

No, Abortion Is Not a Human Right

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KEY TAKEAWAYS

Contrary to claims of abortion advocates around the world, abortion is not a human right—neither in fact nor as defined by international law.

Disguising the life-ending reality of abortion by claiming it as health care or gender equality shows how abortion supporters twist words to push their agenda.

Defenders of life—including pro-life governments—must object to new definitions and ever-expanding language of what constitutes a human right.

Abortion advocates spent decades trying to add abortion to their ever-growing list of human rights. Defining abortion as health care is a key part of this effort. The Supreme Court decision in *Dobbs v. Jackson Women’s Health* has increased their sense of urgency; if abortion is not a constitutional right in the United States, the pressure is on to claim that it is an international human right.

Exhibit A: the amicus brief that United Nations human rights “experts” submitted to the U.S. Supreme Court in the *Dobbs* case. In it, they purported to show that the Court must uphold abortion rights to comply with the American commitment to human rights. “[S]afe and legal abortion access constitutes a critical part of human rights,” they asserted,

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and in particular, the right to the highest attainable standard of health (which includes reproductive rights) as well as other human rights including the rights to non-discrimination and equality, respect for private life, the right to life, and the right to freedom from torture and cruel, inhuman and degrading treatment.¹

While their claims are vehement, their arguments are flimsy. Access to abortion is not a human right—neither in fact nor as defined by international law.

Human Rights in International Law

Binding international law is made by treaties between sovereign states.² Examples to which the United States is a party include the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT).

The U.N. General Assembly, the Human Rights Council, and other U.N. bodies issue statements, recommendations, or negotiated documents known as “agreed conclusions.” These documents contribute to a body of “soft law.” They are non-binding on countries, even if member state delegations negotiate them to reach consensus at the end of a conference. They still matter, however, because they bind the U.N. system itself. This means that controversial language from non-binding documents will still dictate policy.

An example could be a document that comes from the Commission on the Status of Women or from the Commission on Population and Development. If it refers to “safe abortion” while discussing reproductive health, the U.N. bureaucracy may—or rather, *will*—include the promotion of “safe abortion” in implementing its programs.³ Worse, it can plausibly claim that such language has broad international agreement.

This is how soft law can become customary international law. If member states *believe* that those laws are binding on them, they will act accordingly. That is true even if the claims are never codified in treaties. Over time, these bureaucracies and technical experts stretch the meanings of documents to include far more than the member states ever agreed to.

The U.N. Human Rights System and Its Actors

The Office of the High Commissioner for Human Rights (OHCHR) is the central command of the U.N.’s human rights bureaucracy. The U.N. General

Assembly created it in 1994 to “promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights.”⁴ Since then, the OHCHR has focused more and more on the controversial issues of sexual and reproductive rights, gender ideology, and climate change.

The U.N.’s human rights experts lack the authority to create new rights. They are supposed to function as sort of a civil service. Their job is to administer the programs within their purview, impartially apply the treaties that U.N. member states have adopted, and make recommendations to states about how to better fulfill their treaty obligations.

Each human rights treaty has a monitoring body of technical experts. Their task is to ensure that the countries that have ratified a given treaty are implementing it domestically. Such states have committed to delivering regular compliance reports and submitting them to review by the treaty body. Treaty bodies issue recommendations to states during their periodic reviews and promulgate “general comments” on recurring issues. These general comments are intended to clarify an aspect of a treaty, but in practice they often expand its meaning far beyond the text of the treaty.

The Special Procedures of the Human Rights Council are Special Rapporteurs or independent experts. They are supposed to act independently and serve a specific mandate, either pertaining to a country or a thematic issue. More than 50 such expert positions exist, covering mandates such as a right to health; a right to privacy; freedom of religion or belief, speech, and expression; and freedom of violence or discrimination based on sexual orientation and gender identity.

Fabricating a Right to Abortion Within Other Rights

Despite all these mechanisms, the word “abortion” does not appear in *any* of the U.N. human rights treaties, not even in the ones that the United States has not ratified. Nevertheless, abortion advocates have co-opted the human rights system to advance their agenda. They tell countries that they must expand access to abortion to comply with their human rights obligations. According to the OHCHR, “Human rights bodies have repeatedly called for the decriminalization of abortion in all circumstances.”⁵ U.N. experts have claimed to find a right to abortion within the rights to health; privacy; freedom from cruel, inhumane, and degrading treatment; and elsewhere.

Life. The International Covenant on Civil and Political Rights (ICCPR)—one of the few human rights treaties that the United States has signed and ratified—impedes their efforts. It 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.”⁶ Moreover, the treaty prohibits the death penalty in the case of a pregnant woman, presumably to spare the innocent life of the unborn child.⁷

Nevertheless, the Human Rights Committee, which monitors compliance with the ICCPR, issued a general comment on the right to life in 2019. It said:

States parties must provide safe, legal and effective access to abortion where the life and health of the pregnant woman or girl is at risk, or where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or where the pregnancy is not viable. In addition, States parties may not regulate pregnancy or abortion in all other cases in a manner that runs contrary to their duty to ensure that women and girls do not have to resort to unsafe abortions, and they should revise their abortion laws accordingly.⁸

These criteria are broad and subjective. Yet the Human Rights Committee asserts that states “must provide” access to abortion in such cases to protect a woman’s right to life.

Champions of abortion try to concoct a right to abortion out of the ICCPR’s right to life. Other legal scholars, however, argue far more plausibly that the ICCPR protects the unborn. The treaty is silent on the question of when the protection of human life should begin. This omission was needed for the delegations who negotiated the treaty to reach consensus. However, the *travaux préparatoires*—the documentary evidence of the negotiations that took place in the drafting of a treaty—shows that many of the drafters intended the right to life to apply to unborn humans. Professor of theology and religious studies Tom Finegan argued precisely this in The Heritage Foundation’s “The First Principles in Human Rights” project.⁹

Health. The International Covenant on Economic, Social and Cultural Rights (ICESCR)—to which the United States is not a party—requires that state parties to it “recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”¹⁰

Once again, the treaty text makes no mention of abortion. Nevertheless, activists have broadened the phrase “physical and mental health” to include “sexual and reproductive health.” That term first emerged at the International Conference on Population and Development (ICPD) in Cairo in 1994. The conference produced a negotiated document that referred to a “right to attain the highest standard of sexual and reproductive health.”¹¹ Sexual and reproductive health was nowhere defined explicitly, but the ICPD document

framed abortion as something to be avoided.¹² Conveniently lacking a definition, abortion proponents began using “sexual and reproductive health,” and the related term “sexual and reproductive rights,” to include abortion.¹³

As Douglas Sylva and Susan Yoshihara recount in “Rights by Stealth,” abortion advocates within the OHCHR, UNFPA, and the U.N. Division for the Advancement of Women formulated a plan to advance a right to abortion after the ICPD failed to do so.¹⁴ In December 1996, in Glen Cove, New York, they convened a roundtable of treaty body experts, academics, and nongovernmental organizations. Their goal was “strengthening the legal and moral framework for recognizing reproductive and sexual rights as human rights.”¹⁵

These activists have succeeded in spreading the term “sexual and reproductive health” throughout the U.N. human rights system in the years since the Glen Cove meeting. The General Assembly has still never defined it. But that has not kept U.N. bureaucrats from using the general phrase to push abortion. This is a clever strategy since many countries oppose abortion, but not what they take to be “sexual and reproductive health.”

Others speak more plainly. The World Health Organization, an agency within the United Nations, defines health as “a state of complete physical, mental and social wellbeing, and not merely the absence of disease or infirmity.” Its position on abortion is that “making health for all a reality, and moving towards the progressive realization of human rights, requires that all individuals have access to quality health care, including comprehensive abortion care services.”¹⁶

The Committee on Economic, Social and Cultural Rights (CESCR) is the treaty body that monitors compliance with the ICESCR. In 2016, it issued a general comment on the right to sexual and reproductive health.¹⁷ In it, the CESCR asserts that the treaty includes the right to abortion, albeit not mentioned in the text of the covenant. In addition, it calls on countries to eliminate conscientious objection provisions for doctors and health care providers that object to abortion. It says:

Preventing unintended pregnancies and unsafe abortions requires States to adopt legal and policy measures to guarantee all individuals access to affordable, safe and effective contraceptives and comprehensive sexuality education, including for adolescents, *liberalize restrictive abortion laws, guarantee women and girls access to safe abortion services* and quality post-abortion care including by training health care providers, and respect women’s right to make autonomous decisions about their sexual and reproductive health.¹⁸ (Emphasis added.)

The treaty bodies are not the only avenue where abortion proponents are working to embed abortion within the right to health. The current Special Rapporteur on the right to health, Tlaleng Mofokeng, is a South African medical doctor, abortionist, and author of the book *Dr. T: A Guide to Sexual Health and Pleasure*. She sits on the board of the Safe Abortion Action Fund and has close ties with Open Society, the International Planned Parenthood Federation, and the Gates Foundation.¹⁹

Is it any surprise that she promotes abortion as a human right? In Mofokeng's first thematic report, which she delivered to the General Assembly in 2021, she focused on the "challenges and opportunities" during the COVID-19 pandemic of promoting "sexual and reproductive health rights."²⁰ Likewise, in her report on racism and the right to health she condemned laws that restrict abortion in former colonized countries as legacies of European colonialism. She specifically called for "the removal of all laws and policies criminalizing or otherwise punishing abortion, contraception, adolescent sexuality, same-sex conduct and sex work."²¹

Privacy. U.N. experts play the same trick with the right to privacy. This right is articulated in Article 12 of the Universal Declaration of Human Rights and protected in Article 17 of the ICCPR. It says: "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation."²² In his 2020 report on health data and protecting gender-based privacy, the Special Rapporteur on the right to privacy, Joseph Cannataci, called on governments to "ensure...access, including for minors, to safe, affordable and effective contraceptives and to information and education on family planning, sexual and reproductive health and privacy," as well as to ensure the "decriminalization of abortion."²³

Again, "privacy" has not been officially defined to include abortion. But pro-abortion activists have not hesitated to pretend otherwise.

The Human Rights Committee used the same tactic when it referred to the right to privacy in its decisions in *Whelan v. Ireland* and *Mellet v. Ireland*. It determined that Irish women denied abortions under Irish law had been subjected to cruel, inhumane, and degrading treatment. These two cases were argued by the pro-abortion Center for Reproductive Rights and subsequently formed the basis for Ireland's legalization of abortion.²⁴

Freedom from Torture. The Universal Declaration of Human Rights (in Article 5) and the ICCPR (in Article 7) guarantee the freedom of individuals to be free from torture. The CAT, to which the U.S. is a state party, defines "torture" to mean

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person.... It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.²⁵

Again, this convention does not refer to pregnancy or abortion. Nevertheless, U.N. functionaries now refer to the denial of abortion in the case of an unwanted pregnancy as a form of torture or cruelty. Take, for example, the Committee Against Torture, which monitors compliance with the CAT. In 2013, the committee called on Peru to decriminalize abortion and to provide free access to abortion for rape victims to comply with its treaty obligations.²⁶

Similarly, in 2016, the Special Rapporteur on torture wrote a report on “gender perspectives.”²⁷ He wrote, “[h]ighly restrictive abortion laws that prohibit abortions even in cases of incest, rape or fetal impairment or to safeguard the life or health of the woman violate women’s right to be free from torture and ill-treatment.”²⁸

The U.N. is now considering a new treaty on crimes against humanity. One such crime, “forced pregnancy,” is currently defined as impregnating a woman and holding her captive until the birth of her baby, for the purpose of changing a country’s ethnic composition.²⁹ In ongoing negotiations, however, abortion advocates are pushing to expand “forced pregnancy” to include state policies that restrict abortion. If they succeed, any limits on abortion could be deemed, by U.N. standards, a crime against humanity.

Abortion Required for Gender Equality. Feminists at the U.N. see abortion access as a prerequisite for gender equality. Many insist that any restriction on abortion is, ipso facto, gender discrimination, as only women get abortions.³⁰ For example, in one of its general recommendations on how to interpret the Convention on the Elimination of all Forms of Discrimination against Women, the CEDAW Committee has opined that “it is discriminatory for a State party to refuse to provide legally for the performance of certain reproductive health services for women.”³¹

Another body within the OHCHR is the U.N. Working Group on Discrimination Against Women and Girls. In a 2016 report, it stated: “Criminalization of termination of pregnancy is one of the most damaging ways of instrumentalizing and politicizing women’s bodies and lives, subjecting them to risks to their lives or health in order to preserve their function as reproductive agents.”³² That same working group chastised the United

States government in a letter in 2020—during the COVID-19 pandemic—for violating women’s reproductive rights. The vice chair of the working group argued that “sexual and reproductive health services, including access to safe and legal abortion, are essential and must remain a key component of the UN’s priorities.”³³

Bureaucratic Pressure on Countries to Liberalize Abortion Laws

The pressure that U.N. entities exert on countries to liberalize their abortion laws is unrelenting. It often works, too. At last count, the CEDAW Committee has pressured more than 65 countries to decriminalize, legalize, or increase access to abortion.³⁴ The CEDAW text is silent on abortion. Nevertheless, in its recent 2023 session, the CEDAW Committee recommended that Germany end its mandated counseling and three-day waiting period for women seeking abortions. It called on Germany to: “Ensure that women have access to safe abortion in compliance with the World Health Organization guidelines on abortion care, which recommends the full decriminalization of abortion.”³⁵

Earlier this year, the Committee on the Rights of the Child, charged with monitoring compliance with the Convention on the Rights of the Child, wrote that it “remains seriously concerned” about the number of “forced child pregnancies and forced maternity” in Bolivia.³⁶ It recommended that Bolivia “decriminalize abortion in all circumstances and ensure access to safe abortion...and post-abortion care services for adolescent girls.”³⁷ The same committee told Mauritius to “decriminalize abortion in all circumstances” and “facilitate access to safe abortion and post-abortion care services for adolescent girls.”³⁸

Recommendations like these may not be technically binding on the countries that receive them. But they still contribute to the body of soft law that abortion promoters employ to advance the cause of abortion. Over the past decade, courts in Argentina, Bolivia, Brazil, Colombia, Mexico, and Nepal have cited these changing human rights norms in cases, resulting in liberalized abortion laws. A 2017 article in the *Health and Human Rights Journal* titled, “The Role of International Human Rights Norms in the Liberalization of Abortion Laws Globally,” notes that “the evolution of international and regional human rights norms to recognize safe abortion as a human rights imperative has significantly influenced judicial and legislative developments on this issue across the globe.”³⁹

Most countries cannot resist such diplomatic and economic pressures from the U.N. apparatus. Prior to President Joe Biden entering the White House, and before the *Dobbs v. Jackson Women's Health* case, the United States was an exception. The U.S. government would ignore or reject recommendations from treaty bodies urging the U.S. to loosen abortion restrictions in states, or objecting to the Helms Amendment, which restricts federal funding of abortion through foreign aid programs. But as the world's superpower, and a key funder of the U.N., the U.S. can afford to do what much smaller, poorer developing nations cannot. As a result, those countries feel compelled to accept the advice of U.N. experts.

Nevertheless, last year, a small group of countries boldly resisted the U.N.'s abortion agenda. These countries opposed the first reference to "safe abortion" that has ever been included in a U.N. General Assembly resolution.⁴⁰ While their effort failed to remove "safe abortion" from the resolution, their objections show that abortion remains a hotly contested topic.⁴¹

U.S. Under Biden Promotes Abortion Under a Human Rights Framework

Under President Biden, the United States has become a major abortion promoter under the human rights framework. When asked, representatives of the U.S. government still concede that abortion is not a human right.⁴² However, the Biden Administration embraces the redefinition of sexual and reproductive rights that includes abortion.

Examples of how the Biden Administration uses human rights language to promote abortion are legion. Following are a few examples:

Sexual and Reproductive Health Rights (SRHR) Included in Country Reports on Human Rights Practices. In a reversal of previous practice, the Biden State Department now includes a section on SRHR in its annual report on human rights in every country of the world. At the release of the 2021 report, Secretary of State Antony Blinken told reporters that "the United States is concerned not only with civil and political rights, but also economic, social, cultural rights." He went on to explain that this meant that "promoting access to education and health services, including for reproductive health, is just as critical to advancing human rights as defending freedom of expression and assembly."⁴³ In plain speak, access to abortion is on par with freedom of speech—and healthy democracies require it.

Domestic Definitions of Reproductive Rights Now Include Abortion. The U.S. government now includes abortion in its definition of reproductive health. On a new website devoted to "reproductive rights"

following the *Dobbs* decision, the Biden Administration asserts: “Reproductive health care, including access to birth control and safe and legal abortion care, is an essential part of your health and well-being.”⁴⁴ In a 2022 executive order, President Biden defined the term “reproductive health-care services” to include “medical, surgical, counseling, or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.”⁴⁵

U.S. Continues to Push for Broader SRHR Language at U.N. During the current session of the General Assembly, U.S. Ambassador Lisa Carty delivered a statement after the High-Level Meetings on health-related issues. She said that “advancing and respecting Sexual and Reproductive Health and Rights for all remains foundational to promoting gender equality and global health, and also protects the human rights of all persons in all their diversity.”⁴⁶ She then expressed regret that the General Assembly “could not reach agreement to go beyond previously agreed language” on sexual and reproductive health and rights.

How Defenders of Life Must Respond

The dangerous idea that sexual and reproductive health must include a right to abortion has spread far and wide. Still, defenders of unborn life can prevent the establishment of abortion as an international human right. They should remember that the spread of the notion that abortion is a right happened almost entirely by subterfuge and equivocation. The text and history of international treaties, in contrast, as well as the rich tradition of natural law, both provide a robust defense of human life.⁴⁷ More than a hundred international legal scholars argued this point in another amicus brief to the U.S. Supreme Court in the *Dobbs* case.⁴⁸

Under American leadership, a coalition of more than thirty countries adopted the Geneva Consensus Declaration (GCD) in 2020.⁴⁹ This coalition continues to work together—although the United States has withdrawn from it under the Biden Administration. Its purpose is to protect life—including unborn life—family, women’s health, and national sovereignty. Its pillars refer to existing human rights law and consensus language that the U.N. General Assembly has adopted. If this coalition can grow in number, and then advance the pillars in negotiations at the U.N., the GCD could counter and even reverse the advances of the abortion activists.

The most important action that pro-life governments can take at the U.N. is to contest—loudly and frequently—any and every claim that abortion

is a human right. Objecting to new definitions and expanding language is the impediment to establishing consensus and developing new customary international law.

In the U.S., Congress must curtail the Biden Administration's attempts to circumvent restrictions on abortion funding in foreign assistance, such as the Helms Amendment. Most Americans oppose using tax dollars to promote or perform abortions abroad. Congress should enact legislation to reinstate and expand the Protecting Life in Global Health Assistance policy to prohibit funds for abortion providers in global health and humanitarian funding streams.⁵⁰

Conclusion

Abortion advocates seek to promote abortion anywhere and everywhere. This promotion follows from the premise of treating abortion as a human right. But that premise is false. Abortion is not a human right. It has no basis in natural law, international treaty law, or the moral teachings of the world's major religions. Debates about conflicting rights and abortion should start by describing what induced abortion is: the termination of a pregnancy that results in the death of an unborn human being. The human rights system exists to protect the rights of humans, especially the weakest. The right to life is the first right. Enshrining abortion as a human right does not expand the scope of rights. It subverts the very concept of rights.

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Endnotes

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2. According to the U.N. Office of the High Commissioner for Human Rights, the core international human rights instruments are the ICERD, the ICCPR, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the CAT, the Convention on the Rights of the Child (CRC), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), the International Convention for the Protection of All Persons from Enforced Disappearance (CPED), and the Convention on the Rights of Persons with Disabilities (CRPD).
3. For example, the official position of the United Nations Population Fund (UNFPA) is that it does not *promote* abortion. Its website says, “Where abortion is illegal, UNFPA supports the right of all women to get post-abortion care [after an illegal abortion] to save their lives,” and “where abortion is legal, UNFPA states that national health systems should make it safe and accessible.” See United National Population Fund, “Frequently Asked Questions,” <https://www.unfpa.org/frequently-asked-questions#:~:text=UNFPA%20does%20not%20promote%20changes,practice%20of%20prenatal%20sex%20selection> (accessed November 15, 2023). However, under its directive to prevent “unsafe abortion,” the UNFPA has developed the Minimum Initial Service Package (MISP) for Sexual and Reproductive Health (SRH) in crisis situations, which it describes as “a series of crucial, lifesaving activities required to respond to the SRH needs of affected populations at the onset of a humanitarian crisis.” In cooperation with the Inter-Agency Working Group on Reproductive Health in Crises, the UNFPA has developed kits containing medications and implements that are used in performing abortions, including misoprostol, mifepristone, and hand-held vacuums to deliver in humanitarian settings. For details, see Inter-Agency Working Group on Reproductive Health in Crises, “Minimum Initial Service Package for Sexual and Reproductive Health,” <https://cdn.iawg.rgn.io/documents/MISP-Reference-English.pdf?mtime=20200322131753&focal=none#asset:26025> (accessed November 15, 2023).
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10. International Covenant on Economic, Social and Cultural Rights, Article 12, paragraph 1.
11. United Nations Population Fund, “Programme of Action adopted at the International Conference on Population and Development (Cairo, 5–13 September 1994),” 20th Anniversary Edition, https://www.unfpa.org/sites/default/files/pub-pdf/programme_of_action_Web%20ENGLISH.pdf (accessed November 15, 2023).
12. The Programme of Action adopted at the ICPD was not a treaty with the force of law, but an agreement that steered the direction of the UNFPA. Today, the UNFPA describes itself as “the United Nations sexual and reproductive health agency.”
13. *The Lancet* medical journal defines the current scope of sexual and reproductive health and rights (SRHR) in a report written in collaboration with the Guttmacher Institute. Under its recommended “essential package of SRHR services” it includes contraception, maternal and newborn health care, and HIV/AIDS treatment, as well as “comprehensive sexuality education; safe abortion care; prevention, detection, and counselling for gender-based violence; prevention, detection and treatment of infertility and cervical cancer; and counselling and care for sexual health and wellbeing.” See Ann M. Starrs et al., “Accelerate Progress—Sexual and Reproductive Health and Rights for All: Report of the Guttmacher-Lancet Commission,” *The Lancet*, Vol. 391, No. 10140 (2018), pp. 2642–2692, [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(18\)30293-9/fulltext#seccestitle30](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(18)30293-9/fulltext#seccestitle30) (accessed November 15, 2023).
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27. United Nations General Assembly, “Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” A/HRC/31/57, January 5, 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/000/97/PDF/G1600097.pdf?OpenElement> (accessed November 15, 2023).
28. *Ibid.*, paragraph 43.
29. The Rome Statute of the International Criminal Court Article 7(2)(f) defines “forced pregnancy” as “the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy.”
30. This is an example of the logical inconsistency of gender ideology. Progressives say it is “transphobic” to suggest that only women can get pregnant, and therefore seek an abortion, because they maintain that “trans men,” people who identify as “non-binary,” and others can also become pregnant. At the same time, because “people who can become pregnant” are “usually” women, restrictions on abortion constitute a form of gender discrimination.
31. CEDAW Committee, General Recommendation No. 24: Article 12 of the Convention (Women and Health) (U.N. Document A/54/38/Rev. 1).
32. UNHCR, “Report of the Working Group on the Issue of Discrimination Against Women in Law and in Practice,” U.N. Doc. A/HRC/32/44 (2016).
33. News release, “United States: Authorities Manipulating COVID-19 Crisis to Restrict Access to Abortion, Say UN Experts,” United Nations, May 27, 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25907&LangID=E> (accessed October 23, 2023).
34. The 2009 case of *L.C. v. Peru* (UN Doc. CEDAW/C/50/D/22/2009) was the first time that a U.N. treaty body explicitly instructed a member state to decriminalize abortion as a result of an individual complaint to the committee.
35. Committee on the Elimination of Discrimination Against Women, “Concluding Observation on the Ninth Periodic Report of Germany,” CEDAW/C/DEC/CO/9, May 31, 2023, paragraph 46(d), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FDEU%2FCO%2F9&Lang=en (accessed November 15, 2023).
36. Committee on the Rights of the Child, “Concluding Observations on the Combined Fifth and Sixth Periodic Reports of the Plurinational State of Bolivia,” U.N. Doc. CRC/C/BOL/CO/5-6, March 6, 2023, paragraph 25, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRICAqhKb7yhsvJSCYRqRleusSdkaJUSQE%2BVREIiSh5Abo8QXuz9e462LrmLDMHTmS6PYoEXL%2FoUlicD3Am7ymw7K2v79XdcatLBUO%2BvF7TiiMR1IP7hp9y> (accessed November 15, 2023).
37. Committee on the Rights of the Child, “Concluding Observations on the Combined Fifth and Sixth Periodic Reports of the Plurinational State of Bolivia,” paragraph 35 (d).
38. Committee on the Rights of the Child, “Concluding Observations on the Combined Sixth and Seventh Periodic Reports of Mauritius,” U.N. Doc. CRC/C/MUS/CO/6-7 (2023), paragraph 35, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRICAqhKb7yhsizrXnxxyBbPFCpqae7EAbgoaYGFvK%2B%2FACRtZQMtyQkpKsqwqSjGWPSCQddkWPz3nMVlewB0tm%2FJDsg9SBE%2BG13qsCsfOQZcsc%2FFzTrOmO> (accessed November 15, 2023).

39. Johanna B. Fine, Katherine Mayall, and Lilian Sepúlveda, “The Role of International Human Rights Norms in the Liberalization of Abortion Laws Globally,” *Health and Human Rights Journal*, June 2, 2017, <https://www.hhrjournal.org/2017/06/the-role-of-international-human-rights-norms-in-the-liberalization-of-abortion-laws-globally/> (accessed October 23, 2023).
40. In September 2022, the U.N. General Assembly adopted a resolution (A/RES/76/304) on “International cooperation on access to justice for survivors of sexual violence,” which included a reference to “safe abortion.” This is the furthest that the General Assembly has ever come to including “abortion” in a text in the context of human rights. See United Nations Digital Library, <https://digitallibrary.un.org/record/3987243?ln=en> (accessed October 23, 2023).
41. For an account of the vote, see “General Assembly Adopts Four Resolutions, including Contested Text Addressing Justice for Victims of Sexual Violence,” GA/12438, September 2, 2022, <https://press.un.org/en/2022/ga12438.doc.htm> (accessed November 15, 2023). For further analysis, see Stefano Gennarini, “Nigeria Leads Fight Against Abortion at the UN,” Friday Fax, September 2, 2022, https://c-fam.org/friday_fax/nigeria-leads-fight-against-abortion-at-the-un/ (accessed October 23, 2023).
42. For example, in an “Explanation of Position” statement on a vote in the U.N.’s Third Committee, Jesse Walter, U.S. Advisor for Economic and Social Affairs, said: “The United States believes in legal protections for the unborn and rejects any interpretation of international human rights to require any State Party to provide safe, legal, and effective access to abortion.” For the full statement, see Jesse Walter, “Explanation of a Position on a Resolution on the Third Decade for Poverty Eradication,” United States Mission to the United Nations, November 18, 2020, <https://usun.usmission.gov/explanation-of-position-on-a-resolution-on-the-third-decade-for-poverty-eradication/> (accessed November 15, 2023).
43. U.S. Department of State, “Secretary Antony J. Blinken on the Release of the 2021 Country Reports on Human Rights Practices,” April 12, 2022, <https://www.state.gov/secretary-antony-j-blinken-on-the-release-of-the-2021-country-reports-on-human-rights-practices/> (accessed November 15, 2023).
44. ReproductiveRights.gov, “Know Your Rights: Reproductive Health Care,” <https://www.reproductiverights.gov> (accessed October 23, 2023).
45. The White House, “Executive Order on Securing Access to Reproductive and Other Healthcare Services,” August 3, 2022, <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/08/03/executive-order-on-securing-access-to-reproductive-and-other-healthcare-services/> (accessed November 15, 2023).
46. Ambassador Lisa Carty, U.S. Permanent Representative to the Economic and Social Council, “Explanation of Position on the High-Level Health Meetings,” October 5, 2023, <https://usun.usmission.gov/explanation-of-position-on-the-high-level-health-meetings/> (accessed November 15, 2023).
47. For further reading, see U.S. Department of State, “Report of the Commission on Unalienable Rights,” August 2020, <https://2017-2021.state.gov/report-of-the-commission-on-unalienable-rights/> (accessed October 23, 2023).
48. U.S. Supreme Court, “Brief of 141 International Legal Scholars as *Amici Curiae* in Support of Petitioners,” No. 19-1392, https://www.supremecourt.gov/DocketPDF/19/19-1392/185170/20210729071535904_19-1392%20Amicus%20Brief%20of%20141%20International%20Legal%20Scholars.pdf (accessed November 15, 2023).
49. Geneva Consensus Declaration on Promoting Women’s Health and Strengthening the Family, October 22, 2021, <https://www.theiwh.org/wp-content/uploads/2022/02/GCD-Declaration-2021-2.pdf> (accessed November 15, 2023).
50. For further recommendations on how the current U.S. Congress can defend life, see Melanie Israel, “Appropriations Process: An Opportunity for Congress to Defend Life,” Heritage Foundation *Backgrounders* No. 3779, July 31, 2023, <https://www.heritage.org/life/report/appropriations-process-opportunity-congress-defend-life>.