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ISSUE ANALYSIS

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## **United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**

### ***I. What is it?***

In 1980, President Jimmy Carter signed the United Nation's Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). While it has received sporadic attention over the last 20 years, it has now resurfaced with a vengeance in the Senate and appears to be on the fast track to ratification. Broadly worded and thus open to numerous interpretations, this treaty addresses everything from education to family size. CEDAW would grant the United Nations power over United States domestic policy and would break down natural jurisdictional distinctions between the individual, the family, and the state.

### ***II. What would ratification mean for America?***

CEDAW represents an astounding transfer of influence over domestic policy from the United States to the United Nations. A direct threat to U.S. citizens who respect the traditional family and the the individual liberty we have in this country, the treaty contains many dangerous provisions. Some of its potentially detrimental effects are outlined below.

#### ***The Convention Would Become the Supreme Law of the Land***

If two-thirds of the U.S. Senate, present during the time of the vote, ratified this treaty, it would become the "supreme law of the land" according to Article 6, Section 10 of our Constitution. (This would effectively amend our Constitution without requiring the ratification by three-fourths of the states.) While the United Nations does provide a process by which signatory nations indicate the portions of a treaty to which they object, even while they are ratifying the

document, such “reservations” would not exclude those portions from becoming law in the United States. No matter what reservations the Senate would express, a ratified CEDAW would be legally equal with the Constitution.

***The Treaty Would Affect Education in the United States***

Article 10 of CEDAW requires all signatory countries to make legislation for “all forms of education.” The treaty makes no distinctions between private, public, and home education. Both the specific provisions and the broad policy implications of the treaty could apply to non-public education. Additionally, the convention imposes curriculum mandates and textbook revision for the purpose of eliminating “sexual stereotypes” on all forms of education. This gives unthinkable content control over our education not only to state and federal governments, but also ultimately to the United Nations.

***The Treaty Would Violate the Civil Liberties of the Individual and the Family***

CEDAW devotes much attention to women’s reproductive rights, repeatedly referencing the link between discrimination and women’s reproductive role. This is the only human rights treaty to mention family planning. Signatory nations are obliged to include advice on family planning in the education process and to guarantee women’s rights “to decide freely and responsibly on the number and spacing of their children and to have access to the information, education, and means to enable them to exercise these rights” (Article 16). It is conceivable that certain passages of the treaty would protect the institution of abortion. Furthermore, it seems this treaty targets traditional family rights and it attempts to “liberate” mothers from their nurturing role in the family. Finally, CEDAW calls for government to eliminate the “stereotyped concept of the roles of men and women at all levels . . .” And the UN would define the meaning of stereotype.

CEDAW is laced with questionable policy objectives and, if ratified, would surrender U.S. sovereignty to a UN committee established by the treaty to oversee the enforcements of its provisions. Speaking against CEDAW, former U.S. permanent Representative to the UN, Jeanne Kirkpatrick, said, “It is silly to pretend that ratifying a UN treaty will help women.” Instead, she pointed out that women around the world could benefit from experiencing the freedoms, rights, and protections that American women already enjoy.

***III. How has it played out in other countries?***

In order to ensure that signatory nations implement the provisions of the convention, CEDAW has established a committee of 23 UN members to oversee these nations and recommend action they should take to comply with the treaty. In 1999, the CEDAW committee recommended the decriminalization of prostitution in China. It has expressed concern that Belarus celebrates Mother’s Day and lectured Armenia on the need to “combat the traditional stereotype of women in the noble role of mother.” The committee has stated that too many Slovenian mothers were staying home to raise their children. It has urged the nation of Andorra to order a review of textbooks concerning sex education used by the Catholic schools, given that a majority of young women attend Catholic schools in that country. The *Washington Times* reported that, earlier this

year, the CEDAW committee criticized Belgium for failing to achieve recommended political quotas for that country. In response, Belgian officials announced a new law reserving 50 percent of all candidate slots for women.

The CEDAW committee's authority undermines the sovereignty of signatory nations. Although treaty provisions allow nations to express reservations about certain portions of the convention, the committee can reject any reservations it feels are "incompatible with the object and purpose of the present convention."

#### ***IV. What is the current status?***

In July 2002, CEDAW passed the Senate Foreign Relations Committee and now awaits consideration by the full United States Senate. Senate Foreign Relations Committee Chairman Joe Biden stated that it was his desire to see a ratification vote this fall.

#### ***V. Do we need to be concerned?***

"Over 200 years ago, the founders of this nation fought a war so that Americans could decide our own affairs," said Tom Washburne, Director of HSLDA's National Center for Home Education. "Since then, every generation of Americans has fought to preserve this freedom. Why should we transfer any issue of our domestic policy away from our elected officials and give it to a UN committee of 'experts'?"

If we want to protect our liberty as Americans and the sovereignty of our nation, we must guard it vigilantly and be ready to take action on CEDAW whenever the opportunity is available to do so.

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