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CEDAW Reality Check

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What is CEDAW?

Isn't CEDAW just a simple document declaring the equal rights of women?"

Hardly. CEDAW is a binding international treaty called The Convention on the Elimination of All forms of Discrimination Against Women. Although it sounds like something everyone should be able to support, it has been used to promote a radical feminist agenda. While the language of the treaty was carefully negotiated by sovereign states, the CEDAW committee, also called a "treaty monitoring body" or "compliance committee," has told more than 90 countries that they must legalize abortion or further liberalize their abortion laws. They do this without any authority from sovereign states.

Critics claim CEDAW promotes abortion, but isn't the CEDAW treaty silent on abortion?"

That's disingenuous. While the document does not mention the word abortion, the unelected and unaccountable CEDAW committee says that abortion rights are in "the spirit of the treaty."¹

The committee created its own interpretation of the articles of the treaty to find a right to abortion. One such interpretation on the health article (article 12) states that, "When possible, legislation criminalizing abortion should be amended"² even though the treaty doesn't mention abortion. What's more, the interpretation promotes judicial activism to promote abortion, warning states that they "must also put in place a system that ensures effective judicial action. Failure to do so will constitute a violation of article 12."

If the states that negotiated the treaty had thought that it might be interpreted to include abortion, then they would have made reservations or statements at the time they adopted or ratified the treaty. But not a single one of the 185 countries that ratified the treaty has made a reservation to article 12, even those with restrictive laws against abortion. This is true even though states made far more reservations to CEDAW than they did to similar treaties. Yet the CEDAW committee continues to say that the "spirit of the treaty" includes a right to abortion.

But even if the U.S. ratifies CEDAW it won't change any U.S. laws, will it?"

That is also disingenuous. If ratified by the US Congress, CEDAW will become the law of the land. Because it will become the law of the land, it will also be adjudicable, that is, subject to myriad

lawsuits. Ratification of CEDAW has already changed laws around the world, most recently in Colombia, where the high court struck down their laws against abortion based on CEDAW. It is certain that passage of CEDAW by the United States will ensure that CEDAW is referenced when *Roe v. Wade* is revisited by the Supreme Court. The treaty will either be referenced by the majority upholding *Roe* or by the minority when *Roe* is overturned. The Supreme Court of the United States has already begun referencing international instruments, so we should fully expect CEDAW to be referenced the same way.

It is also certain that CEDAW will be used by litigious radical feminists to change other American laws. For instance, the CEDAW committee regularly misinterprets the treaty to pressure states to impose a quota system called “gender balancing,” insisting that national and local governments should be half male and half female. If the United States ratifies CEDAW, it would be used to impose a quota system for federal and state political office holders.

Isn't US ratification of CEDAW necessary in order to increase the status of the treaty and thereby help women around the world?

No. The fact that the United States ratified the International Covenant on Civil and Political Rights (ICCPR) and other international instruments has not stopped human rights violations across the globe. Ratifying another human rights treaty, especially one that is focused on promoting abortion the radical feminist agenda, is not the way to help the women most in need.

The United States continues to help women in developing states by promoting good governance, funding access to clean water, basic health care, better education and other needs for women and their families. After 28 years, there is little evidence that the CEDAW treaty or committee has done as much for women. UN agencies, by their own admission, have failed to improve the plight of women who are most in need. For instance, the UN Secretary General recently admitted that violence against women is “severe and pervasive”³ around the world despite UN efforts.

Clearly, ratifying CEDAW is not the answer to the plight of women. Not only must the U.S. reject ratifying the treaty, it should call on states that have ratified the convention to defy the CEDAW committee when it pressures them to liberalize abortion, legalize prostitution, and otherwise abuse their elite UN position to exploit the hopes of women in order to push a radical social agenda.

Isn't the US alone in the world in not ratifying CEDAW?

Almost alone, yes. But, you should know that dozens of governments sign these documents without any intention of implementing them. The difference in the US is that we take our treaty obligations seriously. Ratified treaties become a part of US law and must therefore be considered very carefully and rejected even if we have to stand alone.

Notes:

¹ Shanthi Darian, CEDAW committee expert, statement at the Commission on the Status of Women, 5 March 2007.

² General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), resolution 34/180 (December 18, 1979), General Recommendation 24.

³ *Japan Today*, October 11, 2006.



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