

SUBJECT: HALF DAY OF GENERAL DISCUSSION ON ARTICLE 6

General discussion on the preparation for a general comment on Article 6 (on the right to life) of the international covenant on civil and political rights, palais des nations, room XIX - 14th JULY 2015.

SUBMISSION BY:

DR. GERALDINE SANJAY. BSc, MBBS, DFM, MD

[Medico-Legal Expert]

ABBA YESHU PAVITHRA, Centre for Holistic Healing
No. 86, 1st Main Road, 'Ave Maria' Opp DTDC Courier,
Chamarajpet, Bangalore- 560018, India

INTRODUCTION

"We must not see any person as an abstraction. Instead, we must see in every person a universe with its own secrets, with its own treasures, with its own sources of anguish, and with some measure of triumphs". - Elie Wiesel [from the Nazi Doctors & the Nuremberg Code]¹

In India, we have a long tradition of value for the human person, the human soul. The fulfillment of one's destiny, "Karma", the ultimate goal being the union of the Jivatma [life force] with the Parmatma [God head]. This purpose and meaning of the human person has challenged the Rishi's the Sages and the common man through the ages. Ours is a land of pilgrims and pilgrimages. It is inherent in every Indian to search for the truth wherever it leads him or her. In the modern India of 2015 and the changing global scenario, the human person in various communities across the world is feeling the impact of the fast moving changes technology has brought to every corner of the Earth.

There is a common flux and change in the composition of communities. The socio demographic profile of the Indian citizen is changing rapidly. We have become a successful and prosperous Nation of one billion people. The enormity of the task ahead is for our people to protect the individual Indian citizen as also to create optimum conditions of sustainable development for all of our diverse communities.

A zygote or embryo is the beginning of a new human being. It was soon realized by the Scientist that the zygote contains all the genetic information necessary for directing the development of a

1. Skloot Rebecca. The Immortal Life of Henrietta Lacks, New York. Random House Inc., 2010

new human being. Human development begins at fertilization when a male gamete or sperm unites with the female gamete or oocyte to form a human cell a zygote. This highly specialized totipotent cell makes the beginning of each of us as a unique individual. ²

Article 6 of the Universal Declaration of Human Rights states that everyone has the right to recognition everywhere as a person before the law. Therefore every citizen of a member state of the United Nations has a right to possess his personal identity unquestioned. ³

Who am I ? is a question that occurs to each one of us as we grow as persons in the human family. To most of us, our identities are developed in the heart of loving families with a mother, father, brothers and sisters to call our own, along with the extended family of cousins, aunts, uncles, grandparents, the caste, the community, the village.

Recommendation:

Therefore it is imperative that Article 6 should reiterate that "Every human being from the moment of conception has the inherent right to life". This right shall be protected by Law. No one shall be arbitrarily deprived of his life.

Rights of an unborn child:

Law recognizes the fetus as a special aggregation of cells with the potential for independent life and in this way protects the rights of an unborn child. It has legal rights. There is nothing in law to prevent a man from owning property before he is born. A child in the mother's womb is for

2. T.V.N, Moore L. Keith Persaud. Introduction to the Developing Human, The Beginning of Human Development First Week / Clinically Oriented Embryology - Eighth Edition, Philadelphia Saunders, 2008

3. Mathiharan K, Kannan K, Personal Identity: Modi's Medical Jurisprudence and Toxicology 24th Edition. New Delhi, Lexus Nexis, 2011

many purposes regarded by legal fiction as already born.

Abortion is quite contrary to India's sound tradition

- Article 14 of "Hindu Law" considers a child in its mother's womb as a person equal in all respects to a child already born (except for the purposes of adoption). ⁴
- Article 14 of the Constitution of India says "The state shall not deny to any person equality before the Law or the equal protection of Laws within the territory of India."
- Article 21 of the Constitution of India says "No person shall be deprived of his life or personal liberty according to the procedure established by Law". ⁵

Abortion is an abominable crime against God who is the only Life-Giver, against the Nation and against all the innocent human beings who are being killed in our mother's wombs today. It is a publically known and terrible fact that every year six million of innocent Indian citizens are being killed by abortion.

Sterilization is also quite contrary to India's sound tradition

Sterilization operations are allowed and encouraged by the government of India although it is a crime against God, against the Nation and against the sterilized persons. Through sterilization we are making healthy men and women of our country more or less handicapped and violated in their inner most dignity.

4. Apurba Nandi, Identification of an Individual: Principles of Forensic Medicine, second edition, Kolkata. New Central Book Agency, 2007

5. Bhargava, M.L. Guide to Medical Laws Containing 37 Acts, Rules and Regulations. New Delhi. Kamal Publishers, 2009.

Contraception is quite contrary to India's sound tradition

Contraception propagated strongly by the Government of India has made separate the Law of God which is the natural bonding between marital union [sexual intercourse] and child-bearing.

This has led directly to broken and unhappy marriages, sexual promiscuity and the spread of AIDS and other STD's, the moral and spiritual degradation and degeneration of our people. The contraceptive, anti-life, anti-family mentality leads directly to abortion.

Conclusion

Considering all the above facts I believe in keeping with the demands of human rights and the Right to Life.

- Abortion should be made illegal and an offence punishable by Law. The 'Medical Termination of Pregnancy Act' should be revoked and an advocacy developed for the unborn child from the moment of conception till natural death.
- Sterilization [being a means of birth control] of both men and women should be forbidden as an abuse of medical, surgical intervention and a violation of the integrity of persons.
- Propaganda [by TV, Radio and Press] should be forbidden and distribution of condoms and other artificial birth control as means contrary to human dignity.
- To teach Natural Fertility planning [Cervical Mucus Method of Dr. John Billings MD] which is scientific, specific, does not cost money, universal and easily understood by both illiterate and literate persons. A gift given by God himself as a means to regulate fertility.

- To leave the decision about the size of families to the couples themselves who should consider before their decision relevant physical, economic, psychological and social conditions.
- To respect their decisions if some couples prudently and generously decide to have large families.

With full respect and hope that the above statements and requests shall be considered as Vox populi and Vox Dei.
