



July 29, 2002

Re: The pro-abortion mandates of CEDAW  
and the bogus "understanding" in the ratification resolution

Dear Senator:

This is to reiterate the strong opposition of the National Right to Life Committee (NRLC) to the resolution to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), on which the Foreign Relations Committee will vote on July 30.

Recently, Senator Barbara Boxer said that the treaty "has nothing to do with abortion." (CQ *Congressional Monitor*, July 26) This remark was rather breathtaking for its lack of candor. The CEDAW explicitly obligates ratifying nations to ensure equal access to "health care services, including those related to family planning," and says that parties shall ensure that men and women have "the same rights to decide freely and responsibly on the number and spacing of their children." These and other provisions have been construed by official bodies, ranging from the European Parliament to the official United Nations Committee on the Elimination of Discrimination Against Women, to condemn any type of restriction on abortion, on grounds that any restrictions on abortion are *per se* discrimination against women.

To cite one example among many, the official UN CEDAW compliance committee criticized Croatia for "the refusal, by some hospitals, to provide abortions on the basis of conscientious objection of doctors. The committee considers this to be an infringement of a woman's reproductive right." Moreover, as recently as July 3, the European Parliament narrowly voted to adopt a sweeping report calling for removal of all limitations to abortion by current European Union members such as Ireland, Spain and Portugal, and by nations seeking membership, such as Poland and Malta. The report cited CEDAW as grounds for its assertion that there is an "international legal framework" under which all European Union nations should recognize abortion as a "fundamental right."

Moreover, a tour of the websites of groups such as National Abortion and Reproductive Rights Action League, Planned Parenthood, and the Center for Reproductive Law and Policy will demonstrate that these organizations recognize

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that the CEDAW would be a powerful new weapon for advancing their agenda of so-called “reproductive rights.” The International Planned Parenthood Federation published a color wall chart purporting to show “how signatories to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women are measuring up” on “reproductive rights,” a large portion of which was devoted to a world map rating countries according to what types of limits they placed on abortion.

**The resolution of ratification contains an “understanding” (Sec. 3, paragraphs 3-4) purporting to declare that CEDAW will not create a right to abortion. This is mere eyewash. This “understanding” would have no effect on the international legal obligations actually imposed on the United States if CEDAW is ratified.**

Unlike a “reservation,” an “understanding” does not purport to alter the actual legal obligations imposed by a treaty. An “understanding” by one party to a multiparty convention may be of limited use in a case in which a future dispute arises over some obscure new question of interpretation, but an “understanding” will have no effect where the “understanding” directly contradicts a line of contrary interpretations on exactly the same point, contemporaneous with the period during which parties were ratifying the convention, by the committee established by the convention itself – as is the case with CEDAW and abortion.

In contrast, a *reservation* announces to the other parties, in effect, that to the extent a convention is construed to impose a certain obligation, the reserving party is not to be regarded as a party to the convention for the purpose of that particular obligation. Thus, even if the construction to which the party objects is regarded as authoritative, the *reservation* will generally exempt the party from the resulting obligation – but with a mere *understanding* the party will be bound by the obligation it had intended to avoid.

The drafters of the ratification resolution recognize very well the great distinction between an “understanding” and a “reservation.” The resolution includes (in Section 2) four *reservations*, dealing with private conduct, women in combat, “comparable worth,” and maternity leave. That the drafters of the resolution found it appropriate to use *reservations* rather than *understandings* to guard against this fairly broad array of possible CEDAW consequences, but conspicuously failed to

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do so in the case of abortion, demonstrates that they have deliberately avoided using the only method that might provide some measure of protection from the imposition of abortion-related obligations on the United States.

The resolution also contains an *understanding* that the UN compliance committee “has no authority to compel actions” by States Parties. This is another dodge. Even without the power to directly compel action by States Parties, the numerous pro-abortion decrees of the committee will be regarded as far more authoritative constructions of *the legal obligations imposed by the treaty* than a contrary *understanding* by a single party.

In summary, CEDAW could impose an international obligation on the federal and state governments to provide public funding for abortion, to refrain from adopting or enforcing restrictions on partial-birth abortions, to refrain from adopting or enforcing laws to protect parental rights with respect to their minor daughters, and otherwise to condemn any limitations on abortion. The “understanding” contained in the resolution will do nothing to prevent these results, therefore, a vote in favor of the ratification resolution is a vote in favor of all of these pro-abortion results.

For these reasons, NRLC urges you to vote “No” on the CEDAW ratification resolution, and intends to include any such vote in its scorecard of key votes for the 107th Congress.

Sincerely,

A handwritten signature in blue ink that reads "Douglas Johnson". The signature is written in a cursive style with a horizontal line underneath the name.

Douglas Johnson  
Legislative Director

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