

CEDAW: USA Consideration, Exposure of Arbitrary UN Committee

by Thomas W. Jacobson (July-August 2012)

Several United States Administrations and members of Congress have supported USA ratification of the United Nations' Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), without adequately discerning the great harm it would bring upon our nation, our liberties, and our representative systems of government. When CEDAW is ratified by a nation, it has a more intrusive effect upon policies at all levels of government and society than any other multilateral treaty in history. The 23-member unaccountable CEDAW Committee instructs national governments what policies and practices they must impose upon their entire countries to be in compliance with the treaty. Americans already have a glimpse of how CEDAW would transform the U.S. by observing the Obama Administration's unprecedented tactics and tenacity toward gaining federal control over the American people, countless areas of policy, and the economy.

The last brief showed that ratifying CEDAW would violate both the U.S. Constitution and UN Charter, and discussed serious problems with the articles of the treaty. This brief begins by tracking Administration and Congressional actions pertaining to CEDAW. Then it reveals more reasons why the USA should never ratify CEDAW: (1) foreigners will seek to dictate domestic policy at all levels to Americans, and (2) the Committee goes far beyond the provisions of the Convention, making arbitrary judgments in many areas. For example, the George H. W. Bush Administration recognized how it would infringe upon our federal government and military, whereby our "longstanding military policies barring women from combat missions" would be challenged.¹

United States Actions

The Jimmy Carter Administration was fully engaged in the drafting and negotiating of CEDAW, which was adopted by the General Assembly on 18 December 1979. It was opened for signature in March 1980. At the Second World Conference on Women, held 14- 30 July 1980 in Copenhagen, a special signing ceremony was held on 17 July 1980. A total of 50 nations signed CEDAW that day; Sarah R. Weddington signed on behalf of the United States.² Twelve more signed on other days during the Conference.

The Obama Administration is the fifth U.S. Administration (all except President Reagan) supportive of CEDAW with reservations. Both the Bill Clinton and George W. Bush Administrations transmitted ratification packages to the Senate, in 1994 and 2002 respectively. Each time, a majority on the Senate Foreign Relations Committee (SFRC) responded by voting in favor of CEDAW, sending it to the full Senate. But the Senate has never approved it. Several members of Congress have repeatedly introduced failed resolutions, trying to get the Senate or

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Administration to move forward. The late Senator Jesse Helms (NC), and Representatives Christopher Smith (NJ-4) and Thaddeus McCotter (MI-11), responded with resolutions exposing harmful practices of the CEDAW Committee.

United States Executive and Congressional Actions on CEDAW³

President or Congress	Date/Year	Action
Rep. Clement Zablocki (Wisconsin, 4 th District)	1 July 1980	Introduced H.Res.738 (not passed), calling on USA delegation to sign CEDAW at Copenhagen Conf. on Women
Sarah R. Weddington, Carter Administration	17 July 1980	62 nations signed CEDAW, including USA, during World Conference of the UN Decade for Women, Copenhagen
Carter Administration	12 Nov. 1980	Administration transmitted CEDAW to Senate
Rep. Gus Yatron (Pennsylvania, 6 th Dist.)	25 Sep. 1990	Introduced H.Res.476 (not passed), urging the President to seek Senate “advice and consent” to ratify CEDAW
Rep. Gus Yatron	22 Oct. 1991	H.Res.116 (passed House) called on President to “promptly complete the review” of CEDAW and send any reservations to Senate so it could complete its review, give advice/consent
Rep. Christopher Smith (New Jersey, 4 th Dist.)	24 Oct. 1991	Introduced H.Res.261 (not passed), urging President to add reservation that CEDAW can’t be used to promote abortion
Rep. John J. LaFalce (New York, 29 th District)	21 Sep. 1993	Introduced H.Res.253 (not passed), urging Senate to approve 7 UN treaties, including CEDAW
Rep. Lynn Woolsey (California, 6 th District)	21 Jan. 1993	Introduced H.Res.38 (not passed), urging the President to “complete the review” so Senate could give advice & consent
Rep. Olympia J. Snowe (Maine, 2 nd District)	20 May 1993	Introduced H.R.2231 (not passed), that would have required Secretary of State to report position on ratification of CEDAW
Clinton Administration	1994	Administration submitted ratification package to Senate, with an analysis of each article of CEDAW
Senate Foreign Relations Committee	29 Sep. 1994	SFRC voted in favor of CEDAW and sent it to the full Senate, but the Senate took no action
Rep. Carolyn Maloney	1995, 1997	Introduced 2 resolutions (not passed), supporting CEDAW
Rep. Maloney (NY, 14 th)	6 Mar. 1997	Introduced H.Con.Res.39 (not passed), supporting CEDAW
Sen. Barbara Boxer (California)	1999, 2000	Introduced 3 resolutions (not passed), calling Senate Foreign Relations Committee to hold hearings on CEDAW
Sen. Jesse Helms (NC), Chairman, SFRC	11 May 2000	Introduced 2 resolutions (not passed), saying Senate should reject CEDAW: “demeans motherhood,” undermines family
Rep. Constance Morella (Maryland, 8 th District)	24 Oct. 2000	Introduced H.R.5533 (not passed), calling for Congressional hearings, and Senate “advice and consent” on CEDAW
Rep. Constance Morella	9 April 2002	Introduced H.R.4114 (not passed), calling on SFRC to hold hearings and support CEDAW ratification
George W. Bush Administration	2002	Administration submitted CEDAW ratification package to Senate, with reservations and understandings
Senate Foreign Relations Committee	30 Jul 2002	SFRC voted in favor (12-7) of CEDAW and sent it to the full Senate, but the Senate did not act to give its consent
Rep. Jackson-Lee (TX,18)	28 July 2006	Introduced H.R.970 (not passed), supporting CEDAW
Rep. Thaddeus McCotter (Michigan, 11 th District)	23 Sep. 2008	Introduced H.Res.1482 (not passed), condemning UN treaty committees (CEDAW, Human Rights Comm.) for pressuring and coercing Ireland to remove restrictions on abortion
Rep. Lynn Woolsey	1995 - 2011	Introduced resolutions every Congress (none passed) calling upon Senate to “give its advice and consent” to ratify CEDAW

The strategy of the Obama Administration is to get less controversial UN social policy treaties through first, which they hope will clear the way for CEDAW.

CEDAW Committee Members

The CEDAW Committee, which monitors Party Nation compliance with the Convention, is comprised of 23 “experts” from 23 countries. Each Party Nation may nominate one candidate at bi-annual meetings of the National Parties. Those elected serve four-year terms, and can be re-elected indefinitely. The Convention requires that “experts” be “of high moral standing and competence in the field,” but only the second requirement appears to be considered. They are accountable to no one, including their own governments. Europe invariably gains about one-third of the seats, even though “equitable geographical distribution” is required (Art. 17.1).

The present chairman is Silvia Pimentel from Brazil, who is very liberal; she pressures nations to legalize or increase access to abortion, and promotes sexual “rights.”

Region	Countries of CEDAW Committee Members (2012)⁴
Africa (4)	Algeria, Egypt, Kenya, Mauritius
Asia (4)	Afghanistan, Bangladesh, China, India
Americas & Caribbean (4)	Brazil (chairman), Cuba, Jamaica, Paraguay
Europe (7)	Croatia, Finland, France, Romania, Slovenia, Spain, Switzerland
Island Nations (2)	Japan, Timor Leste
Middle East (2)	Israel, Turkey

If the United States ratifies CEDAW, then these 23 “experts” – mostly ardent feminists who are not representative of the vast majority of women in the world – or their replacements, will oversee our national, state, and local governments, including the legislative bodies. Do we really want foreigners to judge our well-reasoned practices, and dictate military and domestic policy to us?

Arbitrary Committee

The CEDAW Committee holds three, three-week sessions a year, reviewing 7-8 nations each time. The Committee uses two tracks: (1) article-by-article systematic review of the nation’s compliance with the Convention; (2) raising additional issues that are not in the treaty, but that are judged by the Committee as pertinent.

Regarding the second track, the George W. Bush Administration became so concerned about the Committee’s arbitrary rulings that they began monitoring it, leading to a 2008 formal statement at the United Nations made by U.S. Ambassador McMahan:

The CEDAW Committee of Experts has addressed some of the most persistent and entrenched inequalities in society. ... At the same time, however, the United States regrets that the CEDAW Committee, through the country review sessions and Concluding Comments, often presses for legislative changes far beyond the text and spirit of the Convention itself. That approach may result in undermining respect for international law and the important work of treaty bodies more generally.⁵

In 2000, the late Senator Jesse Helms (NC), then Chairman of the Senate Foreign Relations Committee, through which CEDAW must pass whenever considered, took the unusual step of introducing two resolutions urging the Senate to “reject” the treaty. Why? Because, he said, “motherhood is a God-given right of women to bear and rear children,” and CEDAW “demeans motherhood and undermines the traditional family.”⁶ One of the most common areas of Committee pressure pertains to stereotypes, particularly the portrayal of women in motherly, homemaker, or traditional feminine roles. Senator Helms was especially disturbed about their opposition to Mother’s Day. Each year, they coerce most nations on stereotypes, with a record 24 in 2008. For example, in 2007, they told Brazil “to deconstruct myths and negative stereotypes about the roles and responsibilities of women and men in the family and the wider community.”⁷

Another common area of arbitrary pressure is quotas. The Convention does not mention quotas, but allows for “temporary special measures” in Article 4. The Committee interprets this provision as requiring nations to impose quotas to ensure women are elected or appointed to leadership positions in the executive, legislative, and judicial branches of government. When Nicaragua complied and implemented a quota system that was failing, the Committee member from Algeria instructed the country delegation to: “transmit to your country leaders that CEDAW prevails over your national laws. ... You need to have the political will to impose this Convention ... and you should come next time with a law that would ensure at least 40 percent of women elected.”⁸

Abortion and sexual “rights” are the most egregious areas of the Committee’s arbitrary pressure upon nations. The Committee has coerced over 83 nations to liberalize their laws prohibiting or restricting abortion, and to affirm reproductive or sexual “rights” (with no limitations based on marriage, age, or gender). Within the Americas and Caribbean, the Committee has pressured: Antigua & Barbuda, Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Dominica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Lucia, Saint Vincent & the Grenadines, Suriname, Uruguay, and Venezuela. They told Mexico to grant “access to rapid and easy abortion” and RU486, and “harmonize legislation pertaining to abortion at the federal and State levels.”⁹

The CEDAW Committee appropriately opposes “forced prostitution,” or “the exploitation of women in prostitution,” or the penalization of only the prostitute and not the man soliciting, or human trafficking; but shamelessly is not opposed to prostitution itself. For example, they told South Korea “to review its law on prostitution in order to ensure that women in prostitution are not criminalized.”¹⁰ Does the UN treaty committee tasked with protecting women actually believe prostitution is good for women?!?

Concluding Comments

Thus far, CEDAW has not been ratified because enough Americans are discerning about its implications, and expressed those concerns to our Government; and because either the particular Administration or enough Senators recognized serious problems with CEDAW and its compliance Committee, or cared enough about our representative forms of

government and their oath to uphold the U.S. Constitution. To have a UN committee of foreigners—who are accountable to no one and dictate arbitrary policy to nations—oversee our domestic policies pertaining to women in areas such as health care, contraception, abortion, education, employment, business, government, military service, etc., would be totally un-American!

¹ Statement by Alan J. Kreczko, Deputy Legal Adviser, testimony before the Senate Committee on Foreign Relations, 2 August 1990. See, “Digest of United States Practice in International Law, 1989- 1990,” Margaret S. Pickering, Sally J. Cummins, David P. Stewart, Editors, Office of the Legal Adviser, U.S. Department of State (International Law Institute), pp. 168, 170.

² Written and archive documentation received from the United Nations, Treaty Section of the Office of Legal Affairs.

³ All legislation retrieved from the Library of Congress website: thomas.loc.gov. Administration information received mostly from U.S. Department of State.

⁴ Committee on the Elimination of Discrimination against Women – Membership.” <http://www2.ohchr.org/english/bodies/cedaw/membership.htm>

⁵ Statement made on 21 October 2008 before the UN Third Committee. See, “Digest of United States Practice in International Law, 2008,” Elizabeth R. Wilcox, Editor, Office of the Legal Adviser, U.S. Department of State (Oxford University Press, International Law Institute), pp. 266-267.

⁶ Senate Resolutions 306 & 307, introduced by Senator Jesse Helms, 11 May 2000, 106th Congress.

⁷ “CEDAW Committee Fails to Discern Good from Bad Stereotypes, and Pressures Nations to Eradicate the Identity of Women as Mothers,” Thomas W. Jacobson, while serving as Representative to the United Nations, Focus on the Family.

⁸ Author’s eyewitness notes from attending CEDAW review of Nicaragua.

⁹ “CEDAW Committee Rulings Pressuring 83 Party Nations to Legalize Abortion: 1995-2010,” Thomas W. Jacobson, Focus on the Family.

¹⁰ “CEDAW Committee Rightly Pressures Nations on Trafficking and Forced Prostitution, But Favors Voluntary Prostitution,” Thomas W. Jacobson, Focus on the Family.