The United States is not one of them.

QUESTIONS:

- The UN Human Rights Committee 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.” How do you intend to fulfill this international legal obligation?
- If elected, how will you ensure that one of the most fundamental international human rights principles of equality and non-discrimination is respected and fulfilled within the US as well as overseas?
- What actions will you take to help the US achieve Sustainable Development Goal 5*, which aims to achieve gender equality and empower all women and girls before 2030?

* The [Sustainable Development Goals](#), developed by the United Nations and the international community in 2015, provide targets and guidance toward ensuring a prosperous future. There are 17 goals, including achieving gender equality (goal 5).



Digital Rights and Privacy Protection

FACT:

Victims of online sexual exploitation and abuse face an increased risk of stalking, domestic abuse, loss of employment, damaged reputation, and emotional trauma.

QUESTIONS:

- If elected, how will you ensure that universal equality of safety, freedom, and dignity as upheld in international human rights law and standards are guaranteed in our digital future?
- As digital spaces remain unregulated, how will you ensure that the US is carving future pathways to hold technology companies accountable for digital harms?
- What will you do to ensure that the United States becomes a champion for the implementation of the recently adopted Global Digital Compact**, and that international human rights legal standards, and an intersectional feminist, anti-discriminatory approach will be an integral part of its implementation?
- If elected, what actions will you take to combat the harmful rise of “deepfakes” and “doxing” which disproportionately affect women and girls?

** The [Global Digital Compact](#) is intended in part to help foster a safe digital space. Equality Now and partners contributed to ensuring that gender equality is included as a standalone principle in the Compact.



Ending the Sexual Violence Epidemic

FACT:

1 in 6 women in the US will experience sexual violence in their lifetime, and marginalized communities are disproportionately affected.

QUESTIONS:

- Sexual violence is occurring at epidemic proportions and survivors are often silenced or not believed. How will your policies address processing the current backlog of rape kits in dozens of US states?
- Statutes of limitations often impede survivors of sexual and domestic violence from accessing justice, allowing perpetrators to avoid accountability. What will you do to urge states to adopt a federal law on sexual violence, including eliminating statutes of limitations and using a consent-based definition of rape?
- Institutional misogyny, stereotypes, and myths about rape can prevent survivors from reporting sexual violence. The Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, estimates that out of every 1,000 sexual assaults in the US, only 310 are reported to the police. Will gender-sensitive training for justice officials be part of your policy agenda?

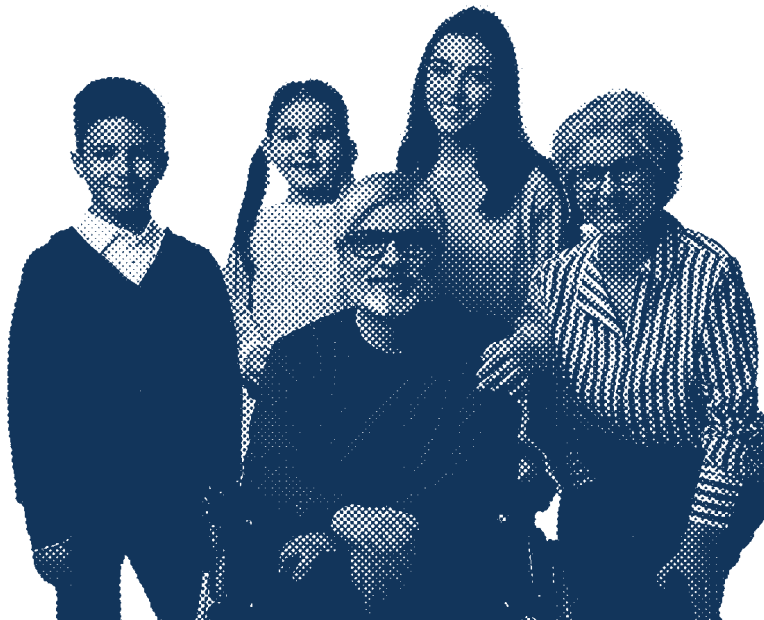
Paid Care and the Care Economy

FACT:

Women perform 2.8x more unpaid care and domestic work due to traditional gender norms and stereotypes about women's role in the family.

QUESTIONS:

- If elected, will you pass legislation to facilitate paid or mandatory leave for all parents and caregivers?
- How will you work to ensure that social security, pension, and/or retirement benefits are equitable for all US residents, regardless of sex or gender?



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