

# ***10 Reasons Why the U.S. Should Not Ratify CEDAW***

## ***Harmful to Women, Children, Marriage, Families and American Constitutional Government***

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Focus on the Family strongly opposes the United Nations' *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, and urges the United States Senate to oppose ratification of this misguided treaty. CEDAW, if fully implemented, would be the greatest foreign intrusion ever into our personal, business, community, government and military relations and policies. Here are 10 reasons why the United States should not ratify CEDAW:

1. The foundational principle of CEDAW is erroneous
2. CEDAW violates the U.N. Charter
3. Ratifying CEDAW is un-American, violates our constitutional government
4. CEDAW would be illegally used to pressure the U.S. to implement *quota* systems for elections and government offices
5. CEDAW would be more harmful than beneficial to women
6. CEDAW would harm children
7. CEDAW would attack and destroy healthy roles of men and women
8. CEDAW would harm marriage, families and their religious faith
9. CEDAW would be illegally used to promote abortion
10. CEDAW may be used to pressure the U.S. to legalize prostitution

### **1. The foundational principle of CEDAW is erroneous**

Article 1 of CEDAW states:

the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex ...

The CEDAW Committee, which monitors Party Nations for compliance with the Convention, takes this provision literally, pressuring nations to eliminate “any distinction, exclusion or restriction” between males and females. The Committee is blind to inherent distinctions between men and women; places employment, leadership position, and influence in government above marriage and childbearing; does not appear to believe that women find fulfillment in marriage, and in bearing and raising children; believes that children do not need their mother at home as their primary caregiver; believes that girls and women can kill their preborn children and feel no remorse, experience no physical complications, and have no psychological problems as a result. Reason, sound research, and the responses of government delegations interrogated by the

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Mr. Jacobson originally wrote this paper in 2005 when he was serving as Representative to the United Nations for Focus on the Family (U.S.A.), from 2001 to 2010.

Committee inform us that these things are not true for most women. Shifting our domestic policies to such faulty foundations would destroy countless families and leave millions of women, men and children unhappy, unfulfilled and angry. We know because we speak to thousands of them from broken marriages and families every month.

CEDAW Committee Member statements when reviewing **POLAND**, January 16, 2007:

*Dubravka Šimonović, Chairman [Croatia]*, addressed the “problem of different retirement dates for men and women” [current is favorable toward women retiring at an earlier age].

*Maria Regina Tavares da Silva [Portugal]*, commented on “stereotypes regarding sexuality ... reflected in media, employment ... but there were no measures to counter these stereotypes ... no efforts by government to achieve some social and cultural change.”

*Hazel Shelton [South Africa]*, inquired “why is there such a difference in representation of women in the high courts verses the lower courts?” (more in lower courts)

*Pramila Patten [Mauritius]*: “What is your country doing to promote gender mainstreaming?”

CEDAW Committee Member statements when reviewing **VENEZUELA**, January 26, 2006:

*Meriem Belminhoub-Zerdani, Vice-Chairman [Algeria]*: “(Your country has) discrimination because boys may marry at age 16, but girls at 14. Also this is contrary to CRC [Convention on Rights of Child], which says children come of age at 18. Age for boys and girls should be the same, and same as CRC. Then you would comply with both CEDAW and CRC.”

CEDAW Committee Member statements when reviewing **AUSTRALIA**, January 30, 2006:

*Glenda P. Simms [Jamaica]*: “If they (girls) are doing so well, then logically they should be ruling Australia in 10 years. ... Should have a matriarchy instead of a patriarchy.”

CEDAW rejects the true basis of equality, namely, that men and women are equally created in the image of God, with distinct physical, psychological and other characteristics. The unique God-given functions or abilities of males and females, based on these inherent distinctions (e.g., only a woman can bear a child), are not inconsistent with this true equality.

## **2. CEDAW violates the U.N. Charter**

Chapter 1 of the Charter of the United Nations declares the “Purposes and Principles” upon which the UN was founded, including respect for the sovereignty of each nation, and a promise not to interfere in domestic matters.

The Organization is based on the principle of the sovereign equality of all its Members (Art. 2, par. 1).

Nothing contained in this present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any [nation] or shall require the Members to submit such matters to settlement under the present Charter (Art. 2, par. 7).

In a most intrusive manner, CEDAW and the CEDAW Committee address almost entirely domestic matters within the jurisdiction of individual nations. Matters regarding human sexuality, marriage, family, number of children, education curricula, business hiring and benefits practices, elections from the local to national level, etc., are all domestic matters. To require nations to submit such matters to an international committee at the UN violates the Charter.

### **3. Ratifying CEDAW is un-American, violates our constitutional government**

The American Colonies were founded by people who were willing to risk everything to gain civil and religious freedom. They fought the War for Independence to corporately remove themselves from under the control of a totalitarian foreign power and create a new, free and independent nation. Our forefathers formed republican, federal systems of constitutional government designed to protect the inherent liberties of the people, including by keeping government small and local. To now give over control of our domestic policies to an unaccountable, lawless United Nations committee comprised of 23 foreigners would be totally un-American and violate the foundational principles upon which our nation was formed. Furthermore, the CEDAW Committee members either do not respect federal systems of government, disregarding state/provincial and local authorities.

CEDAW Committee Member statements when reviewing **POLAND**, January 16, 2007:

*Dubravka Šimonović, Chairman [Croatia]*, said that “the Convention is directly applicable, in relation to Constitution,” and was glad to “see that courts have applied Convention.”

CEDAW Committee Member statements when reviewing **VENEZUELA**, January 26, 2006:

*Hanna Beate Schöpp-Schilling, Vice-Chairman [Germany]*: “Since the Convention actually overrides the Constitution, have there been any efforts to incorporate the Convention provisions (into law)?”

CEDAW Committee Member statements when reviewing **AUSTRALIA**, January 30, 2006:

*Hanna Beate Schöpp-Schilling, Vice-Chairman [Germany]*: The “CEDAW is to be implemented consistently” (uniformly throughout the country).

*Dubravka Šimonović, Rapporteur [Croatia]*, asked if “the country definition of discrimination was in line with Article 1.”

*Victoria Popescu [Romania]* asked how “the national government ensured coordination between the national and local level.”

*Salma Khan [Bangladesh]*: “You have reformed the abortion law with greater access to women. What about access in rural areas? Are all the states the same? Are health care services available to women equally in all jurisdictions? What about women who want non-surgical abortion? Women in rural areas cannot have access to RU-486.”

#### **4. CEDAW would be illegally used to pressure the U.S. to implement quota systems for elections and government offices**

The CEDAW Committee expects complete uniform implementation of selected policies and services, and quotas to ensure that women fill 50 percent of the seats in the legislature and 50 percent of the positions in government, from the local to the national levels.

CEDAW Committee Member statements when reviewing NICARAGUA, January 18, 2007:

*Dubravka Šimonović, Chairman [Croatia]:* “More than 70 countries today have special measures that can be strong and binding to impose on countries (election of women) ... Women need to be not just on candidate lists, but in elected positions. ... Need to build equality ... Local politics is extremely important.”

*Hazel Shelton [South Africa]:* “Need direct measures to (ensure women are appointed to posts). What are number of ambassador and other posts allocated to women? ... Obligation of State is to ensure that there are positive measures taken to promote women. ... Not subject to electoral system.”

*Maria Regina Tavares da Silva [Portugal],* “The decrease in women from 22% to 18% in elections (parliament) is of concern ... There should be special measures and a natural evolution” (of increase of women in office).

*Meriem Belminhoub-Zerdani [Algeria]:* “Parliament is the showcase of the country. You need to use all your influence to impose upon your country that quotas be drawn up ... I’m not talking about the number of candidates but need to transmit to your country leaders that the CEDAW prevails over your national laws ... Need to have political will to impose this Convention and ensure that women participate on an equal footing with men ... You need to respect the commitments you have made ... Law needs to include total equality between men and women. ... We want total application of Article 7 and you should come next time with a law that would ensure at least 40% of women elected.”

CEDAW Committee Member statements when reviewing VENEZUELA, January 26, 2006:

*Meriem Belminhoub-Zerdani, Vice-Chairman [Algeria]:* “Progress made ... national legislature has 28.7% women ... and Executive has 2 women ministers ... Continue fighting for 50/50 percent ... I hope Venezuela will be first country to fully implement the Convention by reaching 50/50 percent.”

*Francoise Gaspard [France]:* “Did you consider (an election) law that would require the list of candidates to be 50% women?”

CEDAW Committee Member statements when reviewing POLAND, January 16, 2007:

*Francoise Gaspard, Vice-Chairman [France]:* “What are you doing to help women get elected to office? Subsidies? ... Is there a system of punishments for those who don’t meet quotas? ... There should be no regression (in number of women in public office, as there was a slight decrease).

*Maria Regina Tavares da Silva [Portugal],* said “decrease (of women) in Parliament ... was 10%. What we need is not just maintenance, but increases and increases.”

## **5. CEDAW would be more harmful than beneficial to women**

The United States has the best balance for women between inherent human rights, opportunities, legal protections and appropriate discrimination in their favor. Women who want to work outside their homes are free to do so, whether part-time or full-time. Those who want to stay home, raise and even educate their children are free to do so. They have the right to vote and can choose to run for public office. They have equal rights before the law and the courts. If a man divorces his wife, the law works to the benefit of her and the children, to ensure that the man continues to provide for them.

CEDAW, however, seeks to redefine women and their value to society by:

- (1) how much money they earn outside the home;
- (2) whether they have equal power with their husbands in the home, and men in society;
- (3) whether they hold 50% of the public offices, and 50% of the leadership positions in government at all levels, businesses and community organizations.

CEDAW seeks to redefine the value of women based on how much power they are exercising in relation to men, whether at home, work or in government.

## **6. CEDAW would harm children**

The CEDAW Committee places their personal views and attainment of the Convention objectives above childbearing and childrearing. The Committee denies the irreplaceable role of women as wives and mothers, who provide loving home environments that are the foundation of stable societies and the best environment for preparing children to be future leaders.

The Committee views children as obstacles to the attainment of women's rights, empowerment and leadership. They call upon nations to enable women to "control the number and spacing of their children" – through contraception, abortifacients and abortion – so that women can pursue careers and political office. If a child is conceived at an inconvenient time, then the Committee sadly believes her government should ensure that she has access to a "safe abortion" method to terminate the life of the preborn child.

Further, the Committee calls upon governments to implement programs, in school curricula and public campaigns, to change the view of women from wives and mothers to workers. Here are a couple examples; a few more are on the following page under "CEDAW would harm marriage."

### CEDAW Committee concluding rulings:

**ARMENIA** (1997): "The Committee noted cultural stereotypes which overemphasized the traditional role of women as mothers in a protective and restrictive way (par. 53). ...

"The Committee strongly urged the Government to use the education system and the electronic media to combat the traditional stereotype of women 'in the noble role of mother' and to raise awareness of the role of men in caring and their responsibility for parenting" (par. 65).

**CHINA** (1999): "The Committee is concerned that the Government's approach to the implementation of the Convention has an apparent focus on the protection of women rather than on their empowerment. Thus, the central machinery responsible for government policy is the National Working Committee on Women and Children, perpetuating the identification

of women with children. Similarly, in the area of women's health, there is a focus on mother-child health, limited to women's reproductive function. Likewise, labour laws and regulations overemphasize the protection of women” (par. 280).

Children do not do well without their mothers, or when left in daycare facilities for long hours.

## **7. CEDAW would attack and destroy healthy roles of men and women**

Article 5 of CEDAW gives a historically unprecedented duty to Party Nation governments, namely, to transform the identity and roles of men and women. CEDAW and its Committee do not understanding that certain aspects of male and female identity and roles have existed from the beginning, are a part of how mankind was created, were designed to complement one another, and are not based upon inferiority or superiority of either. Article 5 reads:

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

This objective is reflected in CEDAW Committee rulings:

**CROATIA** (1998): “The ... Committee's suggestions: (a) The need for measures to eliminate stereotypes that restrict women's role to that of mothers and caregivers (par. 97). ...

“The Committee is particularly concerned about the consistent emphasis placed on women's roles as mothers and caregivers in Croatian legislation pertaining to a variety of areas. While legislative provisions protecting maternity are important, the Committee is concerned that prioritizing that aspect of women's lives reinforces traditional and stereotypical role expectations, which tend to limit women's full participation in society” (par. 103).

**INDONESIA** (1998): “The Committee is convinced that the existence of cultural attitudes that confine women to the roles of mothers and housewives presents a great obstacle to the advancement of women. Policies and programmes developed on the basis of those stereotypes limit women's participation and entitlements, thereby impeding implementation of the Convention. ... (par. 282). ...

“It is unclear what steps the Government is proposing to take to modify such attitudes, which present a serious obstacle to the advancement of women in Indonesia. Traditional gender stereotypes are also perpetuated in formal education; and textbooks have not been revised to eliminate such stereotypes” (par. 289).

**KAZAKHSTAN** (2001): “The Committee notes that a shift from a focus on women solely as wives and mothers, to individuals and actors equal to men in society is required for the full implementation of the Convention” (par. 92).

**LUXEMBOURG** (2000): “The Committee expresses concern at ... the stereotypical attitudes that tend to portray men as heads of households and breadwinners and women primarily as mothers and homemakers” (par. 408).

**UZBEKISTAN (2001):** “The Committee recommends that the Government take urgent measures to overcome traditional stereotypes regarding the role of women and men in society” (par. 169).

## **8. CEDAW would harm marriage, families and their religious faith**

CEDAW rejects the natural, God-given roles of men and women in marriage, including the duty of a man to be the primary provider and protector for his wife and their children. Further, CEDAW confuses wrongful discrimination (*e.g.*, denying justice to women) with God-given distinctions (*e.g.*, women can bare children, but men cannot), seeking an absolute equality that does not honor women or affirm inherent distinctions.

To accomplish the goal of total equalization of men and women would require that many more women leave their homes, work full-time, and turn their children over to childcare workers. That is a recipe for family disaster. A mother’s presence and influence upon her children, and their spiritual, mental and physical well-being, is irreplaceable. The children always pay the price.

The Committee’s harmful perspectives on the marriage relationship, motherhood, family and children are evident in these and other concluding rulings:

**BELARUS (2000):** “The Committee ... notes with concern that the Government predominantly ... emphasizes the protection of and the delivery of services to women mainly as mothers and members of families, thus perpetuating stereotypical attitudes concerning the roles and responsibilities of women (par. 357). ...

“The Committee expresses its concern that the country’s legislation ... with regard to women’s role in the labour market, appears to be overly protective of women as mothers and thus creates further obstacles to women’s participation in the labour market (par. 359).

“The Committee is concerned by the continuing prevalence of sex-role stereotypes and by the reintroduction of such symbols as a Mothers' Day and a Mothers' Award, which it sees as encouraging women's traditional roles” (par. 361).

**CZECH REPUBLIC (1998):** “The Committee is distressed to note that ... the Czech Republic's current policies directed at women and family overemphasize motherhood and family roles for women (par. 185) ...

“The Committee notes with concern the increase in over-protective measures for pregnancy and motherhood, as well as early retirement policies for women. It also noted that the cultural glorification of women's family roles could exacerbate the negative impact of economic rationalization policies on women” (par. 196).

**INDONESIA (1998):** “The Committee expresses the view that cultural and religious values cannot be allowed to undermine the universality of women’s rights (par. 282). ...

“The Committee expresses great concern about existing social, religious and cultural norms that recognize men as the head of the family and breadwinner and confine women to the roles of mother and wife, which are reflected in various laws, Government policies and guidelines” (par. 289).

**UZBEKISTAN (2001):** “The Committee emphasizes that a policy of gender equality in compliance with the Convention will require the reconceptualization of the role of

women in society from that of mother and wife, exclusively responsible for children and the family, to that of individual person and actor in society. It recommends an increase in the number of women in decision-making bodies at all levels and in all areas” (par. 169).

The CEDAW Committee similarly criticized BULGARIA (1998), EGYPT (2001), GEORGIA (1999), IRELAND (1999), and SLOVAKIA (1998).

The CEDAW Committee has expressed that parents should be regulated, divorce should be readily available to women, and religion should be opposed when contrary to CEDAW.

CEDAW Committee Member statements when reviewing NICARAGUA, January 18, 2007:

*Ferdous Ara Begum [Bangladesh]:* “The new (family) law leaves parents unregulated.”

*Ferdous Ara Begum [Bangladesh]:* “What is your understanding of religious groups’ view of gender construct, biological aspects only? (some see gender as a flexible “construct”).

*Meriem Belminhoub-Zerdani [Algeria]:* “You need to play a role against any Protestant or Muslim religion.”

CEDAW Committee Member statements when reviewing POLAND, January 16, 2007:

*Anamah Tan [Singapore]:* Divorce was recorded as 7.3% in 1993. ... But I understand that this low rate of divorce is a result of lack of funds .... If it is a factor that prevents women from obtaining divorces, then we must look at it. ... What is the present status of the Divorce Bill?”

## **9. CEDAW would be illegally used to promote abortion**

Abortion is not mentioned anywhere in the Convention, only “health care services” and “family planning.” Article 12 reads:

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Clearly, the intent was to protect women, especially during and after pregnancy, and during lactation, by ensuring adequate health care to protect mother and child.

Nevertheless, from 1995 to January 2007, the CEDAW Committee has pressured at least 50 nations (some two or three times) to legalize or increase access to abortion and abortifacients:

ANDORRA [2001]; ANTIGUA & BARBUDA [1997]; ARGENTINA [1997]; AUSTRALIA [2006]; BELIZE [1999]; BURKINA FASO [2000]; CAPE VERDE [2006]; CHILE [2006, 1999, 1995]; COLOMBIA [2007, 1999]; CROATIA [1998]; CYPRUS [1996]; DOMINICAN REPUBLIC [2004, 1998]; ECUADOR [2003]; ERITREA [2006]; ETHIOPIA [2004]; GHANA [2006]; INDIA [2007];

INDONESIA [1998]; IRELAND [2005, 1999]; ITALY [1997]; JAMAICA [2006]; JORDAN [2000]; LEBANON [2005]; LIECHTENSTEIN [1999]; LUXEMBOURG [2000, 1997]; MALI [2006]; MALAYSIA [2006]; MAURITIUS [2006, 1995]; MEXICO [2006, 1998]; MOLDOVA [2006]; MOROCCO [1997]; MYANMAR [2000]; NAMIBIA [2007, 1997]; NEPAL [1999]; NICARAGUA [2007]; NIGERIA [2004]; PANAMA [1998]; PARAGUAY [2005, 1996]; PERU [2007, 1998]; PHILIPPINES [2006]; POLAND [2007]; PORTUGAL [2002]; SAINT LUCIA [2006]; ST. VINCENT & GRENADINES [1997]; SURINAME [2007]; TOGO [2006]; TURKEY [1997]; UK-NORTHERN IRELAND [1999]; VENEZUELA [1997]; ZIMBABWE [1998].

CEDAW Committee concluding ruling after reviewing **IRELAND** [2005]:

“Extensive national dialogue had occurred on the issue of abortion, with five separate referendums held on three separate occasions (par. 7). ...

“(T)he Committee reiterates its concern about the consequences of the very restrictive abortion laws under which abortion is prohibited except where it is established as a matter of probability that there is a real and substantial risk to the life of the mother that can be averted only by the termination of her pregnancy (par. 38). ...

“Committee urges the State party to continue to facilitate a national dialogue on women’s right to reproductive health, including on the very restrictive abortion laws” (par. 39).

CEDAW Committee concluding ruling after reviewing **CHILE** [2006]:

“The Committee ... remains concerned that abortion under all circumstances is a punishable offence under Chilean law, which may lead women to seek unsafe, illegal abortions, with consequent risks to their life and health .... (par. 19).

“The Committee calls on the State party to take concrete measures to enhance women’s access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee’s general recommendation 24, on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives and family planning methods more widely available and affordable and without any restriction .... The Committee also calls on the State party to reduce maternal mortality rates through safe motherhood services and prenatal assistance and take measures to ensure that women do not seek unsafe medical procedures, such as illegal abortion, because of lack of appropriate services in regard to fertility control. The Committee recommends that the State party consider reviewing the laws relating to abortion with a view to removing punitive provisions imposed on women who undergo abortion and provide them with access to quality services for the management of complications arising from unsafe abortion and to reduce maternal mortality rates, in accordance with general recommendation 24, on women and health, and the Beijing Declaration and Platform for Action (par. 20).”

CEDAW Committee Member statements when reviewing **POLAND**, January 16, 2007:

*Magalys Arocha Dominguez [Cuba]:* “Our Committee needs a clearer picture of the family planning policies and abortion in your country, with a breakdown of rural areas. ... How many doctors have been suspended for refusing to do an abortion?”

## **10. CEDAW may be used to pressure the U.S. to legalize prostitution**

The CEDAW Committee is rightfully opposed to trafficking and forced prostitution. However, the Committee believes that women should have the right to choose prostitution as a profession, to be a so-called “sex worker,” and to be protected by the government in that profession. The Committee has pressured a number of nations to legalize prostitution or provide protection or services to prostitutes. Also, they praised nations who legalized prostitution.

### CEDAW Committee concluding rulings:

**CHINA** (1999): “The Committee is concerned that prostitution, which is often a result of poverty and economic deprivation, is illegal in China (par. 288).

“The Committee recommends decriminalization of prostitution” (par. 289).

**MEXICO** (1998): “The Committee recommends that the Government address the matter of whether it intends to legalize prostitution and whether this issue has been subject to public debate in its next report. It strongly recommends that new legislation should not discriminate against prostitutes but should punish pimps and procurers” (par. 414).

**SWEDEN** 2001: “The Committee encourages the Government to evaluate the effect of the current policy of criminalizing the purchase of sexual services ...” (par. 355).

**GREECE** (1999): The Committee noted “positively...that prostitution is decriminalized” (par. 197).

**GERMANY** (2000): “The Committee is concerned that, although they are legally obliged to pay taxes, prostitutes still do not enjoy the protection of labour and social law” (par. 25).

**GUINEA** (2001): “The representative (of Guinea told the Committee that) ... Prostitution was illegal, and was rejected and condemned by society” (par. 103). ...

(Yet urged) “the Government to strictly enforce laws ... without penalizing women who provide sexual services and, in addition, to pay full attention to the provision of health services for prostitutes so as to curb the rise in the number of HIV/AIDS cases” (par. 137).

**LIECHTENSTEIN** (1999): “The Committee ... recommends that a review be made of the law relating to prostitution to ensure that prostitutes are not penalized” (par. 168).

**PHILIPPINES** (1997): “The Committee was further informed that prostitution was illegal in the Philippines. However, the representative noted that there had been changes in public opinion on that subject, and much debate had been taking place in the country in relation to the issue” (par. 280).