

## **Press Release from the All Party Parliamentary Pro-Life Group and Right to Life**

Sunday 9th October 2011

### **There is no right to abortion in international law – but there is a right to life**

The Lord Nicholas Windsor and Lord Alton of Liverpool are to launch the San Jose Articles in the UK at an event in the House of Lords sponsored by the All Party Parliamentary Pro-life Group and Right to Life. The nine Articles on the status of the unborn child have been drafted and signed by more than 30 senior politicians, diplomats, lawyers, scholars and public figures from around the world to counter a subversive international campaign to establish legal abortion as a universal human right.

The aim of the Articles is to equip the citizens of countries which uphold the right to life of unborn children to better defend themselves against bullying by the governments, United Nations agencies and other organisations that wish them to change their laws.

The Articles do this principally by exposing and refuting false statements advanced by pro-abortion campaigners and re-establishing the truth about the legal status of the unborn child under international human rights treaties.

The Articles begin by asserting the scientific fact that human life begins at conception and then demonstrate that not a single United Nations treaty gives legal abortion the status of a so-called “reproductive right”. On the contrary, a number of human rights treaties in fact recognise the humanity of unborn children and the rights and duties of governments to protect them as members of the human family.

The San Jose Articles were drafted and first signed in San Jose, Costa Rica, on 25<sup>th</sup> March 2011. They were first formally launched at the United Nations on 6<sup>th</sup> October and will be launched in the European Parliament on 24<sup>th</sup> October. As well as the UK, launches will also be held in the United States, Canada, Spain, Italy, Chile and the Philippines.

Lord Nicholas, a member of the House of Windsor, and Lord Alton, a crossbench peer, are the co-signatories in the UK along with Professor John Finnis, legal scholar and philosopher of Oxford University, and John Haldane, Professor of Philosophy at St Andrew’s University, Scotland.

*Lord Nicholas said: “I see the San Jose Articles as an attempt to draw a line and fight back against a concerted movement which seeks to read a ‘right to abortion’ into standing international law.*

*“The latter is being manipulated in the effort to craft such a right. Not least, it is anti-democratic to subvert in this way the will of national parliaments and courts. I hope that these articles will be a useful tool for all those who don’t want to give up their national right to choose to defend the unborn from conception onwards.”*

*Lord Alton said: “The 1948 Universal Declaration on Human Rights had its origins in the horrors of the Second World War. It contains a specific commitment to the right to life itself.*

*“The iniquitous campaign to establish abortion as an international human right betrays a lamentable grasp of history and flies in the face of the duty which both States and individuals have to cherish and defend vulnerable life.*

*“The San Jose Articles are a long overdue international re-assertion of the admirable impulses which gave birth to the 1948 Declaration and to recognise that the greatest of all rights is the right to life itself.”*

The UK Government and Opposition have always respected right of Northern Ireland to defend its own law against abortion.

The San Jose Articles were launched in Committee Room 1 of the House of Lords on Monday 10th October 2011 in the company of Lord Nicholas and Lord Alton.

## NOTES

**The campaign to establish abortion** as a human right has been adopted by UN agencies and such rights groups such as Amnesty International in recent years in spite of the absence of a single international treaty supporting their claim. On the contrary, abortion is viewed by the international community as an issue of sovereignty, decided by the elected representatives of individual states. In the UK it is traditionally an issue on which MPs and peers are allowed to vote with their consciences.

Earlier this year, however, Navi Pillay, the UN Commissioner for Human Rights, said in the document, *Maternal Mortality and Human Rights*, that laws against abortion were in breach of UN documents on “discrimination against women” and that they amounted to “a violation of the right to be free from torture”. The Commissioner also indicated that countries should overcome the “problem” of medical professionals who have a conscientious objection to participating in abortions.

The intervention of Miss Pillay represents one of the latest attempts to change the international consensus on how human rights in this area are understood. Others include a report this year from the UN Special Rapporteur on Health claiming that there is a universal right to abortion based on health grounds. This report was endorsed by the UN Secretary General.

A universal right to abortion is also being championed by the committee of the Convention on the Elimination of Discrimination Against Women, which has directed 93 countries to change their laws on abortion.

There have been a series of attempts within the European Parliament and the Council of Europe to redefine abortion as a human right and to deny medical professionals a right of conscientious objection.

Both Human Rights Watch and Amnesty International uphold abortion as a reproductive right, with Amnesty abandoning its neutral policy on abortion within the last five years to campaign vigorously for its legalisation around the world.

About two-thirds of the world’s countries continue to prohibit abortion by law in all or almost all circumstances. However, they are being constantly harassed and bullied by United Nations agencies and NGOs misquoting treaties and international law.

Only 56 countries permit abortion for any reason, and just 22 of these are without restriction on such aspects as gestational period, as exists in the UK. Yet these minorities are seeking to subvert the laws of other countries.

## San Jose Articles in full:

# San Jose Articles

**Article 1.** As a matter of scientific fact a new human life begins at conception.

**Article 2.** Each human life is a continuum that begins at conception and advances in stages until death. Science gives different names to these stages, including zygote, blastocyst, embryo, foetus, infant, child, adolescent and adult. This does not change the scientific consensus that at all points of development each individual is a living member of the human species.

**Article 3.** From conception each unborn child is by nature a human being.

**Article 4.** All human beings, as members of the human family, are entitled to recognition of their inherent dignity and to protection of their inalienable human rights. This is recognised in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and other international instruments.

**Article 5.** There exists no right to abortion under international law, either by way of treaty obligation or under customary international law. No United Nations treaty can accurately be cited as establishing or recognising a right to abortion.

**Article 6.** The Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other treaty monitoring bodies have directed governments to change their laws on abortion. These bodies have explicitly or implicitly interpreted the treaties to which they are subject as including a right to abortion.

Treaty monitoring bodies have no authority, either under the treaties that created them or under general international law, to interpret these treaties in ways that create new state obligations or that alter the substance of the treaties.

Accordingly, any such body that interprets a treaty to include a right to abortion acts beyond its authority and contrary to its mandate. Such *ultra vires* acts do not create any legal obligations for states parties to the treaty, nor should states accept them as contributing to the formation of new customary international law.

**Article 7.** Assertions by international agencies or non-governmental actors that abortion is a human right are false and should be rejected.

There is no international legal obligation to provide access to abortion based on any ground, including but not limited to health, privacy or sexual autonomy, or non-discrimination.

**Article 8.** Under basic principles of treaty interpretation in international law, consistent with the obligations of good faith and *pacta sunt servanda*, and in the exercise of their responsibility to defend the lives of their people, states may and should invoke treaty provisions guaranteeing the right to life as encompassing a state responsibility to protect the unborn child from abortion.

**Article 9.** Governments and members of society should ensure that national laws and policies protect the human right to life from conception. They should also reject and condemn pressure to adopt laws that legalise or de-penalise abortion.

Treaty monitoring bodies, United Nations agencies and officers, regional and national courts, and others should desist from implicit or explicit assertions of a right to abortion based upon international law.

When such false assertions are made, or pressures exerted, member states should demand accountability from the United Nations system.

Providers of development aid should not promote or fund abortions. They should not make aid conditional on a recipient's acceptance of abortion.

International maternal and child health care funding and programmes should ensure a healthy outcome of pregnancy for both mother and child and should help mothers welcome new life in all circumstances.