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Assessing the status of implementation of the Programme of Action of the International Conference on Population and Development and its contribution to the follow-up and review of the 2030 Agenda for Sustainable Development during the decade of action and delivery for sustainable development

Statement submitted by the Ordo Iuris Institute for Legal Culture, a non-governmental organization in special consultative status with the Economic and Social Council¹

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

Statement

1. All obligations, suggestions and recommendations regarding the implementation of the Agenda 2030 (including priority theme of 57. session) should take into account the primacy of protection of right to life above all other rights, universally recognised principle of family as the basic unit of society, principle of primary responsibility of states for respecting human rights, their constitutional identity, the specific socio-cultural context and the moral sensitivity of the societies of individual countries.
2. All obligations, suggestions and recommendations regarding the implementation of the Agenda 2030 should be read in light of the principle 1 of the of the Programme of Action adopted at the International Conference on Population and Development in 1994, declaring that *[a]ll human beings are born free and equal in dignity and rights*. This principle should be interpreted in a manner consistent with its ordinary meaning, and therefore as an obligation to protect the life of every being that belongs to the human species, regardless of the phase of development, from conception (karyogamy) to natural death.

¹ The present statement is issued without formal editing.

3. In reference to the principle 4 of the 1994 Programme of Action, declaring the need of *[a]dvancing gender equality and equity and the empowerment of women and the elimination of all kinds of violence against women*, the concept of gender should be understood in a manner consistent with centuries-old customary law, as a set of biological characteristics that qualify a person as a male or a female. An expression of this understanding of gender is, for example, encapsulated in Art. 7 (3) of the Rome Statute, according to which "the term «gender» refers to the two sexes, male and female". The United Nations should address the disturbing problem of sexual violence in women's prisons where biological male convicts who "identify as women" are transferred. An example of this problem is the case of Isla Bryson, who was convicted in 2023 of raping two women and then placed in a women's prison by the British authorities, who began to identify as a woman during his trial.
4. In reference to the principle 7 of the 1994 Programme of Action, stating that *[a]ll States and all people shall cooperate in the essential task of eradicating poverty*, it should be highlighted that the support for developing countries to eradicate poverty should not be conditional on providing access to abortion and contraception. Abortion and contraception are sensitive moral issues, resolution of which should not be imposed by the UN in any manner.
5. In reference to the principle 9 of the 1994 Programme of Action, recognizing the family as the basic unit of society, States should promote a positive vision of the family and avoid treating the family as a threat to women's autonomy. All women deserve the same recognition and respect: those who give up a professional career for the sake of a family, those who give up a family for a professional career, as well as those who combine running a family with a professional career.
6. The significance of the parents' primary responsibility for the best interests of the child, recognized in the principle 10 of the 1994 Programme of Action, should be properly appreciated. Having regard to the Article 26 (3) of the UDHR and Article 18 (4) of the ICCPR, liberty of parents to ensure the education of their children should be protected from undue interference of the state imposing its view of morality. The United Nations should address the disturbing actions of states that force children to participate in indoctrination activities. For example, in 2016 it came to light that some primary schools in the Netherlands forced children to bow and recite Islamic prayers. In 2023, it turned out that some kindergartens in Germany run "sexual exploration rooms" where young children - without the knowledge or consent of their parents - are encouraged to touch themselves and engage in sexual games with other children.
7. The right to seek to and enjoy in other countries asylum, recognized in the principle 13 of the 1994 Programme of Action should be interpreted in accordance with the UN Declaration on Territorial Asylum of 1967.
8. Instead of promoting abortion, states should support mothers in difficult personal, social or financial situations, including mothers of disabled children and mothers abandoned by their partners, as well as women suffering from complications caused by abortion. As the 1994 Programme of Action declares, states should undertake steps for *prevention of abortion and the management of the consequences of abortion* (§7.6.) and *help women avoid abortion* (§7.24).
9. An abortion should not be viewed nor promoted as a prerequisite for social development or social justice, but as a tragedy for both mother and her unborn child. Instead governments should *take appropriate steps to help women avoid abortion, which in no case should be promoted as a method*

of family planning (§7.24 and §8.25 of the 1994 Programme of Action). Particular emphasis should be placed on *the need to reduce the recourse to abortion*, which still have not been fully implemented (C.12 of Further actions and initiatives to implement the Beijing Declaration and Platform for Action).

10. The concept of sexual and reproductive health (mentioned in Goals 3.7 and 5.6 of the Agenda 2030) should be understood in accordance with its ordinary meaning, mainly as the state of fertility and the ability to engage in intercourse. Consequently, this concept should not include abortion - a similar position was expressed by many countries gathered at the 1994 Conference on Population and Development (oral and written statements of representatives El Salvador, Costa Rica, Nicaragua, Argentina, Dominican Republic, Ecuador during the 1994 Conference on Population and Development). Abortion cannot be considered a medical service in the field of sexual and reproductive health, because abortion does not treat anything (does not improve health). According to the 2012 Dublin Declaration on Maternal Healthcare, *the purposeful destruction of the unborn child – is not medically necessary to save the life of a woman. Moreover, there is a fundamental difference between abortion, and necessary medical treatments that are carried out to save the life of the mother, even if such treatment results in the loss of life of her unborn child.*

Any recommendations made in the 1994 Programme of Action, Beijing Declaration and Platform for Action and Agenda 2030 regarding abortion should be interpreted in the context of universally recognized human rights treaties. No provision of international law expressly guarantees the right to abortion, but many provisions expressly guarantee the right to life of every person. Article 6 of the ICCPR guarantees the right to life of every "human being", which is understood more broadly than the concept of "person" and includes not only born but also unborn humans. Moreover, the preamble to the UN Convention on the Rights of the Child states that *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.* Consequently, no country should be forced to legalize abortion, but all countries should be encouraged to provide all appropriate forms of psychological, health and financial support for pregnant women, mothers and their families. *Any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process* (§8.25 of the 1994 Programme of Action)