

## WHY THE WORLD FAMILY POLICY FORUM?

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THERE ARE MANY OF YOU who have done great work on behalf of the family, particularly at the United Nations. We are very grateful for your efforts. The purpose in holding the World Family Policy Forum is to offer support and encouragement for pro-family efforts, to raise awareness of the issues and the dangers to the family, and to also raise awareness of resources that are available in this fight to defend the family.

I must mention the Beijing +5 negotiations, which were completed just one month ago. Western governments, including the American government, were promoting a shameful agenda of unlimited and undefined “sexual rights,” even for children. They were refusing to reaffirm the family and the rights of parents to guide their children and protect them from destructive ideologies. The Western governments were striking at the foundation of the values that make families, and therefore societies, strong and stable.

It was a strong, principled group of delegates from like-minded countries within the G-77 who stood up to the West. Some were unbelievably heroic in their efforts. As the negotiations drew to a close, the group of like-minded countries grew larger and stronger and defeated the deviant Western agenda. The irony, of course, is that by defeating the agenda promoted by Western governments, a victory was won. The majority of Westerners and their families—if they are even aware of what their governments are doing at the UN—do not agree with them.

That is the first point I would like to make. The majority of Americans and other Westerners do not support—or would not support if they were aware of it—the radical, anti-family agenda that Western governments constantly promote at the UN.

We know this to be true. Last year, the World Family Policy Center and the Howard Center for Family, Religion, and Society commissioned a worldwide survey of attitudes about the family. The survey confirmed what we had suspected. In all parts of the world—even the West—an overwhelming majority of people agreed that a family created through lawful marriage is<sup>1</sup> and should be<sup>2</sup> the basis of society; that marriage is and should be between man and woman,<sup>3</sup> not two people of the same sex; that having and raising children is very important;<sup>4</sup> and that children are better off when they live in a home with both parents, who are married to each other.<sup>5</sup>

I mention this survey for two reasons. First, it demonstrates that the anti-family Western NGOs you see at the UN are not at all representative of Westerners as a whole. Most Americans,

for example, are unaware of what is going on at the UN. Except for the fact that we support the UN with our taxes, what occurs there has not affected us directly, and we have paid little attention. However, in the past twenty years or so, a number of American advocacy groups have discovered the UN. Many of these groups represent radical feminists and homosexual activists who have relatively little popular support and who have been so far out of the American mainstream that their causes could not win either in the democratic process or in the courts. The most vocal American feminist groups have relatively small memberships. Because the battles for legal equality and opportunity for women have already been won in America, these feminist groups are increasingly turning to marginal issues. The majority of members of the National Organization for Women, for example, are lesbian, and this organization is thus increasingly irrelevant to most American women, despite the attention it receives in the media. I understand the same is true of the leading feminist organizations in Canada.

These extreme advocacy groups discovered, however, that they could have a great deal of influence at the UN. The views of radical American groups, for example, were not opposed at the UN by mainstream Americans, and the radicals could create the appearance that they spoke for all Americans, even though most Americans have never heard of them. These radicals believe that, by influencing international law, they can eventually achieve power within their own countries, even though the majority of their fellow citizens disagree with them.

The disproportionate presence of radical Western NGOs at the UN places undue pressure on delegates who would defend the family, and often intimidates pro-family NGOs into silence. You who are pro-family represent the majority viewpoint in the world, but in the closed environment of the UN, you can be made to feel isolated. Please know, you are not alone. You are right about the importance of the family. The overwhelming majority of people in all parts of the world support you, not the Western governments and NGOs who are attacking the family.

The second reason I am calling your attention to the Wirthlin survey is to point out that, when Western governments take anti-family positions, they are taking positions that are unpopular at home, and they know it. In fact, they count on the fact that most of their own citizens won't find out what they are doing at these negotiations. Therefore, they

are not negotiating from a position of strength. As a practical matter, no matter how much they may bluff, Western governments usually cannot make their anti-family agenda the *sine qua non* of any important negotiations, because they cannot afford to have too much attention focused on what they are doing at the UN.

A perfect illustration of this fact is the behavior of the United States delegation at the 1996 Habitat negotiations in Istanbul. Toward the end of negotiations, the American delegation was holding out for language that called for equal respect for "various forms of the family," including homosexual couples. During the same week in 1996, however, President Clinton was back at home, signing a law called the Defense of Marriage Act, which protects American states from having homosexual "marriage" forced upon them by the courts. The Defense of Marriage Act is a very popular law, and whenever the question of homosexual marriage is placed before American voters it is overwhelmingly rejected. The American delegation, therefore, knew that it ultimately could not cause the failure of the Istanbul document by holding out for recognition of homosexual families. The Clinton administration knew it could not afford to have the attention of the press drawn to the fact that it was taking an anti-homosexual marriage position at home, and precisely the opposite position at the UN. Finally, the U.S. had to back down.

For similar reasons, I believe, the United States ultimately backed down on sexual orientation and sexual rights issues at Beijing and, most recently, at Beijing +5. The huge majority of Americans would be horrified if they understood that their government was promoting something called sexual rights, even for children. When the Clinton administration realized that members of congress were beginning to focus on this outrageous position, they began to retreat. On these controversial, anti-family points, I believe, most Western governments count on the fact that their citizens are not paying attention and don't know what their governments are doing at the UN. In that sense, these Western governments are bluffing and negotiating from a position of weakness. They know they cannot become the focus of too much international attention on these issues, because they do not have the support of their people. We want to be sure that you are aware of this fact.

The next point I would like to make is that the pro-family opinions and sentiments of the world's people, as documented in the Wirthlin survey and elsewhere, are solidly supported by modern research. We have, at this forum, several fine scholars from various places who will address some of the compelling research affirming the family as the healthiest model for society in all parts of the world. You can find this scholarship at many fine universities all over the world, but we would also like to make you aware that Brigham Young University has the largest Family Science Department in the

United States. Furthermore, because this university's sponsoring church is wholly committed to the family, it is a Family Science Department that can be counted upon not to use shoddy science and pseudoscience to advance politically correct, anti-family agendas. We hope that you will view this university as a resource in the cultural and ideological battles that you may be fighting, both at the UN and at home.

Please know that the anti-family agenda advanced by Western governments is not supported anywhere by good science or by successful experience. It is purely ideological. The weight of academic ammunition in this culture war is on your side, not on the side of the anti-family Western governments and NGOs.

My third point, and the one I wish to discuss in some detail this morning, is that radical Western ideologies are slowly and quietly taking over some parts of the UN human rights system. They have targeted the human rights system because they can achieve power without ever achieving popular support. It is a system that can allow a small, powerful minority to oppress the majority and, ironically, do it in the name of human rights.

Those of us who have practiced in the American legal system have seen this strategy before. Many of you may not realize that, on controversial issues such as abortion and homosexual rights, most Americans are far more pro-family and pro-life than our laws, and certainly our media, would lead you to believe. We have had anti-family laws forced upon us through our courts, just as activists are now trying to force anti-family laws on a pro-family world through the international human rights system

Back in the 1970s, Americans who favored abortion without any restrictions were failing to achieve their political objectives through democratic means. Most states, reflecting the democratically expressed will of their citizens, outlawed abortion except for the "hard cases," such as rape, incest, or when the life of the mother is in danger. Recent surveys have shown that about 70 percent of Americans still believe that abortion should only be available in those hard cases. Yet, in America every year, we have between 1.2 and 1.5 million abortions. Only about 2 to 3 percent of those are hard cases. That means that 97 to 98 percent of the tens of millions of abortions since 1973 have been purely elective, performed on healthy women, ending the lives of healthy, unborn children.

Most Americans think this is wrong, but we have no democratic way of ending this terrible abuse. Why? Because back in the 1970s, abortion advocates decided to bypass the people and the democratic process and use the courts to achieve their goals. Thus in 1973 a handful of judges decided that, though the American constitution contains no mention of abortion, there was a constitutional right to abortion, and no state, or even congress, could pass laws against it, no matter that an overwhelming majority of people wanted to do so.

Now, homosexual rights activists are using the same strategy, going from courtroom to courtroom trying to find judges who will declare that there is a constitutional right to homosexual marriage, and who will then force homosexual marriage on the American people, who clearly reject the notion. The truth is that some of the cultural decline which has taken place in America in the last forty years has taken place, not because the people have voted to eliminate moral standards, but because judges have ruled such moral standards to be unconstitutional, thus taking the decisions on these matters out of the hands of the people.

This same strategy has been carried by Western activists into the international arena. In fact, sometimes it is exactly the same people pushing the agenda domestically in United States courtrooms and internationally in UN conferences and the human rights system. For example, one of the powerful anti-family groups is the Center for Reproductive Law and Policy, located in New York. This group of lawyers is generously funded by American foundations, and it has a tremendous impact on the positions taken by the Clinton administration during UN negotiations. The lawyers who comprise the Center for Reproductive Law and Policy were once connected with the American Civil Liberties Union Reproductive Freedom Project. The main objectives of these lawyers are the promotion of abortion and homosexual rights.

In 1991, these lawyers came to Utah from New York to challenge a law passed by our state legislature to limit abortion. Richard Wilkins and I were part of the litigation team that opposed them. During that Utah litigation, this group of lawyers split from the American Civil Liberties Union and formed the Center for Reproductive Law and Policy, to promote abortion and homosexual rights on a worldwide basis, despite opposition by a majority of the world's people.

In the international arena, anti-family lawyers have targeted the human rights system, because, just as the United States Constitution overrides national and state legislatures, international human rights—in theory at least—override the rights of sovereign nations to determine their own laws and to be governed by the democratic will of their own peoples. In the wrong hands, the human rights system can become an instrument of tyranny, rather than an instrument to liberate the world's people.

These Western activists and the governments that collude with them are currently attempting to use the human rights system to impose a new kind of cultural colonialism on the rest of the world. This hijacking of the human rights system offends the UN Charter as well as international human rights, as they were originally intended to operate. The UN Charter states:

The Purposes of the UN are . . . To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples . Art. 1, para. 2.

The Organization is based on the principle of the sovereign equality of all its Members (Art. 2, para. 1).

Nothing contained in the present Charter shall authorize the UN 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 (Art. 2, para. 7).

The Universal Declaration of Human Rights ("UDHR") states:

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections (Art. 21, para. 3).

This right to self-government—to be free of foreign domination—is so important that it is contained in all three of the instruments that comprise what is called the International Bill of Human Rights. Thus, Article 1 paragraph 1 of both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), state:

All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Though national sovereignty is fundamental to the UN and international law, there are competing notions that human rights transcend sovereignty and that a growing drumbeat is calling for measures to be taken to enforce so-called human rights norms. Thus, we have Kofi Annan and others repeatedly making the point that sovereignty is being redefined. For example, in a recent article, Mr. Annan stated:

At the beginning of the twenty-first century, the UN has become more central to the lives of more people than ever. That is not least because state sovereignty, in its most basic sense, is being redefined by the forces of globalization and international cooperation. The UN has committed itself to the idea that no individual—regardless of gender, ethnicity or race— shall have his or her human rights abused or ignored. . . .

Throughout last year, I placed the individual at the heart of my efforts to advance our understanding of what it means to be a community of nations. Whether it means advancing development, improving the environment or emphasizing the importance of preventative action, or intervening—even across state boundaries—to stop gross and systematic violations of human rights, the individual has been the focus of our concerns.

Any such evolution in our understanding of state sovereignty and individual sovereignty will, in some quarters, be met with distrust, skepticism, even hostility. But it is an evolution that we should welcome.<sup>6</sup>

In addition to this developing notion of international humanitarian intervention in the domestic matters of sovereign states, the new statute of the International Criminal Court contains one crime—persecution—that is broadly and vaguely defined as “the intentional and severe deprivation of fundamental rights contrary to international law.”<sup>7</sup>

Suffice it to say that, for now, if national sovereignty and our right to govern ourselves must give way in cases of human rights violations, and if individuals are to be imprisoned for the denial of fundamental rights under international law, then the content of those rights matters a great deal. The current direction of some of the human rights treaty bodies—in particular, the Committee on the Rights of the Child (CEDAW), and the Human Rights Committee, is a threat, not only to sovereignty and the right to self-determination, but to other human rights as well, especially to fundamental rights affecting the family and the values which support it, including cultural and religious values.

The foundational human rights documents respect the family and its privacy and autonomy. The Universal Bill of Human Rights affirms this deference in several express provisions.<sup>8</sup>

Yet the CEDAW committee is unrelenting in its hostility to motherhood or to any suggestion that some women may freely choose a role in the family as their most important role in life. The committee views motherhood as a stereotype that holds women back and which must be eradicated.<sup>9</sup> The committee also takes the position that even the tiniest children are better off in daycare than with their mothers.<sup>10</sup> The CEDAW committee views full-time employment in paid work as the only acceptable role for women, whether the women themselves want it or not. Make no mistake, this hostility to anything resembling traditional family roles is not aimed only at conservative cultures in developing countries; the CEDAW committee believes that all governments should step in to “eradicate stereotypical attitudes.”

We must not forget that the Universal Bill of Human Rights protects the right to hold opinions without interference.<sup>11</sup> Yet, in recent reports, the CEDAW committee has told even Western European countries like Germany, Spain, and Luxembourg—with their disintegrating families, below replacement birth rates and imploding populations—that their governments must do more to get women into the full-time work force, and to eradicate stereotypical attitudes.<sup>12</sup>

This call for the eradication of stereotypical attitudes is particularly chilling. Even in countries where women admittedly have more than equal access to education, and where all legal barriers to full employment have been removed, the CEDAW committee refuses to recognize that some women might believe their work at home is preferable and freely choose to be with their families. Instead, the committee calls upon governments to intervene to change the beliefs and free

choices of any women who disagree with them.

And what of religious beliefs regarding the sanctity of the home and of equally important, but different, roles for women and men in the family or in the conduct of the internal religious affairs of the churches themselves? Again, fundamental human rights documents protect rights to religious belief and practice, including the right to “manifest . . . religion or belief in worship, observance, practice and teaching.”<sup>13</sup> Yet, the CEDAW committee believes that governments should intervene directly in religious teaching and practice to force compliance with the CEDAW committee’s version of equality.

The committee instructed Libya that it should reinterpret its fundamental scripture, the Koran, in ways that are permissible under CEDAW.<sup>14</sup> The committee has criticized governments—for example, Norway, New Zealand, and Hong Kong—because they allow churches an exemption from anti-discrimination laws.<sup>15</sup> In fact, the CEDAW committee has taken the position that, in all countries, one of the “most significant factors inhibiting women’s ability to participate in public life [has] been the cultural framework of values and religious beliefs. . . . In all countries, cultural traditions and religious beliefs have played a part in confining women to the private spheres of activity and excluding them from active participation in public life.”<sup>16</sup>

The CEDAW committee is particularly anxious to eradicate religious belief and practice and approaches it in an incremental fashion. Where countries have made reservations based on their religious beliefs, the CEDAW committee calls for withdrawal of the reservations. Where there are no reservations, the committee calls for changes in any legislation that protects differences based on religion. Then, even when the laws of a country have been completely secularized, the committee is not satisfied if the people persist in living their lives according to religious beliefs. For example, the CEDAW committee recently criticized Ireland because the Irish people persist in thinking and voting like Catholics, particularly with respect to abortion.<sup>17</sup> The CEDAW committee has made absolutely clear that, ultimately, there are to be no regional or national differences based on religion and culture. They stated, “Implementation of an anti-discrimination policy required that policies be coherent even though they touched upon religious and ideological issues. True gender equality did not allow for varying interpretations of obligations under international legal norms depending on internal religious rules, traditions, and customs.”<sup>18</sup>

Both the CEDAW committee and the Committee on Human Rights have positions on abortion which clearly demonstrate that these committees willfully invent new rights that have never been agreed upon and would not be agreed to by most of the countries ratifying their respective treaties. Both committees routinely criticize governments

for restricting abortion and instruct them to review abortion laws.<sup>19</sup>

Both these committees are also treating homosexuality and lesbianism as if they were human rights. In *Toonen v. Tasmania*, the Human Rights Committee stated that laws against homosexual sodomy violate the ICCPR.<sup>20</sup> In reviewing Kyrgyzstan's country report, the CEDAW committee instructed Kyrgyzstan to legalize lesbianism.<sup>21</sup>

The creation of these new, unagreed-to "rights" illustrates the importance, and misuse, of conference documents. At a 1996 roundtable, sponsored by the UNFPA, the Division for the Advancement of Women and the High Commissioner for Human Rights, the heads of the human rights treaty bodies were specifically encouraged to use the ambiguously defined concepts of reproductive health and reproductive rights as vehicles for reinterpretation of the various treaties to include abortion and homosexuality.<sup>22</sup>

Under the terms of international law, the interpretation of treaties must be done in "good faith."<sup>23</sup> Thus, this strategy for introducing abortion and homosexuality into binding human rights documents is especially outrageous, because both abortion and homosexuality were specifically rejected as rights at the Cairo and Beijing conferences, where the terms "reproductive rights" and "reproductive health" were coined and defined. The rejection of abortion and homosexuality as rights was affirmed at Cairo +5 and Beijing +5.

Recently, the CEDAW committee has begun treating prostitution as a right. In the past two years, the committee has instructed China to legalize prostitution, commended Greece for legalizing prostitution, and instructed Germany that, having legalized prostitution, that country's government should make certain that prostitutes receive the same labor benefits as workers in legitimate jobs.<sup>24</sup> It is not clear how the committee justifies creating this new right. Most likely, it would refer to the language from Beijing and Cairo which Western governments and others have put forward as the definition of new sexual rights, i.e., "The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality."<sup>25</sup> This broad language could be used to justify virtually anything these human rights treaty bodies might wish to do relating to sexual behavior.

This use of supposedly nonbinding conference documents to justify the wholesale reinterpretation of binding human rights treaties is, I believe, an abuse of power by the human rights treaty bodies. This is particularly true when these treaty bodies are creating rights that they know would be rejected by member states if they were explicitly written in the treaties. A committee of "experts" should not be given power to create new rights, and then to force them on unwilling sovereign nations.

Finally, I wish to discuss the fundamental human rights of parents, which are being seriously eroded by antifamily

activists and governments. The Universal Declaration of Human Rights explicitly protects the prior right of parents to choose the kind of education that is given to their children, and gives that right of parents priority over all others.<sup>26</sup> Each of the two implementing treaties, the ICCPR and the ICESCR, is even more specific in protecting "the liberty of parents . . . to ensure the religious and moral education of their children in conformity with their own convictions."<sup>27</sup> These important rights are in addition to family privacy rights, which were mentioned earlier.

When the Convention on the Rights of the Child first went into effect, the Committee on the Rights of the Child was quite deferential to the rights of parents. That deference has disappeared over time. Although sexual behavior is a core moral issue for most parents, the anti-family ideologues have targeted areas touching on sexual behavior to undermine parents' rights. For example, in 1995, the committee found the United Kingdom out of compliance because parents are allowed to withdraw their children from portions of sex education programs that the parents find objectionable.<sup>28</sup> The committee is now routinely calling for greater access to reproductive health counseling, and sex education and services, without mentioning any right of the parents.<sup>29</sup>

It is important to understand why we in America find this alarming. It is now very common in American school for children to be taught in public schools—at earlier and earlier ages, and in very explicit terms—about sexual behavior, including explicit instruction in homosexual behavior, with no moral boundaries. Some schools justify this intrusion into the child's consciousness by pointing to the HIV/AIDS epidemic, saying the children need to be taught early about safe sex.

Some sex education programs go even further, including programs promoted by NGOs that are involved in sex education programs all over the world. These programs tell children, at younger and younger ages, about different sexualities. They actually instruct children that homosexual urges are perfectly normal, and that they should not be afraid or ashamed to act out on them, as long as they do so safely.

The Center for Disease Control in this country has advocated sex education classes in which very young teenagers are first sworn to secrecy. They are told not to discuss what happens in class, even with their parents. Then, they are guided through explicit discussions and even exercises in putting on condoms on their hands, or on plastic models. All of this is done in mixed groups, designed to offend and break down any modesty that these youngsters may have.

If you think that this could never happen in your culture, think again. Programs of these types are heavily promoted by NGOs closely tied to the UN, including Planned Parenthood, and others. One of our law students was present at a meeting in New York at which the NGO presenter admitted they couldn't put information about homosexual behavior into

their written materials, because they would not be allowed access to children in developing countries. This presenter said, however, that once their trainers were inside the classroom, they would make it a point to present positive information about homosexuality when possible.

In the face of coordinated efforts such as this, unless parents are given the right to know what their children are being taught, and to take their children out of objectionable situations, their right to guide the religious and moral upbringing of their children has been effectively lost.

The Committee on the Rights of the Child also takes the position that any corporal punishment, however slight, is a violation of the child's rights.<sup>30</sup> The committee stresses the need for governments to intervene to make certain that parents are respecting their children's rights to have their views heard and given due weight in the family, and that children's other rights, such as rights to privacy, to associate with whom they will, and to decide what they will read and learn, are being adequately respected by parents.<sup>31</sup> The committee routinely instructs governments to set up mechanisms whereby children can make complaints about violations of these rights.<sup>32</sup> The notion of some government bureaucrat second-guessing parents in day-to-day decision making, especially with teenagers, is mind-boggling, to say the least. Yet that is what the committee believes is required for compliance with the Convention on the Rights of the Child.

Last year, numerous politicians, including our president, were discussing ways to prevent another terrible shooting, such as the one at Columbine High School. They suggested strongly that parents must control what their teenage children were reading and viewing on the Internet, and must make certain that their children were not associating with undesirable persons. Only with a strong system of parental rights could such supervision take place. Under the views of the Committee on the Rights of the Child, however, such supervision would violate the adolescent's rights.

The takeover of parts of the human rights system by anti-family ideologues is disturbing, even though at the present moment, compliance with treaty body recommendation is mostly a matter of political will. What is even more disturbing to me, as an American, is my government's role in aiding and abetting this takeover. Before I began attending UN meetings, I imagined that the United States was the champion of freedom and democracy. What I discovered, to my dismay, is that the United States has become the champion of sexual diversity, abortion, and the sexualization of society, even children. Moreover, in these areas, the United States has become the enemy of democracy and freedom, as it participates in trying to force these things on unwilling nations and people through "rights" language.

If the human rights system ever acquires the teeth that current American administration and other advocates want

to give it, for example, by enforcement of these radical pronouncements through the International Criminal Court, it has the potential to destroy individual liberty, families, and cultures, while the radical feminist and homosexual activists' anti-family ideology is forced upon peoples all over the world.

We hope, over these three days, to alert you to these and other legal issues that you may not yet have researched. We hope also to give you information and arguments that will be useful to you in your work. We further hope to help establish relationships that will enable the people who value the family—the majority of the world—to speak together with one voice in defense of our cultures and our freedom to govern ourselves, and to pass on the values that we hold dear to the people we hold dear—our families.

#### NOTES

1. Worldwide, 78 percent agreed that "[a] family created through lawful marriage is the fundamental unit of society."

2. The survey asked, "If you could create society the way you think it should be, what would that society be centered around?" Sixty-four percent responded family, while only 17 percent said the individual. Another 17 percent thought society should be constructed around the government, while 12 percent thought the church should be the center of society, and 10 percent would center society around business.

3. Worldwide, 84 percent agreed that "the definition of marriage is one man and one woman." Because the question described only monogamous marriage, there was only 63 percent agreement in the Middle East and Africa, where many accept polygamous marriage. Somewhat surprisingly, even in Europe there was 84 percent agreement that marriage is between a man and a woman.

4. Seventy-seven percent thought that having children was very important to the quality of family life.

5. Eighty-six percent agreed with the statement, "All things being equal, it is better for children to be raised in a household that has a married mother and father."

6. Kofi Annan, "The Legitimacy to Intervene: International Action to Uphold Human Rights Requires A New Understanding of State and Individual Sovereignty," *Financial Times*, 31 December 1999.

7. A/CONF.183/9, Rome Statute of the International Criminal Court, Art. 7, para 2(g).

8. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. UDHR, Art. 16, para. 3; ICCPR, Art. 23, para. 1. See also ICESCR, Art. 10, para. 1.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence (UDHR, Art. 12; ICCPR, Art.17, para. 2).

Motherhood and childhood are entitled to special care and assistance (UDHR, Art. 25, para. 2).

Special protection should be accorded to mothers during a reasonable period before and after childbirth (ICESCR, Art. 10, para. 2).

9. The committee is particularly concerned about the consistent emphasis placed on women's roles as mothers and care-givers in Croatian legislation pertaining to a variety of areas. . . . The committee comments that despite the fact that women in Croatia are well educated and participate in the labour force in large numbers, a careful and gender-sensitive analysis of the emphasis on motherhood vis-a-vis women's roles in the public sphere is needed on the part of the government to assure de facto gender equality in the Croatian society of the future (A/53/38(Part I), para. 103 [Croatia]).

The government notes with concern the persistence of a patriarchal culture, 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 (CEDAW/C/1999/L.2/Add.3, para. 30 [Georgia]).

The committee expresses its concern that the country's legislation, in particular with regard to women's role in the labour market, appears to be overly protective of women as mothers and thus creates further obstacles to women's participation in the labour market. . . . The committee is concerned by the continuing prevalence of sex-role stereotypes, as also exemplified by the reintroduction of such symbols as a Mothers' Day and a Mothers' Award, which it sees as encouraging women's traditional roles. It is also concerned whether the introduction of human rights and gender education aimed at countering such stereotyping is being effectively implemented (CEDAW/C/2000/1/CRP.3/Add.5/Rev.1 paras. 25,27 [Belarus]).

The committee is distressed to note that, while the government is eager to improve the living conditions of women in the Czech Republic, the structural and cultural causes of gender inequality are not fully appreciated by the government. Having emerged from the restrictions of a totalitarian state, where full employment of women and institutional care-taking of children has been emphasized, the Czech Republic's current policies directed at women and family overemphasize motherhood and family roles for women. . . . The committee also notes with concern the increase in over-protective measures for pregnancy and motherhood. . . . It also noted that the cultural glorification of women's family roles could exacerbate the negative impact of economic rationalization policies on women (A/50/38 (Part I) paragraphs 185, 196 [Czech Republic]).

10. The Committee was concerned that less than 30 percent of children under three years of age and slightly more than half of all children between three and six were informal day care, and that the remaining children, while care for by family members and other private individuals, might miss out on educational and social opportunities offered in formal day-care institutions. . . . The Committee recommended 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 (A/52/38/Rev.1, paragraphs 104, 114 [Slovenia]).

The Committee is 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 at the unmet need for kindergarten places for the zero to three age group (CEDAW/C/2000/1/CRP.3/Add.7/Rev.1, para. 27 [Germany]).

11. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference (UDHR, Art. 19; see also ICCPR, Art. 19, para. 1).

12. The Committee is concerned at the persistence of traditional and stereotypical attitudes about the roles and responsibilities of women and men in public and in private life. . . . The Committee urges the Government to intensify its awareness-raising efforts, supported by legislation, policy and specific projects, to overcome such stereotypical attitudes (CEDAW/C/2000/1/CRP.3/Rev.1, paragraphs 25–26 [Luxembourg]).

The Committee expresses its concern at the persistence of stereotypical and traditional attitudes about the roles and responsibilities of women and men in private and in public life. . . . The Committee urges the government to study the impact of measures aimed at reconciliation of work and family responsibilities so as to create a firm basis for policies and programs that will accelerate change and eradicate stereotypical attitudes. . . . It also recommends that the state party assess the current legal provisions on the taxation of married couples and its impact on the perpetuation of stereotypical expectations for married women (CEDAW/C/2000/1/CRP.3/Add.7/Rev.1, paragraphs 27–28 [Germany]).

The Committee recommends that high priority be placed on efforts to eradicate traditional stereotypes that perpetuate direct and

indirect discrimination against women. . . . While applauding women's high level of educational achievement, especially at the university level where women are in the majority, the Committee expresses concern that those achievements are not yet reflected in women's equivalent access to, and representation in, the labour market (CEDAW/C/1999/L.2/Add.6, paras. 23, 56 [Spain]).

13. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with other and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice (ICCPR, Art. 18, para. 1, 2; see also UDHR, Art. 18).

14. Members felt that the interpretation of the Koran had to be reviewed in the light of the provisions of the convention and in the light of the current social environment. . . . [E]fforts should be made to proceed to an interpretation of the shariah that was permissible and did not block the advancement of women. The government was urged to take a leading role in its interpretation of the Shariah as a model for other Islamic countries.

15. The Committee was 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 Norwegian Government to amend the Norwegian Equal Status Act to eliminate exceptions based on religion (A/50/38 para. 460 [Norway]).

In an additional question, it was asked why the Human Rights Act had left out political parties, private clubs and churches (A/49/38 para. 635 [New Zealand]).

The Committee notes with concern that China has entered seven reservations and declarations in respect of the provisions of the 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 Convention (A/54/38, para. 314 [Hong Kong]).

16. General Recommendation 23 (16th Session), Article 7, A/52/38/Rev.1.

17. The Committee notes 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, is compromised by this influence. The Committee notes that Ireland did not enter a reservation to Article 12 upon ratification of the Convention. The Committee recommends the implementation of this article in full (CEDAW/C/1999/L.2/Add.4, para. 20 [Ireland]).

The CEDAW Committee's General Recommendation to Article 12 states in relevant part:

The obligation to respect rights requires States parties to refrain from obstructing action taken by women in pursuit of their health goals. . . . [B]arriers to women's access to appropriate health care include laws that criminalize medical procedures only needed by women and that punish women who undergo those procedures (CEDAW General Recommendation 24 (20th session), para. 14).

18. A/49/38 para 135 (Libya).

19. The Committee deplores the law in force in Zanzibar which allows for the imprisonment of both mother and father in the event of an unmarried woman becoming pregnant. In the Committee's view, this carries risks to the right to life (art. 6) (through resort to illegal abortion) and to the rights of the child (arts. 23 and 24) if born in such circumstances. It recommends the abolition of this law in Zanzibar and, noting in this connection that illegal abortion is a major cause of maternal mortality, that a national review be carried out on the restrictions on abortions (arts. 3, 6, and 26). CCPR/C/79/Add.97, para. 15 (Tanzania).

The Committee recommends that the government consider the advisability of revising the legislation criminalizing abortion and suggests that it weight the possibility of authorizing the use of the RU486 contraceptive, which is cheap and easy to use, as soon as it becomes available. . . . The Committee recommends that all states of Mexico should review their legislation so that, where necessary, women are granted access to rapid and easy abortion (A/5338 (Part I), paragraphs 408, 426 [Mexico]).

20. CCPR/C/50/D488/1992.

21. The Committee is concerned that lesbianism is classified as a sexual offence in the penal code. The Committee recommends that lesbianism be reconceptualized as a sexual orientation and that penalties for its practice be abolished. (A/54/38, paragraphs 127–28 [Kyrgyzstan]).

22. *See*, Round Table of Human Rights Treaty Bodies on Human Rights Approaches to Women's Health, with a Focus on Sexual and Reproductive Health and Rights, especially pp. 17–19, 21–24.

23. A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and light of its object and purpose. Vienna Convention on The Law of Treaties, Art. 31, para. 1.

24. The Committee is concerned that prostitution, which is often a result of poverty and economic deprivation, is illegal in China. The Committee recommends decriminalization of prostitution (A/54/38, paras. 288–89 [China]).

While noting positively the fact that prostitution is decriminalized and instead is dealt with in a regulatory manner, the Committee is concerned that inadequate structures exist to ensure compliance with the regulatory framework (A/54/38, para. 197 [Greece]).

The Committee is concerned that although they are legally obliged to pay taxes, prostitutes still do not enjoy the protection of labour and social law (CEDAW/C/2000/1/CRP.3/ Add.7/Rev.1 para. 39 [Germany]).

25. Beijing Platform for Action, para. 96.

26. Parents have a prior right to choose the kind of education that shall be given to their children (UDHR Art. 26, para. 3).

27. ICCPR, Art. 18, para 4. *See also* ICESCR, Art. 13, para. 3 (“The States Parties to the present Covenant undertake to have respect for the liberty of parents . . . to choose for their children schools, other than those established by the public authorities, which conform to such minimum education standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.”)

28. In relation to the implementation of Article 12, the Committee is concerned 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 programmes 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 (CRC/C/15/Add. 34 [United Kingdom]).

29. The Committee recommends the State party to undertake a comprehensive study to understand the nature and extent of adolescent health problems, and with the full participation of adolescents, use this as a basis to formulate adolescent health policies and programmes. While recognizing that parents play an important role in this regard, cultural attitudes, lack of personal knowledge and communication skills on behalf of parents may be barriers to accurate reproductive health information and counselling. In this regard, the Committee recommends that adolescents have access to and be provided with reproductive health education, and child friendly counselling and rehabilitation services (CRC/C/ 15/Add. 127, para. 46 [Kyrgyzstan]).

30. The Committee expresses its concern about the lack of prohibition in local legislation of the use of corporal punishment, howev-

er light, in school, at home and in institutions; in the view of the Committee this contravenes the principles and provisions of the Conventions, in particular Articles 3, 5, 6, 28.2, 37(a), (c) and 39 (CRC/C/15/Add.79, para. 15 [Australia]).

31. The Committee recommends the State party to introduce additional measures, including legislative ones, to guarantee the child's right to privacy, especially in the family, schools, care, and other institutions (CRC/C/15/Add. 90, para. 36 [Japan]).

The Committee recommends that the position of the Holy See with regard to the relationship between Articles 5 and 12 of the Convention be clarified. In this respect, it wishes to recall its view that the rights and prerogatives of the parents may not undermine the rights of the child as recognized by the Convention, especially the right of the child to express his or her own views and that his or her view be given due weight (CRC/C/15/Add. 46, para. 13 [Holy See]).

Further efforts are required to ensure the active participation of children and their involvement in all decisions affecting them in the family, at school and in social life, in the light of articles 12, 13, and 15 of the Convention (CRC/C/15/ Add. 68, para. 29 [Panama]).

In light of articles 12–17 of the Convention, the Committee recommends that further measures be undertaken to promote the participation of children in the family, school and other institutions as well as the effective enjoyment of their fundamental freedoms, including the freedom of opinion, expression, and association (CRC/C/15/Add.129, para. 28 [Malta]).

32. [T]he Committee suggests setting up an independent mechanism such as an Ombudsperson for Children responsible for receiving and acting on complaint from children of violations of their rights under the law and the Convention (CRC/C/15/Add.76, para. 33 [Algeria]).