



## Economic and Social Council

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### Commission for Social Development

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**Follow-up to the World Summit for Social Development and the twenty-fourth special session of the General Assembly: Priority Theme: “Strengthening solidarity, social inclusion and social cohesion to accelerate the delivery of the commitments of the Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development as well as the implementation of the 2030 Agenda for Sustainable Development”**

### **Statement submitted by Ordo Iuris Institute for Legal Culture a non-governmental organization in consultative status with the Economic and Social Council\***

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.

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\* The present statement is issued without formal editing.



### **Statement**

1. All obligations, suggestions and recommendations regarding the implementation of the Agenda 2030 (including priority theme of 24. session) should take into account the 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. Commitments to ensure equality between women and men (Goals 1.4, 10.2, 10.3 of the 2030 Agenda) should be understood as equality of opportunity, not as equality of outcome.
3. Commitments to facilitate orderly, safe, regular and responsible migration and mobility of people, Goal 10.7 of Agenda 2030) should be interpreted in accordance with the 1951 Refugee Convention and the UN Declaration on Territorial Asylum of 1967.
4. In connection with the implementation of goals in the field of gender-sensitive development strategies (e.g. Goal 1b of the 2030 Agenda), 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 male or 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".
5. 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.
6. The concept of sexual and reproductive health (mentioned in Goals 3.7 and 5.6) 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”.

7. Any recommendations made in the Beijing Declaration and Platform for Action 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 persons. 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.

8. 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 Programme of Action of the International Conference on Population and Development). 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).

9. Governments should help women avoid abortion. Resolution A/S-21/5/Add.1 adopted by the General Assembly “Key Actions for the Further Implementation of the Program of Action of the International Conference on Population and Development” 1st July 1999: “Governments should take appropriate steps to help women to avoid abortion, which in no case should be promoted as a method of family planning, and in all cases provide for the humane treatment and counselling of women who have had recourse to abortion”. (point 63-II). International Conference on Population and Development, A/CONF.171/13, 5-13 September 1994, Cairo, Egypt: “[...] Reproductive health care in the context of primary health care should, inter alia, include: [...] prevention of abortion and the management of the consequences of abortion” (point 7.6)

10. Family should be recognized as the basic unit of society, it plays a key role in social development and as such should be strengthened, and is entitled to receive comprehensive protection and support, as it is stated in the Copenhagen Declaration on Social Development (point 26-h).

11. Family is also a strong force for social cohesion and therefore its strengthening should be of great importance. Resolution A/RES/S-/24/2 adopted by the General Assembly “Further initiatives for social development” 1st July 2000: “There has been continued recognition that the family is the basic unit of society and that it plays a key role in social development and is a strong force of social cohesion and integration.” (point 25) and “Recognize that the family is the basic unit of society and that it plays a key role in social development and is a strong force of social cohesion and integration. In different cultural, political and social systems, various forms of the family exists. Further recognize that equality and equity between women and men and respect for the rights of all family members are essential for the family well-being and for society at large and promote appropriate actions to mee the needs of families and their individual members, particularly in the areas of economic support and provision of social services. Greater attention should be paid to helping the family in its supporting, educating and nurturing roles, to the causes and consequences of family disintegration, and to the adoption of measures to reconcile work and family life for women and men.” (point 56).

12. Strengthening family relationships is also important for preventing substance abuse. Resolution A/RES/S-/24/2 adopted by the General Assembly “Further initiatives for social development” 1st July 2000: “Recognize that stable, supportive and nurturing family relationships, supported by communities and, where available, professional services, can provide a vital shield against substance abuse, particularly among minors” (point 72).