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**FROM: Family Watch International and the UN Family Rights Caucus**

**TO: The Human Rights Committee**

**RE: Advanced Unedited General Comment No. 36 of the Human Rights Committee on Article 6 of the ICCPR (Right to Life)**

 **INTRODUCTION:** The International Covenant on Civil and Political Rights, Article 6 clearly states: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

Family Watch and the UN Family Rights Caucus are greatly concerned by the revisionist interpretations of the present draft of Comment No. 36 that deviate radically from the ICCPR. We are especially concerned with paragraphs 9 and 10 as these paragraphs clearly compromise the integrity of the “right to life” as originally agreed by States parties to the Convention.

More specifically, paragraphs 9 and 10 of the Draft General Comment on Article 6 promote abortion and euthanasia, contrary to the intent and scope of Article 6 mandating the protection of the inherent right to life. The imposition of these controversial and harmful practices (abortion and euthanasia) directly violates the clear obligation of States to protect life, to prevent others from destroying life, and to respect the rights of all “to live in dignity at all stages of life” – Ageing (2002), 21(h).

Further, Comment No. 36 is also internally inconsistent. For example, paragraph 3 rightly states, “*The right to life is a right* *which should not be interpreted narrowly*” and that Article 6 of the ICCPR *“guarantees this right for all human beings, without distinction of any kind*.” Yet paragraphs 9 and 10 then go on to interpret the right to life quite “*narrowly*” and with a “*distinction*” that excludes unborn children or suffering persons from this right, wherein it promotes the taking of life though abortion or euthanasia. Excluding those who suffer or the unborn from the protection of their “right to life” is a gross violation of this “*guaranteed”* right “*for all human beings”* as per Article 6, the very article under consideration.

Family Watch International and the UN Family Rights Caucus emphasize that the right to life is protected and affirmed by international law, thus, we strongly resist the Committee’s efforts to radically reinvent the ICCPR in a clear attempt to advance an anti-life agenda. Accordingly, we would like to register our serious concerns with a number of elements in Draft General Comment No. 36 as listed below.

**Objections to Provisions in Draft Comment No. 36 of the Human Rights Committee**

*The following objections do not constitute all possible objections that our members may have to proposed elements within Draft General Comment No. 36. We have only highlighted a few of the more serious common concerns.*

**Objection 1:** **Distorts the Meaning and Intention of ICCPR’s “Right to Life” Provision**

Paragraph 9 of Comment No. 36 so distorts the meaning of the “right to life” that it claims the “right to life” encompasses a right to abort a baby (meaning the right to kill it), which is the exact opposite of the “right to life.” Paragraph 10 then alleges that the “right to life” encompasses the right to kill those who suffer. The irony here is quite clear—that the authors of Comment No. 36 are trying to use the “right to life” as a tool to promote a “right” to cause death.

**Objection 2:** **Ignores** **the Right to Life of the Child Before as Well as After Birth**

Member States have made it very clear in binding UN documents that there is no international right to abortion. For example, the Convention on the Rights of the Child (CRC) states: **“The child, by reason of his physical and mental immaturity, needs special safeguards and care*, including******appropriate legal protection, before as well as after birth.”*** (CRC Preamble).

The CRC also recognized ***“that every child has the inherent right to life.”*** (CRC Art. 6) Abortion on demand would completely undermine this right to life established by the CRC, a binding international treaty.

Multiple UN consensus documents discourage abortion and clearly limit “abortion rights.” For example, the outcome document of the International Conference on Population and Development (ICPD) states that ***“Governments should take appropriate steps to help women avoid abortion,* *which in no case should be promoted as a method of family planning ...”*** (ICPD, 1994, par. 7.24; see also par. 7.10, 8.25).

UN Member States also clarified in ICPD that ***“Any measures or changes related to abortion within the health care system* *can only be determined at the national or local level according to the national legislative process*.*”*** (ICPD, par. 8.25) All of the above language also was agreed to at the Fourth World Conference on Women (see Beijing 1995, par. 106-k) and then again at Beijing +5 and ICPD +5. (ICPD +5, par. 63i, ii, iii and Beijing +5, par. 72-o).

Therefore, UN consensus documents indicate in unambiguous language that:

* Member States have agreed to help women avoid abortion;
* UN agencies are prohibited from promoting abortion as a method of family planning; and
* The UN is not even authorized to dictate abortion policies as this matter is to be left to national legislatures.

In sum, UN consensus documents (namely, the CRC, ICPD, ICPD +5, Beijing and Beijing +5) both discourage and severely restrict abortion rights.

**Objection 3:** **Uses the Deceptive “Safe” Versus “Unsafe” Abortion Promotion Strategy**

Paragraph 9 of Comment No. 36 inserts the term *“unsafe”* before *“abortion”* which implies that some abortions can be *“safe”* while others are *“unsafe.”* However, *“safe abortion”* is an oxymoron and a medical impossibility since every abortion is always *“unsafe”* for the baby whose life it ends.

Abortion is often also *“unsafe”* for the mother since she may experience many of the well-documented complications of abortion, including life-threatening complications, even if the abortion is performed under the best of circumstances and medical conditions. So the only way to truly protect a woman’s “right to life” is to help her avoid abortion completely because every abortion puts a woman’s health at some risk.

In one study, 17 percent of women undergoing allegedly *“safe”* (i.e., legal) abortion procedures in the U.S. experienced physical complications such as abdominal bleeding or pelvic infection after the abortion.[[1]](#footnote-1) This is despite the fact that the U.S. has some of the best medical care in the world. The percentage is likely even much higher when long-term physical effects are considered, not to mention psychological effects. For example, some of the short- and long-term adverse effects of abortion, legal or illegal include:[[2]](#footnote-2)

* Accidental tearing of uterine artery, tearing of the cervix, or scarring of the uterine wall
* Heavy bleeding, requiring blood transfusions
* Abdominal cramping, nausea, vomiting, diarrhea, and infection
* Allergic reaction to drugs or anesthesia, sometimes causing convulsions, or worse
* Heart attack, embolisms (caused by blood clots or other foreign matter in blood vessels)
* Perforation of the uterus and damage to other internal organs
* Miscarriage of future pregnancies, infertility or sterility
* Increased risk of subsequent tubal pregnancies
* Death (It is estimated that 20 percent of maternal deaths are due to abortion.)
* Guilt, anger, anxiety, depression, suicidal thoughts
* Anniversary grief, flashbacks of abortion, memory repression
* Sexual dysfunction, relationship problems
* Eating disorders, sleep disorders
* Alcohol and drug abuse

**Objection 4:** **Promotes the Myth that Abortion is Necessary to Save the Life of the Mother**

Paragraph 9 implies that abortion must be allowed in special cases in order to save the life of the mother. However, there is never a circumstance where intentionally killing the baby is necessary to safe a mother’s life. It may be necessary to deliver a baby early to save a mother’s life, and such an action could result in the death of the baby, but in such cases this would not be an “abortion” (as commonly practiced) as abortion usually involves the intentional and deliberate killing of the baby often through poisoning or dismemberment before the baby is delivered. To preserve the “right to life,” every child should be given the chance to be born, and once born, every attempt should be made to help the child live in accordance with the mandate from the UN Convention on the Rights of the Child that requires that *“States Parties shall ensure to the maximum extent possible the survival and development of the child”* (CRC (1990), Article 6. 1).

**Objection 5: Violates the Sovereign Rights of States**

National sovereignty is a fundamental principle of the UN Charter as the United Nations *“is based on the principle of the sovereign equality of all its Members”* (UN Charter Article 2.1; *see also* Chapter II.1). The UN Charter likewise also makes it very clear that *“nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state …”* (UN Charter, Article 2.7). Yet Comment No. 36 seeks to impose on UN Member States highly controversial policies on abortion and euthanasia that would directly violate the domestic laws of many Members. This is not the role of the United Nations and certainly not the role of a UN Committee, which holds no legal authority to create rights or to impose them on States.

**Recommendation**

Based on the aforementioned objections, Family Watch International and the UN Family Rights Caucus respectfullyrequest that the Human Rights Committee makes the following revision to the Draft General Comment No. 36 on Article 6 of the ICCPR:

1. Delete paragraphs 9 and 10.
2. Add “unborn children” to the list in paragraph 27 of “persons in situation of vulnerability whose lives have been placed at particular risk.”

*Founded in 1999, Family Watch International (FWI) is a U.S.-based, nonprofit organization in Consultative Status with the Economic and Social Council of the UN. Family Watch works at the United Nations and in countries around the world educating the public and policymakers regarding the central role of the family and advocating for women, children and families. FWI also provides family-based humanitarian aid to orphans and vulnerable children.*

*Established in 2008, the UN Family Rights Caucus (UNFRC) has member organizations in over 170 countries representing over four million people. The UNFRC seeks to ensure that the family is protected in UN policies as called for in the Universal Declaration of Human Rights. The Caucus has participated in multiple UN conferences and commissions, delivering speeches, sponsoring events, and holding Caucus meetings to facilitate initiatives to protect the family at the United Nations.*

1. Major, B., et al. (2000). Psychological Responses of Women After First-Trimester Abortions. *Archives of General Psychology, 57,* 777-784. [↑](#footnote-ref-1)
2. United Families International. (2007). *Guide to Family Issues: Abortion*. Retrieved from http://unitedfamilies.org/wp-content/uploads/2015/09/Abortion\_GuidetoFamilyIssues.pdf [↑](#footnote-ref-2)