

## HOW U.N. CONVENTIONS ON WOMEN'S AND CHILDREN'S RIGHTS UNDERMINE FAMILY, RELIGION, AND SOVEREIGNTY

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### *EXECUTIVE SUMMARY*

U.N. committees charged with offering guidance on the obligations incumbent upon nations that have ratified the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW") and the Convention on the Rights of the Child ("CRC") are, instead, advancing a radical agenda harmful to the best interests of societies and states, under the cover of providing review and recommendations. In doing so, these U.N. committees are decisively undermining the sovereignty of state parties to the treaties in matters that have always been within the domestic jurisdiction of individual states to decide. These committees have recommended -

- Legalizing prostitution and elevating it to the status of a profession
- Diminishing the legal protection of freedom of conscience
- Diminishing parental guidance for teenagers' emerging sexuality
- Promoting access to abortion, contraception, and other "medical" services for children without parental consent
- Promoting contraceptive use without regard to its social consequences
- Promoting abortion under the fiction of an international law mandate
- Demeaning traditional motherhood and those who support it
- Promoting professional child care for newborns
- Equating mild spanking of children by their parents with serious physical abuse
- Objecting to the influence of religion on society
- Objecting to the protection of rights of religious minorities

If these recommendations were followed, marriage and family would be further undermined, as would religious freedom.



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While social science has conclusively demonstrated that the married, two-parent family that worships weekly is the healthiest by every measure, these U.N. committees urge society, in the name of “human rights,” to undertake policies that drive it in the opposite, harmful direction.

Furthermore, social deconstructionists are citing such recommendations in academic journals and in U.S. courts as evidence of emerging international law that, they argue, is binding upon the United States. Any credence the U.S. gives to U.N. committee recommendations only contributes to the argument that the U.S. is bound thereby, and activist judges will surely so hold – unless the U.S. makes clear that it rejects the ideologically driven work of these committees.

The United States should never ratify either treaty.

### *Introduction*

Few Americans are aware that an effort is underway within the United Nations system to undermine the foundations of society – the natural family, religious freedom, the sanctity of human life, and the legal and social structures that protect them. This effort is led by committees charged with helping realize the goals of international treaties concerned with the rights of women, children, and the disabled.<sup>1</sup> These committees are urging countries to change their domestic laws and national constitutions to adopt policies that will, ultimately, adversely affect women, children, and the rest of society.

This is a radical agenda for an organization that proclaims, in its Universal Declaration of Human Rights, that “The family is the natural and fundamental group unit of society and is entitled to protection by society and the state”<sup>2</sup> and “Everyone has the right to life.”<sup>3</sup> Furthermore, the United Nations historically has included in treaties and documents language affirming a nation’s right to determine its cultural norms and practices. The U.N. Charter itself states that “Nothing contained [herein] shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter.”<sup>4</sup> And a 1960 General Assembly Resolution states that “All peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of

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<sup>1</sup> Each “human rights” treaty routinely contains provisions for the election of a committee. There are separate committees for each treaty. Thus, there are separate CEDAW and CRC committees. Since their recommendations are quite similar on the topics we discuss, and since the problems they exemplify are the same, we do not separate CEDAW recommendations and CRC recommendations in separate sections, but we do identify which committee made a particular recommendation when we discuss that recommendation.

<sup>2</sup> Universal Declaration of Human Rights, Article 16, at <http://www.un.org/Overview/rights.html>.

<sup>3</sup> Universal Declaration of Human Rights, Article 3, at <http://www.un.org/Overview/rights.html>.

<sup>4</sup> United Nations Charter, Article 2, Para. 7.

their national territory.”<sup>5</sup> Indeed, it is unlikely that powerful nations would ever have joined the U.N. if it meant they had to sacrifice their sovereignty in domestic social matters to do so.

But the U.N.’s long-standing respect for the right of sovereign nations to set their own domestic policies has yielded to a leftist agenda espoused in U.N. committee reports and documents, particularly those relating to the implementation of the Convention on the Rights of the Child (CRC),<sup>6</sup> and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).<sup>7</sup> The discussion of U.N. reports that follows offers specific examples of this unfolding agenda by examining directives U.N. committees have given nations over the past dozen years or so. Most of these reports are instructions to signatory states on how they can best implement CRC and CEDAW. Under the auspices of the U.N. High Commissioner for Human Rights, many of these committee reports urge countries to:

- Remove their prohibitions on prostitution and eventually legitimize it. For example, a CEDAW committee report on Germany – which has legalized prostitution – notes with disdain that “although they are legally obliged to pay taxes, prostitutes still do not enjoy the protection of labor and social law.”<sup>8</sup>
- Make abortion a “demand right” protected by national and international law, with unrestricted access for teenagers, and make the non-provision of abortion a crime in all cases, even for reasons of conscience. A report to Croatia, for example, finds “the refusal, by some hospitals, to provide abortions on the basis of conscientious objection of doctors...[constitutes] an infringement of women’s reproductive rights.”<sup>9</sup>
- De-emphasize the role of mothers and increase incentives for them to work rather than stay home to care for children.<sup>10</sup> The U.N. criticized the republic of Georgia,

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<sup>5</sup> U.N. General Assembly Resolution 1514 (XV), December 14, 1960 See Robert John Araujo, “Sovereignty, Human Rights and Self-Determination: The Meaning of International Law,” Brigham Young University Conference on the United Nations and the Family, June 2000, p. 14.

<sup>6</sup> The 18 members of the United Nations Committee on the Rights of the Child (CRC Committee) include “experts” in human rights and international law, and juvenile justice. The committee holds three sessions a year. See [HTTP://WWW2.OHCHR.ORG/ENGLISH/BODIES/CRC/MEMBERS.HTM](http://www2.ohchr.org/english/bodies/crc/members.htm).

<sup>7</sup> The United Nations Committee on the Elimination of Discrimination Against Women (CEDAW Committee) includes 23 “experts” on women’s issues. Its mandate is to monitor progress made by signatories in fulfilling treaty obligations. At biannual meetings, members review reports submitted by states the year after signing the treaty and every four years thereafter. See [HTTP://WWW.UN.ORG/WOMENWATCH/DAW/CEDAW/REPORTS.HTM](http://www.un.org/womenwatch/daw/cedaw/reports.htm) for most of the CEDAW reports cited in this study.

<sup>8</sup> CEDAW Committee, 22nd Sess. (2000), “Report on Germany,” Para. 39.

<sup>9</sup> Report of the United Nations Committee on the Elimination of Discrimination Against Women, 13th Sess., to the General Assembly of the United Nations, 53rd Sess. (1998), “Report on Croatia,” Document #A/53/38, Para. 109.

<sup>10</sup> See Mark Genuis, *The Myth of Quality Day Care* (Calgary, Alberta: National Foundation for Family Research and Education, 2000).

for example, for “the prevalence of stereotyped roles of women in Government policies, in the family, in public life based on patterns of behavior and attitudes that overemphasize the role of women as mothers.”<sup>11</sup> The committee even criticized the observance of Mother’s Day in Belarus.<sup>12</sup>

- Reduce parental authority while expanding children’s “rights.” In 1995, for example, the CRC committee rebuked the United Kingdom for permitting parents to withdraw their children from sex-education classes if they disagreed with the content.<sup>13</sup> The CRC committee frequently issues interpretative frameworks for the treaty that insist upon the rights of children to sex education and so-called “reproductive health services” with or without the consent of their parents.<sup>14</sup>
- Encourage governments to change religious rules and customs that impede the committee’s efforts. A report on Indonesia states, for example, that “the most significant factors inhibiting women’s ability to participate in public life have been the cultural framework of values and religious beliefs.”<sup>15</sup>

Armed with such committee recommendations, leftists, both within and without the U.N. system, are promoting an agenda that is opposed to the natural rights of the family and to the sovereignty of nations (particularly to their right to determine domestic policies on parental rights and religious expression). The U.N.’s CRC and CEDAW committees may insist that their recommendations are in the best interests of children and women, but in reality they will greatly expand government programs and adversely affect the future for women and children.<sup>16</sup> The simple fact, ignored by many U.N. committees, is that evidence from social science research demonstrates that the best environment in which to raise healthy, well-adjusted children is the married, two-parent family that worships regularly.<sup>17</sup>

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<sup>11</sup> CEDAW Committee, 21st Sess. (1999), “Report on Georgia,” Para. 30.

<sup>12</sup> CEDAW Committee, 22nd Sess. (1999), “Report on Belarus,” Para. 27.

<sup>13</sup> CRC Committee, 8th Sess., *Concluding Observations of the Committee on the Rights of the Child: United Kingdom of Great Britain and Northern Ireland*, CRC/C/15/Add.34, February 15, 1995.

<sup>14</sup> See CRC Committee, General Comment No. 4 (2003).

<sup>15</sup> Report of the United Nations Committee on the Elimination of Discrimination Against Women, 18th Sess., to the General Assembly of the United Nations, 53rd Sess. (1998), “Report on Indonesia,” Document #A/53/38, Para. 10.

<sup>16</sup> Nicky Ali Jackson, “Observational Experiences of Intrapersonal Conflict and Teenage Victimization: A Comparative Study Among Spouses and Cohabiters,” *Journal of Family Violence*, Vol. 11 (1996), pp. 191–203. For a review of literature on the effects of family structure on child abuse, see Patrick F. Fagan, “The Child Abuse Crisis: The Disintegration of Marriage, Family, and Community,” Heritage Foundation *Backgrounders* No. 1115, May 15, 1997, at <http://www.heritage.org/library/categories/family/bg1115.html>.

<sup>17</sup> See [HTTP://WWW.MAPPINGAMERICAPROJECT.ORG/](http://www.mappingamericaproject.org/).

## *The U.S. Role*

The United States has not ratified CRC or CEDAW (although President Bill Clinton signed the CRC on February 23, 1995). Leaders in Congress and past Administrations considered both CRC and CEDAW too controversial.

Nevertheless, there has been a steady increase in the volume of voices calling upon the United States to ratify CRC and CEDAW. During the confirmation hearing of Hillary Rodham Clinton to be Secretary of State and Susan Rice to be Ambassador to the United Nations, Senator Barbara Boxer asked about CEDAW and CRC, calling America's failure to ratify them a "shame" and "embarrassment."<sup>18</sup> Ms. Rice supported Sen. Boxer's characterization, but declined to comment on how pressing a priority their ratification will be to the Obama administration. While Ms. Clinton did not respond regarding CEDAW and CRC, she did agree that the United States should ratify the United Nations Convention on the Law of the Sea.<sup>19</sup>

On the other hand, President Barack Obama has singled out the Treaty on Persons with Disabilities as one he would like to see ratified. President Obama's campaign literature stated, "As president, Barack Obama will renew America's leadership by making the United States a signatory to the U.N. Convention on the Rights of Persons with Disabilities – the first human rights treaty approved by the U.N. in the 21st century and a vital foundation for respecting the rights of people with disabilities worldwide. He will urge the U.S. Senate to ratify the Convention expeditiously."<sup>20</sup>

Though discrimination against persons with disabilities is, of course, wrong, in the world of the United Nations, the matter is not as straightforward as it seems. The treaty concerning the rights of disabled persons is quite new, being submitted to states for possible recommendation only in 1997. The treaty includes the following language: "persons with disabilities [are to be provided] with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health." There has been a long-standing effort by those favoring abortion to include language about "sexual" and "reproductive" "health" or "care" or "services" in international documents, including treaties, in order to claim that such language implicitly includes a right to abortion. Thus, it is likely that when the committee on the disabilities treaty begins operating, it will assert, in recommendations and reports, that nations which have ratified the treaty are obligated to provide abortion for the disabled.

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<sup>18</sup> [HTTP://WWW.UNDISPATCH.COM/ARCHIVES/2009/01/LIVE-BLOGGING\\_S.PHP](http://www.undispatch.com/archives/2009/01/live-blogging_s.php).

<sup>19</sup> [WWW.SENATE.GOV/FPLAYERS/COMMPLAYER/COMMFLASHPLAYER.CFM?FN=FOREIGN011309 &ST=435](http://www.senate.gov/fplayers/commplayer/commflashplayer.cfm?fn=foreign011309&st=435).

<sup>20</sup> [HTTP://WWW.BARACKOBAMA.COM/PDF/DISABILITYPLANFACTSHEET.PDF](http://www.barackobama.com/pdf/disabilityplanfactsheet.pdf).

## *The Pro-family Language of the Foundational Human Rights Documents*

The nuclear family has always received special and honorable treatment in law and policy, international and domestic, because of the value it adds to the social order. Thus, in many of the U.N.'s foundational declarations and treaties, the central, irreplaceable role of the family is emphasized.

For example, in what is universally recognized as the most important of all human rights documents, the Universal Declaration of Human Rights,<sup>21</sup> it is stated that the family is “entitled to protection by society and the state.”<sup>22</sup> Furthermore, “Motherhood and childhood are entitled to special care and assistance.”<sup>23</sup>

The International Covenant on Economic, Social and Cultural Rights (the “ICESCR”)<sup>24</sup> states:

The widest possible protection and assistance should be accorded to the family, *which is the natural and fundamental group unit of society*, particularly for its establishment and while it is responsible for the care and education of dependent children.<sup>25</sup>

States Parties...[should] respect...the liberty of parents...to choose for their children schools, other than those established by the public authorities...and to ensure the religious and moral education of their children in conformity with their own convictions.<sup>26</sup>

The International Covenant on Civil and Political Rights (the “ICCPR”)<sup>27</sup> states, “The family is *the natural and fundamental group unit of society* and is entitled to protection by society and the State.”<sup>28</sup> Furthermore, the fundamental right of religious freedom, which the ICCPR recognizes, includes parents’ rights to choose their child’s education “in conformity with their own convictions.”<sup>29</sup>

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<sup>21</sup> The Universal Declaration is not a treaty; rather, as its name implies, it is a declaration of what are human rights. It was issued by the U.N. at its founding in 1948. Thereafter, its provisions (i.e., the rights it recognized) were to be implemented (that is, recognized in law) in a series of “human rights” treaties, each of which is legally binding only on nations that ratify the treaty in question. While some argue that the Universal Declaration itself is “customary international law” (more on that subsequently in this paper), that is a minority view among legal scholars.

<sup>22</sup> Universal Declaration of Human Rights, Article 16.

<sup>23</sup> Universal Declaration of Human Rights, Article 25, Para. 2.

<sup>24</sup> Adopted by the U.N. General Assembly on December 16, 1966.

<sup>25</sup> International Covenant on Economic, Social and Cultural Rights, Article 10 (emphasis added). The covenant entered into force on January 3, 1976.

<sup>26</sup> *Ibid.*, Article 13.3.

<sup>27</sup> Adopted by the U.N. General Assembly on December 16, 1966.

<sup>28</sup> International Covenant on Civil and Political Rights, Article 23.1 (emphasis added).

<sup>29</sup> *Ibid.*, Article 18, which entered into force on March 23, 1976.

The ICCPR and the ICESCR<sup>30</sup> each state in their opening articles that “All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”<sup>31</sup>

Thus, the most important documents of the international human rights system establish that state sovereignty is to be respected, the family is the foundation of society, the state must respect and assist the family (not substitute for it), and the right to religious freedom is closely intertwined with familial and parental rights.

### *The Threat from Judicial Activism*

Though it may come as a surprise that the CRC and CEDAW committees ignore these principles when “interpreting” their respective treaties, it might seem somewhat unimportant – one might think that whatever a U.N. committee says is irrelevant to life in the United States, particularly when the treaty in question, CRC or CEDAW, has never been ratified by the U.S. However, such a view is mistaken. The political left has long argued that rights to abortion and to same-sex marriage have arisen under international law, and that such law binds the United States.

Reflecting on the 42nd and 43rd sessions of the CEDAW committee in February 2009, the committee stated that

There is no doubt that also in 2008 full equality, both formal and substantive, of women and men around the world has not yet been achieved. Nevertheless, the CEDAW Committee is convinced that the principle of equality of women and men in the enjoyment of all human rights and fundamental freedoms does not only constitute a crucial treaty obligation, but is also emerging as a principle of customary international law. All states can be held accountable for complying with this principle which can be seen as the cornerstone of all human rights.<sup>32</sup>

The academic left argues that such anti-discrimination language, coupled with language about “reproductive health” (as well as “various forms of the family”), implicitly includes a right to abortion (and to same sex marriage). Their argument is clearly misguided – if nations wanted to provide for a right to abortion, they could do so expressly in a treaty, which other nations could ratify or not. However, given the fact that many judges in the United States often taken an activist role – seeking to advance “contemporary”

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<sup>30</sup> The ICCPR and the ICESCR are sometimes referred to as the “first generation” of human rights treaties. Others, such as CRC and CEDAW, are of the “second” generation, that is, they are derivative of rights recognized in the Universal Declaration as well as particularized specifications of rights secured in the ICCPR and the ICESCR.

<sup>31</sup> *Ibid.*, Article 1.1, and International Covenant on Economic, Social and Cultural Rights, Article 1.1.

<sup>32</sup> [HTTP://WWW2.OHCHR.ORG/ENGLISH/BODIES/CEDAW/DOCS/E-CN6-2009-CRP-1.PDF](http://www2.ohchr.org/english/bodies/cedaw/docs/E-CN6-2009-CRP-1.pdf).

understandings of “rights,” rather than to enforce terms as the drafters intended<sup>33</sup> — there is a substantial risk that the recommendations of U.N. committees will be found to be important evidence of what international law requires.<sup>34</sup> In fact, lawsuits claiming this have already been filed in the U.S., though so far they have been dismissed on technical legal grounds.<sup>35</sup> (The great irony is that U.N. committees are not empowered, under the terms of their own treaties, to make binding interpretations of what those terms mean. Committee recommendations are meant to be purely advisory.)

### *The Fundamental Role of the Family*

To some, the very idea that the U.N. might be involved in efforts to denigrate motherhood and the married family sounds farfetched. But few will be able to dispute the contrast between the assertions about family structure that are being put forth in U.N. committee reports and the mounting, contrary evidence produced by social science research showing that fractured families produce injuries in subsequent generations of children, and thus weaken societies in the future.

In social science research, all family forms other than the natural family in which children are raised by a married mother and father are associated with higher rates of crime, illegitimacy, dependence on welfare, and drug and alcohol addiction, as well as with lower levels of education, less income, poorer health, and lower life expectancy. Out-of-wedlock births are associated with higher risk of infant mortality, especially among teenage mothers; delayed cognitive and verbal development; increased behavioral and emotional problems; and higher rates of juvenile crime.<sup>36</sup> The social sciences also document the

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<sup>33</sup> An instructive recent example is *Lawrence v. Texas*, decided by the U.S. Supreme Court in 2003. Therein, the Court relied upon “values shared with a wider civilization” (i.e., Europe) to decide whether a state statute prohibiting homosexual sodomy was consistent with the U.S. constitution. Another is *Roper v. Simmons*, in which the U.S. Supreme Court held it unconstitutional to sentence a minor to the death penalty, citing (among other authorities) the yet-unratified CRC.

<sup>34</sup> Article VI of the Constitution of the United States includes treaties among “the supreme law of the land.” Thus, for example, if the U.S. ratified the disabilities treaty, and the interpretive committee found that language therein implicitly included abortion, for example, the Supreme Court might hold that the U.S. was bound thereby. Further, there is a second source of international law, called customary international law, which arises through the customary practices among states. The academic left has long argued that the statements issued by U.N. committees are evidence of such custom. Customary international law is law in the U.S., though subordinate to treaties, federal statutes, and the Constitution itself.

<sup>35</sup> *CRLP v. George W. Bush*, available at [HTTP://WWW.GOOGLE.COM/URL?SA=U&START=1&Q=HTTP://NEWS.FINDLAW.COM/HDOCS/DOCS/CRLP/CRLPBUSHCMPLT601.PDF&EI=MS3oSBOALCRMNQEMZQIIBW&USG=AFQJCNFLNB3LKLNQCFWOPKOGDZQAQAQ](http://www.google.com/url?sa=U&start=1&q=http://news.findlaw.com/hdocs/docs/crlp/crlpbushcmplt601.pdf&ei=MS3oSBOALCRMNQEMZQIIBW&usg=AFQJCNFLNB3LKLNQCFWOPKOGDZQAQAQ). The long-term strategy of pro-abortion groups has been revealed in the inadvertent disclosure of their own documents, reported in the *Congressional Record*. (“Documents Reveal Deceptive Practices by Abortion Lobby,” *Congressional Record*, Extension of Remarks, December 8, 2003, p. E2534.)

<sup>36</sup> See Patrick F. Fagan, “Rising Illegitimacy: America’s Social Catastrophe,” Heritage Foundation *F.Y.I.* No. 19/94, June 29, 1994.

effects of divorce on children,<sup>37</sup> which include juvenile delinquency and child abuse, increased poverty, diminished social competence, earlier sexual involvement, more out-of-wedlock births, and higher rates of cohabitation. This research is now so extensive and repeated that it is beyond doubt or question.

Despite such findings, the U.N. is not pursuing programs that would help nations stabilize marriage and strengthen families. Instead, as we shall see, the U.N. committees are pushing policies that ultimately will weaken the family.

### *Undermining Women as Mothers and Homemakers*

University of Chicago Nobel Laureate Gary Becker concludes from his research that a woman staying at home to raise her children makes a greater economic contribution to her family and community than her husband makes by working in the marketplace.<sup>38</sup> While women in all cultures have made great contributions outside the family (in art, literature, education, science, medicine, politics, and business), women also achieve greatness by raising healthy and happy children. The U.N. member states acknowledged this in the Universal Declaration of Human Rights, which states that “Motherhood and childhood are entitled to special care and assistance.”<sup>39</sup>

Yet, U.N. committee recommendations to nations about women’s rights demonstrate a great disdain for motherhood, frequently dismissing the role as a harmful stereotype. Rather than point out to signatory states the social and economic dangers of policies that jeopardize the position of women who want to stay at home to raise their children, U.N. committee recommendations denigrate the role of the stay-at-home mother as unfulfilling and damaging to her own welfare, while also decrying national policies that support her. The U.N. recommendations instruct nations to eliminate, through legislation, cultural norms that support the role of the mother at home. In the name of elevating the status of women and reducing discrimination, U.N. committees make recommendations that denigrate the standing of women as mothers.

A CEDAW committee report, for example, recommended that the government of New Zealand “recognize maternity as a social function which must not constitute a structural disadvantage for women with regard to their employment.”<sup>40</sup> Almost a decade later the committee continued to place maternity at odds with women’s fulfillment as workers saying, “the Committee is concerned that the rates of participation for mothers of young

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<sup>37</sup> For an overview of the literature, see Patrick F. Fagan and Robert Rector, “The Effects of Divorce on America,” Heritage Foundation *Background* No. 1373, June 3, 2000, at [HTTP://WWW.HERITAGE.ORG/LIBRARY/BACKGROUND/BG1373.HTML](http://www.heritage.org/library/background/bg1373.html).

<sup>38</sup> Becker stressed this fact, for example, in a keynote address at a 1998 U.N.-sponsored conference on the family in Caracas, Venezuela.

<sup>39</sup> Universal Declaration of Human Rights, Article 25, Para. 2.

<sup>40</sup> CEDAW Committee, 19th Sess. (1998), “Report on New Zealand,” Para. 269.

children and single mothers remain below the average for States members of the Organization for Economic Cooperation and Development.”<sup>41</sup>

The Committee expressed to Ireland “its concern about the continuing existence, in Article 41.2 of the Irish Constitution, of concepts that reflect a ‘stereotypical view’ of the role of women in the home and as mothers.”<sup>42</sup> That article makes a clear statement of the importance of family and mothers to society:

The state, therefore, guarantees to protect the family in its constitution and authority, as the necessary basis of social order and as indispensable to the welfare of the nation and the state. In particular, the state recognizes that by her life within the home, woman gives to the state a support without which the common good cannot be achieved. The state shall, therefore, endeavor to ensure that mothers *shall not be obliged by economic necessity* to engage in labor to the neglect of their duties in the home.<sup>43</sup>

The U.N. committee members apparently saw motherhood as demeaning to women, a view also expressed to Luxembourg, whose “stereotypes related to traditional roles of men as breadwinners and women as mothers and caregivers persist and affect the educational and professional choices of women,” and remain a “concern” of the committee. To overturn such “stereotypes,” the CEDAW committee “strongly” urged the government of Armenia, for example, to use the education system and the electronic media to combat the traditional “stereotype” of women in the role of mother.<sup>44</sup> The committee also criticized Belarus for the “prevalence of sex-role stereotypes, as also exemplified by...such symbols as a Mothers’ Day and a Mothers’ Award, which it sees as encouraging women’s traditional roles.”<sup>45</sup>

Concerning Indonesia, the U.N. committee expressed 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. It is unclear what steps the Government is proposing to take to modify such attitudes....<sup>46</sup>

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<sup>41</sup> CEDAW Committee, 39th Sess. (2007), “Report on New Zealand,” Para. 36.

<sup>42</sup> CEDAW Committee, 21st Sess. (1999), “Report on Ireland,” Para. 193.

<sup>43</sup> [HTTP://WWW.IRLGOV.IE:80/TAOISEACH/PUBLICATION/CONSTITUTION/ENGLISH/CONTENTS.HTM](http://www.irlgov.ie:80/TAOISEACH/PUBLICATION/CONSTITUTION/ENGLISH/CONTENTS.HTM)

<sup>44</sup> CEDAW Committee, 17th Sess. (1997), “Report on Armenia,” Para. 65.

<sup>45</sup> CEDAW Committee, 22nd Sess. (1999), “Report on Belarus,” Para. 27.

<sup>46</sup> CEDAW Committee, 18th Sess. (1998), “Report on Indonesia,” Para. 289.

This theme is repeated in reports to other countries such as Croatia<sup>47</sup> and the Czech Republic.<sup>48</sup> The message to these countries is clear: it is not good for women to be stay-at-home moms, even if they choose to do so!

### *State-Sponsored Child Care as Surrogate Family.*

To help create incentives for more mothers to enter the workforce, the U.N. reports insist that countries change their laws to ensure that

- Child care is widely available even for newborns, and
- Government funds preschool education.

The U.N. interpretative committees consistently push for nations to boost government-managed and subsidized day care, despite research showing that child care outside the home often has lasting negative effects on children. For example, an analysis by the Canadian National Foundation for Family Research and Education found that on average, children in day care fare worse intellectually, emotionally, and socially than their stay-at-home peers.<sup>49</sup>

To Slovakia, for example, the U.N. stated that the “decrease in pre-school childcare is particularly detrimental to women’s equal opportunity in the employment market since, owing to lack of childcare, they have to interrupt their employment career.”<sup>50</sup> The committee recommendation to Slovenia: “the creation of more formal and institutionalized child-care establishments for children under three years of age as well as for those from three to six.”<sup>51</sup> The committee expressed disdain that only 30 percent of the children under age three were placed in formal day care, while the rest were cared for by family members and other private individuals.<sup>52</sup>

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<sup>47</sup> The U.N. explained that 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.” Report of the United Nations Committee on the Elimination of Discrimination Against Women, 18th Sess., to the General Assembly of the United Nations, 53rd Sess. (1998), “Report on Croatia,” Document #A/53/38, Para. 103.

<sup>48</sup> The U.N. committee expressed concern about “the increase in over-protective measures for pregnancy and motherhood...[and] the cultural glorification of women’s family roles [that] could exacerbate the negative impact of economic rationalization policies on women.” Report of the United Nations Committee on the Elimination of Discrimination Against Women, 18th Sess., to the General Assembly of the United Nations, 53rd Sess. (1998), “Report on Czech Republic,” Document #A/53/38, Para. 185 and Para. 196.

<sup>49</sup> Researchers analyzed data on over 32,000 children using a number of variables, including sponsor of care (for-profit nursery schools, government-run centers, “the woman down the street”); education of the caregivers; caregiver-to-child ratio; and program quality. Negative effects persisted, regardless even of the “quality” of care. See National Foundation for Family Research and Education (Canada), “The Myth of Quality Day Care,” April 2000.

<sup>50</sup> CEDAW Committee, 19th Sess. (1998), “Report on Slovakia,” Para. 89.

<sup>51</sup> CEDAW Committee, 16th Sess. (1997), “Report on Slovenia,” Para. 115.

<sup>52</sup> *Ibid.*, Para. 161.

The CEDAW committee was direct in recommending that Colombia change its domestic laws:

[A]ppropriate measures [should] be taken to improve the status of working women, including through the establishment of child-care centers and the introduction of training programs, to promote the integration of women into the labor force and diversify their participation through the implementation of legislative measures....<sup>53</sup>

Regarding Germany's policies, the U.N. committee was "concerned that measures aimed at the reconciliation of family and work *entrench stereotypical expectations* for women and men. In that regard the Committee is concerned with the unmet need for kindergarten places for the 0-3 age group."<sup>54</sup>

The public cost involved in subsidizing day care is least bearable among underdeveloped and developing countries. Yet the CEDAW committee ignores this substantial issue in its reports.

There is also concern that this emphasis on government-run child care could result in a preemption of the right to home-school. Such actions, were they to occur, would have no basis in international law, for rather than home schooling being prohibited under the foundational human rights documents as is sometimes asserted by its foes in other countries, it is, in fact, guaranteed. (That is to say, it is guaranteed under a fair reading of the documents; the point of this paper, however, is that U.N. committees do not read such documents fairly.) As noted, article 27 of the Universal Declaration of Human Rights provides: "Parents have a prior right to choose the kind of education that shall be given to their children." Article 18 of ICCPR provides: "The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions."

### *Expanding Children's Rights (Against Their Parents)*

If the U.N. committees have their way, the freedom of parents to raise their own children, to shape their behaviors, and to safeguard their moral upbringing will be a relic of past centuries. That almost all cultures and religions have protected the time-honored role of parents in forming the character of children does not deter the U.N. from seeking changes in domestic laws to bypass parents on matters dealing with their children.

The U.N. committees are urging states to give minor children:

- The right to privacy, even in the household;

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<sup>53</sup> CEDAW Committee, 20th Sess. (1999), "Report on Colombia," Para. 388.

<sup>54</sup> CEDAW Committee, 22nd Sess. (2000), "Report on Germany," Para. 27 (emphasis added).

- The right to professional counseling without parental consent or guidance;
- The full right to abortion and contraceptives, even when that would violate the parents' ethics and desires;
- The right to full freedom of expression at home and in school;
- The legal mechanisms to challenge in court their parents' authority in the home.

For example, the U.N. Committee on the Rights of the Child recommends to the Japanese government that it "guarantee the child's right to privacy, especially in the family."<sup>55</sup> Such a measure would establish legal and structural wedges between parents and their children in the home. Normally, when children rebel against their parents, society frowns. Yet the U.N. is attempting to put in place, in policy and law, structures that foster this type of rebellion.

Among the broad "rights" of children articulated in the CRC are freedom of expression; freedom to receive and impart all information and ideas, either orally, in writing, or in print, in the form of art, or through any other media of the child's choice;<sup>56</sup> freedom of association; and freedom of peaceful assembly.<sup>57</sup> This language could be interpreted to prohibit parents from legitimately limiting the associations and actions of their children, which can already be fraught with legal difficulties.<sup>58</sup> Once these "rights" are embedded in domestic law, children could gain access to legal help from NGOs or government agencies to challenge their parents in court.

Indeed, the U.N. committee report to Belize recommends that the government set up legal mechanisms to help children challenge their parents, including making an "independent child-friendly mechanism" accessible to children "to deal with complaints of violations of their rights and to provide remedies for such violations."<sup>59</sup> In other words, the CRC committee is suggesting that the state create some entity *to supervise parents*, a structure that enables children in Belize to challenge their mother and father's parenting in court. Then the CRC committee goes even further: Its report asserts that it is "concerned that the law does not allow children, particularly adolescents, to seek medical or legal counseling *without parental consent*, even when it is in the best interests of the child."<sup>60</sup> This statement illustrates the committee's intent to undermine the authority of parents, especially those who hold traditional religious beliefs or who would disagree with the committee's radical interpretation of the CRC.

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<sup>55</sup> CRC Committee, 19th Sess. (1998), "Report on Japan," Para. 36.

<sup>56</sup> United Nations Convention on the Rights of the Child, Article 13, at [HTTP://WWW.UNHCHR.CH/HTML/MENU3/B/K2CRC.HTM](http://www.unhchr.ch/html/menus/b/k2crc.htm).

<sup>57</sup> *Ibid.*, Article 15.

<sup>58</sup> See, for example, *In Re the Welfare of Sheila Marie Sumey*, 94 Wash. 2d 757 621 P.2d 108.

<sup>59</sup> CRC Committee, 20th Sess. (1999), "Report on Belize," Para. 11.

<sup>60</sup> *Ibid.*, Para. 14 (emphasis added).

The U.N. committee's opposition to the freedom of parents to guide the moral education of their children is made clear in a rebuke directed at the United Kingdom in 1995. The committee stated that

insufficient attention has been given to the right of the child to express his/her opinion, including in cases where parents in England and Wales have the possibility of withdrawing their children from parts of the sex education programs in school. In this as in other decisions, including exclusion from school, the child is not systematically invited to express his/her opinion and those opinions may not be given due weight, as required under article 12 of the Convention.<sup>61</sup>

The U.N. committee went even further in its recommendation to the Ethiopian government, urging it to change its laws so that "the limitation of the right to legal counsel of children be abolished as a matter of priority."<sup>62</sup>

Consider the CRC committee's complaint to Austria: "Austrian Law and regulations do not provide a legal minimum age for medical counseling and treatment *without parental consent*."<sup>63</sup> Austria, like all nations, has defined the age at which the child becomes legally independent of the parent. This effort by the U.N. committee to make states like Austria define a different age for medical counseling and treatment is targeted at removing parents' control over the moral formation of their children and the parameters of their children's sexual behavior.

The U.N. committee showed little awareness that Mali is among the poorest countries in the world, with 65 percent of its land area either desert or semi-desert. About 10 percent of the population is nomadic, and some 80 percent of the labor force is engaged in farming and fishing.<sup>64</sup> Annual per capita GDP in Mali in 1998 was estimated to be \$790. Yet the U.N. suggests that Mali allocate "adequate human and financial resources, to develop youth-friendly counseling, care and rehabilitation facilities for adolescents that would be *accessible without parental consent*, where this is in the best interests of the child."<sup>65</sup>

The committee periodically issues "general comments" that are intended to flesh out the commitments inherent in the CRC treaty itself. The committee's General Comment No. 4 (2003) expounds upon "adolescent health and development in the context of the Convention on the Rights of the Child." This comment protects the right of children "to

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<sup>61</sup> CRC Committee, 8th Sess. (1995), "Report on the United Kingdom of Great Britain and Northern Ireland," CRC/C/15/ Add.34. This report is not available on the CRC Web site.

<sup>62</sup> CRC Committee, 14th Sess. (1998), "Report on Ethiopia," Para. 27 (emphasis added).

<sup>63</sup> CRC Committee, 20th Sess. (2000), "Report on Austria," Para. 15 (emphasis added).

<sup>64</sup> See [HTTPS://WWW.CIA.GOV/LIBRARY/PUBLICATIONS/THE-WORLD-FACTBOOK/GEOS/ML.HTML](https://www.cia.gov/library/publications/the-world-factbook/geos/ml.html).

<sup>65</sup> CRC Committee, 22nd Sess. (2000), "Report on Mali," Para. 27 (emphasis added).

access appropriate information” regarding “family planning.” (9) It instructs states to allow minors to receive confidential medical care. (11) They should have “access to appropriate information [regarding HIV/AIDS and STDs], regardless of their marital status and whether their parents or guardians consent.” (28) To that end the comment calls on states “to develop effective prevention programmes, including efforts aimed at changing cultural views about adolescents’ need for contraception and STD prevention and addressing cultural and other taboos surrounding adolescent sexuality.” To that end, states should “take measures to remove all barriers hindering the access of adolescents to information, preventative measures such as condoms, and care.”<sup>66</sup> (30) It goes on to urge states “to develop and implement programmes that provide access to sexual and reproductive health services, including family planning, contraception and safe abortion services where abortion is not against the law...” (31)

General Comment No. 4 also unilaterally expands the purview of the CRC’s anti-discrimination clause (Article 2), which states that minors enjoy the rights of the treaty “without discrimination...with regard to ‘race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.’” The committee expands this list of protected classes to include “adolescents’ sexual orientation.” The established frameworks of anti-discrimination architecture in U.N. treaties lack sexual orientation as a protected class, as no binding U.N. treaty mentions “sexual orientation.” Thus, for the committee to act as if it does is mere liberal activism.

CRC’s interpretative committee is also embroiled in efforts to outlaw spanking by parents. The committee, in 2006, issued General Comment No. 8, “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment,” which purports to clarify articles 19, 28, and 37 of CRC.<sup>67</sup> The comment deals with *any* physical punishment, “however light,” and makes no distinction between disciplinary spanking and serious physical abuse, ranging from whipping, to kicking, to biting (paragraph 11). As such, it calls for states to ban all physical punishment of children through criminal law – the object being for the law to treat spanking as it would the battery of an adult. Furthermore, the comment instructs countries to undertake vast educational campaigns to “raise awareness” about the right of children not to be spanked. State parties are required to submit data on their progress toward eliminating “corporal punishment” during their periodic reviews. “The Committee also encourages United Nations agencies,

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<sup>66</sup> Such advocacy for the widespread use of contraception is not without its social pitfalls. Widespread availability of contraception and abortion in the United States led to what 2001 Nobel Laureate George Akerlof termed the “reproductive technology shock.” The rapid development of reproductive technology, Akerlof argues, was in all likelihood a significant factor in the socio-cultural changes following the 1960s that drastically increased the incidence of out-of-wedlock birth, with all of its attendant negative social outcomes. Further, “[T]he technology shock theory explains not only the increase in out-of-wedlock birth rates, but also related changes in family structure and sexual practice, such as the sharp decline of children put up for adoption.” See George A. Akerlof, “Men Without Children,” *The Economic Journal*, March 1998 pp. 287-309 and George A. Akerlof and Janet L. Yellen, “New Mothers, Not Married: Technology shock, the demise of shotgun marriage, and the increase in out-of-wedlock births,” *The Brookings Review*, Vol. 14, No. 4 (Fall, 1996), pp. 18-21.

<sup>67</sup> CRC Committee, General Comment No. 8 (2006).

national human rights institutions, NGO's and other competent bodies to provide it with relevant information on the legal status and prevalence of corporal punishment and progress towards its elimination."

The United States is not a state party to CRC, and yet anti-spanking activists have used these pronouncements from the CRC committee to argue that "consensus is growing in the international community that physical punishment of children violates international human rights law. This principle of law is set forth in at least seven multilateral human rights treaties: the United Nations (U.N.) Convention on the Rights of the Child [being one of these]..."

The broader agenda is to seek changes in the laws of each nation that will weaken the freedom and authority of parents to direct the moral education and attitudes of their children. Nowhere is there a suggestion in the CRC recommendations to signatory nations that the role of parents should be strengthened.

### *Changing Cultures by Changing Sexual Norms*

For society, the benefits of channeling sexuality and reproduction into marriage are significant. Such a cultural norm ensures, better than any other reform, the reduction of violence against women and children. It also ensures the lowest crime rates, greater social cohesiveness, longer life spans, better health, higher levels of education, and higher levels of income.<sup>68</sup>

Yet the U.N. actively promotes sex outside of marriage as an acceptable cultural norm, and this agenda is made clear in its policies on abortion, contraception, gender definitions, prostitution, and pornography. The U.N. encourages governments to lend legal and financial support to the effort to change long-held and wise cultural norms. Whereas traditional cultures regulate sexual intercourse by shepherding the act toward marriage, the U.N. promotes unconstrained consensual sex coupled with larger social insurance "safety nets" to address the problematic effects. If the U.N. can change the sexual norms of youth, it can change the structure of the family as well as the relationship of the individual to the state.

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<sup>68</sup> See [WWW.MAPPINGAMERICAPROJECT.ORG](http://WWW.MAPPINGAMERICAPROJECT.ORG).

## *Promoting Contraception for Teenagers*

Contraception for teenagers is a highly controversial issue, especially when governments advocate access for minors over the wishes of parents. Nowhere in U.N. committee comments or on its website does the organization propose abstinence until marriage. Instead, U.N. committees repeatedly urge that teenagers have:

- Universal access to contraceptives and abortions without their parents' permission, and
- Access to medical counseling services without their parents' consent.

For example, the U.N. committee urged Ireland to “improve family planning services and the availability of contraception, including for teenagers and young adults.”<sup>69</sup> Yet, since making contraception available to single people three decades ago,<sup>70</sup> Ireland has seen its rates of divorce, out-of wedlock birth,<sup>71</sup> sexually transmitted disease,<sup>72</sup> violence, and abortion<sup>73</sup> soar.

The U.N. committees give similar advice to other countries, including Peru,<sup>74</sup> Russia,<sup>75</sup> the Maldives,<sup>76</sup> Yemen,<sup>77</sup> and Macedonia.<sup>78</sup>

## *Liberalizing Abortion*

U.N. committees have long sought the protection of abortion in domestic law. U.N. interpretative committees continue to advocate liberalization of abortion laws, at times with “successful” outcomes:

- In countries where abortion is highly controversial, such as Peru,<sup>79</sup> Andorra,<sup>80</sup> Brazil,<sup>81</sup> and others, the CEDAW committee advocates abortion on the grounds

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<sup>69</sup> CEDAW Committee, 21st Sess. (1999), “Report on Ireland,” Para. 26.

<sup>70</sup> Contraception was first legalized by the courts in Ireland in 1973; legalized by the Dail in 1980; liberalized in 1985 by Desmond O'Malley, Minister for Health and long-term member of the U.N.'s oldest NGO, International Planned Parenthood; and further liberalized in 1992 and 1994.

<sup>71</sup> Out-of-wedlock births in 1980 represented 5 percent of all births; by 1998, they represented 28.3 percent of all births.

<sup>72</sup> Sexually transmitted diseases have increased 400 percent between 1982 and 1998, from 1,823 to 7,436 per 100,000 population.

<sup>73</sup> Abortion as a percentage of total live births increased from 4.5 percent in 1980 to 11 percent in 1998.

<sup>74</sup> CEDAW Committee, 19th Sess. (1998), “Report on Peru,” Para. 341.

<sup>75</sup> CRC Committee, 22nd Sess. (2000), “Report on Russia,” Para. 48.

<sup>76</sup> CRC Committee, 18th Sess. (1999), “Report on Maldives,” Para. 39.

<sup>77</sup> CRC Committee, 20th Sess. (2000), “Report on Yemen,” Para. 25.

<sup>78</sup> CRC Committee, 23rd Sess. (2000), “Report on Macedonia,” Para. 41.

of safety (though abortion is about four times more dangerous to the mother's health than childbirth<sup>82</sup>);

- In countries where laws forbid abortion, such as Mexico in 1998,<sup>83</sup> the CEDAW committee encourages the local and district governments to “review their legislation so that, where necessary, women are granted access to rapid and easy abortion.”<sup>84</sup> The committee even urges the Mexican national government to “weigh the possibility of authorizing the use of the RU-486 contraceptive [sic], which is cheap and easy to use, as soon as it becomes available.”<sup>85</sup>
- In countries where the constitution forbids abortion, such as Ireland, the committee “urges the Government to facilitate a national dialogue on women's reproductive rights, including on the restrictive abortion laws.”<sup>86</sup>

One analysis showed that between 1995 and 2007, the CEDAW compliance committee pressured 76 different countries to liberalize their abortion laws, pressuring 19 countries twice and two countries (Chile and Luxembourg) three times.<sup>87</sup> This pressure can amount to more than mere harangues by internationalist nags; they can have serious and deadly impacts on countries trying to defend the sanctity of human life. The paramount example of this is Colombia, where abortion was legalized in certain cases by the country's Constitutional Court, in part relying on a 1999 upbraiding by the CEDAW compliance committee. Unsurprisingly, the Colombian court's activist accession to the opinions of “international authorities” was not enough for the CEDAW committee, which in 2007

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<sup>79</sup> CEDAW Committee, 37th Sess. (2007), “Report on Peru,” Para. 23-25.

<sup>80</sup> CEDAW Committee, 25<sup>th</sup> Sess. (2001), “Report on Andorra.”

<sup>81</sup> CEDAW Committee, 39th Sess. (2007), “Report on Brazil,” Para. 29-30.

<sup>82</sup> David C. Reardon, “Abortion Is Four Times Deadlier Than Childbirth,” *The Post-Abortion Review*, Vol. 8, No. 2 (April–June 2000).

<sup>83</sup> Mexico City has since legalized abortion early in pregnancy. The Mexican Supreme Court of Justice of the Nation has upheld the constitutionality of this law. The concurring decision of Justice Genaro David Góngora Pimentel cites CEDAW and its related human rights bodies twice in its reasoning. The concurring decision of Justice Sergio A. Valls Hernández goes so far as to say “the Convention” suggested that all Mexican states provide “rapid and easy access” to abortion. He also cites three paragraphs of the 1999 CEDAW committee report on Mexico urging liberalization of its abortion laws. The decision can be accessed at [HTTP://SS1.WEBKREATOR.COM.MX/4\\_2/000/000/01F/C72/ENGROSECOSSXCDO-146-07.PDF](http://ss1.WEBKREATOR.COM.MX/4_2/000/000/01F/C72/ENGROSECOSSXCDO-146-07.PDF).

<sup>84</sup> CEDAW Committee, 18th Sess. (1998), “Report on Mexico,” Para. 426. [HTTP://WWW.UN.ORG/WOMENWATCH/DAW/CEDAW/REPORTS/18REPORT.PDF](http://www.un.org/womenwatch/daw/cedaw/reports/18report.pdf).

<sup>85</sup> *Ibid.*, Para. 408.

<sup>86</sup> See [HTTP://WWW.UNHCHR.CH/TBS/DOC.NSF/\(SYMBOL\)/AD35AC0CAC68033C802567F200543567?OPENDOCUMENT](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/ad35ac0cac68033c802567f200543567?opendocument) (September 19, 1999).

<sup>87</sup> Unpublished report by Thomas Jacobson, on file with authors, “76 Nations Arbitrarily Pressured by CEDAW Committee to Legalize or Increase Access to Abortion,” Focus on the Family – April 11, 2009.

again took aim at Colombia's abortion laws for not being nearly liberal enough to provide for the "safety" of women.<sup>88</sup>

The CEDAW committee justifies this pro-abortion activism under the rubric of their General Recommendation No. 24 (20<sup>th</sup> Session, 1999) titled "Women and Health." General Recommendation No. 24 does not specifically call for the legalization of abortion, although it does imply it by coyly stating, "Other barriers to women's access to appropriate health care include laws that criminalize medical procedures only needed by women and that punish women who undergo these procedures."<sup>89</sup> The issue is framed so that abortion is not the matter at hand, but rather discrimination. While the Recommendation does not say so directly, the idea is that "male abortion" does not exist and cannot be criminalized; therefore, any criminalization of abortion is really only the criminalization of female abortion, and thus discriminatory. The Recommendation hides behind similarly opaque jargon such as the right of access to "sexual and reproductive health services." (e.g. paragraph 29). Abortion is only mentioned by name in a recommendation to "prioritize the prevention of unwanted pregnancy." "When possible, legislation criminalizing abortion could be amended to remove punitive provisions imposed on women who undergo abortions." (31.c)

Nevertheless, despite this vague language, General Recommendation No. 24 is used often to pressure countries into liberalizing their abortion laws. An example of this apart from Colombia is El Salvador, whom the committee urged "to facilitate a national dialogue on women's right to reproductive health, including on the consequences of restrictive abortion laws," as a way to better understand the amount of "death and/or illness as a result of or related to illegal abortion."<sup>90</sup> The clear implication is that restrictive abortion laws are dangerous to women's health and thus, after being investigated, ought to be changed.

For Liechtenstein, the General Recommendation was used to urge the principality to weaken its punishments for abortion, asking it to "consider reviewing the laws relating to abortion with a view to removing punitive provisions for women who undergo abortion, in line with the Committee's general recommendation 24."<sup>91</sup>

General Recommendation No. 24 has even been used to insinuate that a nation's restrictive abortion laws might violate its constitutional separation of church and state. In reviewing Honduras, the committee called on

the State party to guarantee that its public policies and decisions are in accordance with its Constitution, which establishes it as a secular State. The Committee

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<sup>88</sup> CEDAW Committee, 37th Sess. (2007), "Report on Colombia," Para. 22-23.

<sup>89</sup> CEDAW Committee, 20th Sess. (1999), General Recommendation No. 24, Paragraph 14.

<sup>90</sup> CEDAW Committee, 42nd Sess. (2008), "Report on El Salvador," Para. 35-36.

<sup>91</sup> CEDAW Committee, 39th Sess. (2007), "Report on Liechtenstein," Para. 25-26.

recommends that the State party consider reviewing the law relating to abortion with a view to identifying circumstances under which abortion could be permitted, such as therapeutic abortions and abortions in cases of pregnancies resulting from rape or incest, and removing punitive provisions imposed on women who undergo abortion, in line with the Committee's general recommendation 24..."<sup>92</sup>

Perhaps most jarring about the CEDAW committee and its commitment to "reproductive health services" are its assumptions and preconceptions. The committee uses its periodic review of states to undermine abortion restrictions and promote easy access to contraception; yet, once these objectives have been achieved and contraceptives are plentiful and abortion easily procured, the committee expresses dismay at the number of abortions. To France, for example, it said, "While noting with appreciation the information on and easy accessibility of contraceptive measures and the access to voluntary termination of pregnancy, the Committee is concerned at the relatively high abortion rate."<sup>93</sup> There is no evidence that increased access to contraception lowers the abortion rate,<sup>94</sup> and there is compelling evidence that restrictions on abortion do;<sup>95</sup> yet the CEDAW committee seems shocked at the corollaries to these facts: namely that liberal social policy increases the abortion rate.

U.N. interpretative committees argue that restricting abortion, even for teenagers,<sup>96</sup> is a form of subordination that violates human rights. But there is little reason to believe that U.N. representatives and bureaucrats know better than individual societies how they should shape their own cultures and laws on family, marriage, sexual behavior, and the raising and education of children.

### *Attacking Freedom of Conscience*

The CEDAW committee even goes so far as to attack freedom-of-conscience provisions in national law. It has reprimanded Croatia, for example, for the refusal by some of its hospitals to offer abortions to patients because their doctors on staff object.<sup>97</sup> More recently, the committee chided Portugal for the same reason, saying,

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<sup>92</sup> CEDAW Committee, 39th Sess. (2007), "Report on Honduras," Para. 25-26.

<sup>93</sup> CEDAW Committee, 40th Sess. (2008), "Report on France," Para. 32.

<sup>94</sup> See FRC's pamphlet, "Top Ten Myths about Abortion."

<sup>95</sup> See Michael New, "The Effect of Parental Involvement Laws on the Incidence of Abortion Among Minors," FRC *Insight*, September 24, 2008.

<sup>96</sup> In its directions to nations, the CRC committee uses "medical and legal counseling without parental consent" to mean particularly abortion and contraceptive services. See, for example, CRC Committee, 20th Sess. (1999), "Report on Belize," and CRC Committee, 20th Sess. (2000), "Report on Austria." See also discussion on "Expanding Children's Rights." The CEDAW committee similarly supports child and adolescent sexual education with a particular focus on abortion.

<sup>97</sup> Report of the United Nations Committee on the Elimination of Discrimination Against Women, 18th Sess., to the General Assembly of the United Nations, 53rd Sess. (1998), "Report on Croatia," Document # A/53/38, Para. 109.

While welcoming the new legislation relating to the voluntary interruption of pregnancy within the first 10 weeks, the Committee is concerned at the low awareness among younger women of this legislation. It is also concerned that some women may encounter difficulties in availing themselves of the new regulations given the fact that health-care personnel may decide not to perform an interruption of pregnancy on the basis of their conscience.<sup>98</sup>

Likewise Poland and Slovakia were censured by the committee, using General Recommendation No. 24 to attack their abortion laws and their conscience protections. For Poland, the committee calls

on the State party to conduct research on the scope, causes and consequences of illegal abortion and its impact on women's health and life. It also urges the State party to ensure that women seeking legal abortion have access to it, and that their access is not limited by the use of the conscientious objection clause.<sup>99</sup>

Similarly in Slovakia,

The Committee recommends that the State party adequately regulate the invocation of conscientious objection by health professionals so as to ensure that women's access to health and reproductive health is not limited. The Committee calls the attention of the State party to its general recommendation No. 24, which states that it is discriminatory for a State party to refuse to provide legally for the performance of certain reproductive health services for women.<sup>100</sup>

The committee "expressed particular concern with regard to the limited availability of abortion services for women in southern Italy, as a result of the high incidence of conscientious objection among doctors and hospital personnel."<sup>101</sup>

### *Legitimizing and Promoting Prostitution*

The recommendations concerning prostitution dramatically illustrate one of the CEDAW committee's social policy goals: the decoupling of sexuality from marriage. A review of CEDAW committee recommendations makes clear that the U.N. implementing committees

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<sup>98</sup> CEDAW Committee, 42nd Sess. (2008), "Report on Portugal," Para. 42-43.

<sup>99</sup> CEDAW Committee, 37th Sess. (2007), "Report on Poland," Para. 25.

<sup>100</sup> CEDAW Committee, Combined second, third and fourth periodic report of Slovakia (2008), CEDAW/C/SVK/4.

<sup>101</sup> Report of the United Nations Committee on the Elimination of Discrimination Against Women, 17th Sess., to the General Assembly of the United Nations, 52nd Sess. (1997), "Report on Italy," Document #A/52/38/Rev. 1, Para. 353 and Para. 360.

want to elevate the status of prostitution to that of a profession and afford it the full protection of labor law and the social benefits accorded other professions. The initial steps the committees recommend to nations that prohibit prostitution are benign, but the recommendations progress to full legitimization in nations that already legally allow prostitution. From the reports, the process involves these steps:

- Eliminate the economic vulnerability of poor women who prostitute themselves for income;
- Combat the feminization of poverty;
- Rehabilitate prostitutes;
- End international trafficking in prostitution;
- Enforce some laws concerning prostitution;
- Punish pimps and procurers;
- Decriminalize prostitution;
- Legalize prostitution;
- Regulate prostitution; and
- Grant the full protection of labor and social law to prostitution as a profession.

Consider the progression in the actual report excerpts that follow.

The CEDAW committee advises the Czech Republic to “take effective action to combat feminization of poverty and to improve the economic situation of women in order to prevent trafficking and prostitution.”<sup>102</sup> It urges Bulgaria

to cooperate at the regional and international levels with regard to the problem of trafficking in women and their exploitation through prostitution. [The U.N.] suggests that in order to tackle the problem of trafficking in women, it is essential to address women’s economic vulnerability, which is the root cause of the problem.<sup>103</sup>

The last sentence reveals that for the committee, the “problem” is solely a woman’s economic condition, not also the sexual exploitation of women. But in France, Germany, the Netherlands, Belgium,<sup>104</sup> and other highly developed economies, prostitution prospers; neither poverty nor “economic vulnerability” is the root cause. Furthermore, in developed Western countries, the feminization of poverty is largely due to the breakdown of marriage, as social science research has shown.<sup>105</sup>

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<sup>102</sup> CEDAW Committee, 18th Sess. (1998), “Report on Czech Republic,” Para. 208.

<sup>103</sup> CEDAW Committee, 18th Sess. (1998), “Report on Bulgaria,” Para. 256.

<sup>104</sup> The top eight destination countries for women in illegal prostitution rings include the Netherlands, Germany, the United States, Greece, Italy, Spain, Turkey, and Kosovo. According to Dr. Laura Lederer of Harvard University’s John F. Kennedy School of Government, “Over the last 10 years the number of women and children who have been trafficked have multiplied so that they are now on a par with estimates of the numbers of Africans who were enslaved in the 16th and 17th centuries.” Laura J. Lederer, Ph.D., “The New Slavery,” presented at a Conference on Sex Trafficking, U.S. Senate Caucus Room, September 13, 1999.

<sup>105</sup> For a review of the literature, see Patrick F. Fagan, “How Broken Families Rob Children of Their Chances for Future Prosperity,” Heritage Foundation *Backgrounder* No. 1283, June 11, 1999.

The CEDAW committee has pushed Mexico to legalize prostitution; it “strongly recommends that new legislation should not discriminate against prostitutes but should punish pimps and procurers.”<sup>106</sup> To tiny Liechtenstein, it recommends that “a review be made of the law relating to prostitution to ensure that prostitutes are not penalized.”<sup>107</sup> The policy goal becomes clear in its approving report to Greece, where prostitution has been decriminalized and “instead is dealt with in a regulatory manner” – though the committee “is concerned that inadequate structures exist to ensure compliance with the regulatory framework.”<sup>108</sup> To Germany, the U.N.’s advice is to raise the standing of the legalized profession even higher because, “although they are legally obliged to pay taxes, prostitutes still do not enjoy the protection of labor and social law.”<sup>109</sup>

This progression, from urging countries that prohibit prostitution to move quickly to foster a national debate on legalizing the activity<sup>110</sup> to chastising Germany for not elevating it to the status of a legally protected profession, is even more startling when one considers that it contradicts the reasonably clear language of the CEDAW treaty itself, which says, “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”<sup>111</sup> In the CEDAW committee, it seems that enabling prostitution is a form of suppressing it!

### *Animus Toward Religious Freedom*

U.N. committees, because they seek to normalize behaviors that have long been deemed immoral by the Judeo-Christian tradition, realize that their recommendations eventually will provoke a direct clash with these religions. Thus, it will be necessary for the committees to marginalize these religions and their beliefs. To quote Radhika Coomaraswamy, the U.N.’s Special Rapporteur on Violence Against Women:

The right to self-determination [of nations] is pitted against the CEDAW articles that oblige the state to correct any inconsistency between international human rights laws<sup>112</sup> and the religious and customary laws operating within its territory.... While international human rights law moves forward to meet the demands of the international women’s movement, the reality in many societies is that women’s rights [as interpreted by the feminist movement] are under challenge from alternative cultural expressions.... The movement is not only

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<sup>106</sup> CEDAW Committee, 18th Sess. (1998), “Report on Mexico,” Para. 414.

<sup>107</sup> CEDAW Committee, 20th Sess. (1999), “Report on Liechtenstein,” Para. 168.

<sup>108</sup> CEDAW Committee, 20th Sess. (1999), “Report on Greece,” Para. 197.

<sup>109</sup> CEDAW Committee, 22nd Sess. (2000), “Report on Germany,” Para. 39.

<sup>110</sup> CEDAW Committee, 18th Sess. (1998), “Report on Mexico,” Para. 414.

<sup>111</sup> CEDAW Article 6.

<sup>112</sup> In this case, the family, moral, and religious issues discussed in this paper.

generating new interpretations of existing human rights doctrine...but it is also generating new rights. The most controversial is the issue of sexual rights.... One can only hope that the common values of human dignity and freedom will triumph over parochial forces attempting to confine women to the home.<sup>113</sup>

The moral issue of abortion highlights this clash of cultures. The U.N. committee believes, for example, that religiously affiliated hospitals that refuse to offer abortions discriminate against women.<sup>114</sup> Hospitals and doctors that adhere to their religious beliefs and uphold a tradition that goes back to ancient Greece and Hippocrates are targeted for violating human rights by the Office of the U.N. Commissioner on Human Rights. As mentioned above, an illustration of this is the U.N. recommendation to Italy, which noted “*particular concern* with regard to the limited availability of abortion services for women in southern Italy, as a result of the high incidence of conscientious objection among doctors and hospital personnel.”<sup>115</sup> In such a strongly Catholic part of Italy, it would be paradoxical if the opposite were the case.

In the United States and many other countries, a clear distinction is drawn between the roles of church and state in ensuring religious freedom. Not so at the United Nations. The U.N. committees attack the national religious culture of Ireland by suggesting that expressions of the popular will, even in democracies, are invalid precisely because the people have deeply held beliefs with religious roots. The people of Ireland have voted down several referenda that sought to legalize abortion. The CEDAW committee objects to this expression of the public will. Its report asserts that

although Ireland is a secular State, the influence of the Church is strongly felt not only in attitudes and stereotypes, but also in official State policy. In particular, women’s right to health, including reproductive health [i.e., abortion], is compromised by this influence....<sup>116</sup>

And to highly secular Norway, which protects religious minorities in law, the U.N. writes:

The Committee is especially concerned with provisions in the Norwegian legislation to exempt certain religious communities from compliance with the equal rights law. Since women often face greater discrimination in family and personal affairs in certain communities and in religion, they asked the

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<sup>113</sup> Radhika Coomaraswamy, *Reinventing International Law: Women’s Rights as Human Rights in the International Community* (Cambridge, Mass.: Harvard Human Rights Program, 1997).

<sup>114</sup> CEDAW Committee, 18th Sess. (1998) “Report on Croatia,” Para. 109.

<sup>115</sup> Report of the United Nations Committee on the Elimination of Discrimination Against Women, 17th Sess., to the General Assembly of the United Nations, 52nd Sess. (1997), “Report on Italy,” Document #A/52/38, Para. 353 (emphasis added).

<sup>116</sup> See [HTTP://WWW.UNHCHR.CH/TBS/DOC.NSF/\(SYMBOL\)AD35AC0CAC68033C802567F200543567?OPENDOCUMENT](http://www.unhchr.ch/tbs/doc.nsf/(symbol)AD35AC0CAC68033C802567F200543567?opendocument) (September 19, 1999).

Government to amend the Norwegian Equal Status Act to eliminate exceptions based on religion.<sup>117</sup>

The committee's hostility to religious freedom is also clear in its advice to Indonesia, which is vastly different in culture from Ireland: "Cultural and religious values cannot be allowed to undermine the universality of women's rights,"<sup>118</sup> by which it means abortion. It makes religious faith the boogeyman of all problems: "[i]n all countries the most significant factors inhibiting women's ability to participate in public life have been the cultural framework of values and religious beliefs."<sup>119</sup>

To Croatia, the CEDAW committee states, "there is evidence that church-related organizations adversely influence the government's policies concerning women and thereby impede full implementation of the [CEDAW] Convention."<sup>120</sup> And it told China, after it had sought to uphold the tradition of religious freedom in Hong Kong following the takeover, that it was most concerned with the fact that China "entered seven reservations and declarations in respect of the provisions of the [CEDAW] Convention as applied to Hong Kong. Of particular concern is the reservation exempting 'the affairs of religious denominations or orders' from the scope of the [CEDAW] Convention."<sup>121</sup>

The CEDAW committee even recommends that the government of Libya reinterpret the country's *religious laws and scripture* in order to pave the way for other Islamic governments to do the same.<sup>122</sup>

Clearly, this hostility to any manifestation of religious belief in public policy will bring the U.N. into direct confrontation with peoples that hold traditional beliefs.<sup>123</sup>

### *Conclusion*

The United Nations has become the tool of a powerful feminist-socialist alliance that has worked deliberately to promote a radical restructuring of society. This alliance is attempting to sway nations to accept an agenda that, from the U.N.'s foundation, has been outside its jurisdiction. The alliance is advancing its agenda primarily by promoting the reinterpretation of the CRC and CEDAW treaties and encouraging nations to change their domestic policies.

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<sup>117</sup> Report of the United Nations Committee on the Elimination of Discrimination Against Women, 14th Sess., to the General Assembly of the United Nations, 50th Sess. (1995), "Report on Norway," Document #A/50/38, Para. 460.

<sup>118</sup> Report of the United Nations Committee on the Elimination of Discrimination Against Women, 18th Sess., to the General Assembly of the United Nations, 53rd Sess. (1998), "Report on Indonesia," Document #A/53/38, Para. 282.

<sup>119</sup> *Ibid.*, Para. 10.

<sup>120</sup> CEDAW Committee, 18th Sess. (1998), "Report on Croatia," Para. 108.

<sup>121</sup> CEDAW Committee, 20th Sess. (1999), "Report on China," Para. 314.

<sup>122</sup> CEDAW Committee, 13th Sess. (1995), "Report on Libya," Para. 132 (emphasis added).

<sup>123</sup> Coomaraswamy, *Reinventing International Law*.

The United States should never ratify these treaties.

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