

# ALIANȚA FAMILIILOR DIN ROMÂNIA

## ALLIANCE OF ROMANIA'S FAMILIES

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Re.: Proposed Resolution (Document 11992)  
Fifteen Years Since the International Conference on Population and  
Development Programme of Action

Dear Ms. De Boer-Buquicchio:

Greetings from the Alliance of Romania's Families! We are a profamily, prolife, and provalues civic organization with a constituency of hundreds of thousands of Romania's families. We respectfully submit this Note to express our deep concerns and firm opposition to the proposed Resolution (Document 11992) „Fifteen Years Since the International Conference on Population and Development Programme of Action,” drafted by Ms. Christine McCafferty, (UK), Rapporteur.

Our objections are as follows.

1. The Proposed Resolution Aims to Create New Rights Undemocratically

Ms. Cafferty's Explanatory Memorandum and Draft Recommendation reference „sexual and reproductive rights” which member States „must upheld.” The phrase “**sexual and reproductive rights**” encapsulates code words for promoting abortion, immoral sexual practices, risky lifestyles, and promiscuity. This interpretation has frequently been promoted by representatives of various countries of the European Union, some of which occasionally claimed to speak on behalf of the entire European Union on this subject. We and our constituency firmly

oppose this interpretation and reject the Council of Europe's attempts to promote it through this proposed Resolution.

We similarly reject the attempt to inject this terminology in international instruments with the intent to legitimize it in the international law of human rights. Therefore, on this occasion and in this forum we express the view that there is no right to abortion under international law. Nor does international human rights law recognize the existence of "sexual rights." The proposed Resolution should not be used as a vehicle for creating "new rights."

More to the point, even the European Court of Human Rights ("ECHR"), the ultimate authority on the interpretation of the European Convention on Human Rights ("Convention"), has rejected the notion that a right to abortion exists under the Convention. See, *Vo v. France*, ECHR Judgment of July 8, 2004 §82. Earlier this year the Supreme Court of Mexico has made the same ruling, as has the Supreme Court of El Salvador last year. It is also significant that in *Tysiac v. Poland* (2007) the ECHR explicitly rejected attempts to recognize a right to abortion under the Convention. It stressed that "it is not the Court's task in the present case to examine whether the Convention guarantees a right to have an abortion." Application no. 5410/03, Final 24/09/2007, §104.

On the contrary, we share the view adopted by the entire world community in Article 6 of the International Covenant on Civil and Political Rights, that "every human being has the inherent right to life." Article 3 of the Universal Declaration of Human Rights states, likewise, that "all persons have the right to life." The international community's most equivocal reiteration of this view was made in 1989 in the Convention on the Rights of the Child which likewise states that each child deserves special care and protection "before as well as after birth." (Articles 3(1) and Article 6(1). We therefore align ourselves with the historical view held by all humanity and proclaim that the human embryo is a "human being" from conception, a person deserving to live and to benefit from the protection of the law from conception. We additionally note, embrace, and proclaim in this forum and on this occasion our support for the view stated by the ECHR in *Vo, supra*, "that the embryo/foetus belongs to the human race." *Id.* at §84.

We are not alone in proclaiming our allegiance to the sanctity of human life from conception. The contracting parties to the American Convention on Human Rights share the view as well, enshrined in its Article 4, that life must be protected from the moment of conception. More recently various states of the Republic of Mexico have amended their state constitutions to provide that human life begins at conception, as has the Dominican Republic.

We note, therefore, an enlarging gap between the will of the citizens of the world, manifested at the sovereign level, to protect life from conception, and the will of unelected, elitist UN bodies and European agencies to promote abortion in open disregard of the moral, legal, religious, and ethical values of the citizens.

We also object to the notion of "sexual and reproductive rights" on grounds of conviction and belief. Our constituency promotes abstinence as the first and foremost method for reducing

and eliminating the incidence of abortion and HIV infection. Based on conviction and belief we also affirm our right to teach our children that abstinence is the most important and preferred method for preventing pregnancy, abortion and HIV infection and from contracting it in the first place. Regretfully, the Resolution discounts this common-sensical and most obvious solution to halting unwanted pregnancies and sexually transmitted diseases.

We also reject the proposed Resolution's call on Member States to act jointly to promote sexual and reproductive rights. Imposing abortion and risky lifestyles on Member States is not a wise allocation of resources and surely not among the prerogatives granted to the Council of Europe by its citizens. Many Member States, Romania among them, experience a serious demographic crisis. Contrary to the urging of the proposed Resolution, they are in need to adopt policies that will drastically reduce the rate of abortion and stimulate population growth. For these countries the well known phrase "demographic winter" is already a reality.

## 2. The Proposed Resolution Undermines National Sovereignty

The proposed Resolution undermines the democratic process for adopting new rights. The creation or recognition of "**new rights**," if any, is the prerogative of national parliaments, not unelected supranational bodies.

For many years population control activists and radical human rights activists have pressed the international community to adopt abortion rights and sexual minority rights under the guise of "sexual and reproductive rights." Thus far, these attempts have taken place mainly at the United Nations level through an undemocratic process. Powerful but not democratically elected NGOs have exerted undue pressure and influence on various UN bodies to recognize, over the objections of Member States, the existence of abortion rights and sexual rights. See, Susan Yoshihara, "The Quest for Happiness: How the U.N.'s Advocacy of Economic, Social, and Cultural Rights Undermines Liberty and Opportunity," in Brett D. Schaefer, Ed. ConUNdrum – The Limits of the United Nations and the Search for Alternatives (2009), pp. 188-195. To date, no formal UN document has incorporated this language. On the contrary Member States have consistently rejected these notions. Most recently, in April 2009 Member States explicitly rejected attempts to include "sexual and reproductive rights" language in the final document of the conference of the Commission on Population and Development held in New York.

Notably, in spring 2009 attempts to introduce similar language in the European Union's 2008 Annual Report on Human Rights by way of Proposed Amendment 45a have also failed. It is, therefore, surprising that the proposed European Council Resolution would now attempt to revive this issue which other international fora have repeatedly rejected. As urged by the ECHR in Vo, supra, §80-82 it is best that abortion remain the competence of individual Member States.

Our further objection to the inclusion of "sexual and reproductive rights" in the Resolution is that these terms are not sufficiently defined, have not gained consensus internationally, and therefore mean many things to many people. They have been coined by various unelected UN agencies and committees, and by academicians. They also inevitably

project the international community on a precipitous slope. As with most other rights, the notion of “sexual and reproductive rights,” if given legitimacy, is likely to be given a broad construction to the detriment of other and more important and fundamental rights. For instance, there already are attempts to push, as part of the doctrine of “sexual rights,” the notion of a “right to sexual autonomy” for both minors and adults. This is not healthy but irresponsible.

The proposed Resolution also calls for the promotion of “policies” that promote “universal sexuality and relationship information and education.” The term “universal sexuality” in its common-sensical meaning is frightening. Is the Council of Europe conveying to the many millions of Europe’s parents that their children are to be taught that any sort of sexual relationship is acceptable? We think not. Yet, if this term is given international recognition it will likely be used for this precise end.

Equally disturbing is the recommendation that the Council of European achieve “universal access to sexual and reproductive health and rights by 2015.” (Paragraph 10.2 of the Draft Recommendation) Just what does this mean, “right to sex” for all humans? If so, why would this be necessary considering that humans have long procreated even in the absence of a proclaimed positive right to sexual intercourse.

### 3. The Proposed Resolution Promotes Abortion as a Means of Population Control

We express further concern that the proposed Resolution **promotes abortion as a means of population control**. It emphasizes, without justification, that “many experts agree that world population growth poses a serious threat to human health, socio-economic development, and the environment.” (Paragraph 33 of the Explanatory Memorandum) While we fail to see how this is so, we view the current proposed Resolution as another episode in the long battle by elites to control the world’s population by many means, including abortion. The population control movement has shameful origins and the means historically used by its promoters to attain its objectives have been despicable, from forced sterilization, to sterilization by deception, to one or two-child policies, to contraceptives, and to other pregnancy prevention devices which harmed women’s health and resulted in the death of millions of other women. See, Matthew Connelly, Fatal Misconception – The Struggle to Control World Population (2008); and Steven W. Mosher, Population Control, Real Costs, Illusory Benefits (2008)

Given this less than honorable track record of the population controllers, PACE should not allow itself to become a means to promote their radical ideology, agenda, and means to forcefully and artificially reduce world population. Recasting humanity into the image of population controllers is unacceptable.

It also bears noting that throughout its history the population control movement has been known for its racism, elitism, and eugenist flirtations. Therefore, PACE should do everything possible to distance itself from this tragic legacy and horrible episode in human history.

The proposed Resolution also ignores the plurality of views throughout the world regarding procreation. Historically most societies have viewed children and child rearing as a blessing, a welcoming and necessary part of being and acting human, a fulfillment of human nature, a prescription for human happiness, and for many women an answer to prayers. The proposed Resolution stipulates, on the contrary, the primacy of reproductive rights, meaning abortion, to the detriment of the deeply held conviction of the overwhelming majority of living human beings that the right to life is the first, most precious and most important of all rights. Without it nothing would be possible.

Finally, plenty of experts also beg to differ and state that far from hampering development, population growth is essential and central to development. In fact, this is an observation which can easily be verified empirically. Today's society encompasses the largest world population ever, but at the same time also witnesses the highest level of economic and social development ever.

#### 4. The Proposed Resolution Is not Conducive to Women's Health

Though one of the stated goals of the proposed Resolution is to foster women's health, which in itself is a laudable objective, the proposed Resolution inexplicably fails to also address the **adverse impact of abortion on women's health**. Many women die while undergoing abortions, no matter how skilled the abortion providers. But many more experience serious physical and emotional impairments after abortion. The proposed Resolution does not make any recommendations to remedy the after effects of abortion, as it should have. On this point we cite a major recent ruling by the United States Supreme Court in Gonzales v. Cahart, 550 U.S. 124, 127, 127 S.Ct. 1610, 1634 (2007) stating that "it seems unexceptionable to conclude some women come to regret their choice to abort the infant life they once created and sustained. Severe depression and loss of esteem can follow." There is, of course, ample scientific evidence that this is so - abortion negatively affects the emotional and physical health of women. See, The UK Royal College of Psychiatrists, "Position Statement on Women's Mental Health in Relation to Induced Abortion." 14 March 2008; Fergusson, D.M., et al., "Abortion in young women and subsequent mental health," 47 (1) *Journal of Child Psychology and Psychiatry* 16-24 (January 2006).

#### 5. The Proposed Resolution Ignores the Tragedy of Female Infanticide

The proposed Resolution proclaims another laudable goal, namely "advancing gender equality, eliminating violence against women ..." (Paragraph 2 of the Draft Recommendation) and "work[ing] to eliminate discrimination against girls." (Paragraph 6 of the Explanatory Memorandum) The proposed Resolution additionally condemns "female genital mutilation" as a form of discrimination against women.

But the proposed Resolution is most silent where it should have been most vocal – the practice of deliberate destruction of female fetuses for the simple reason that they are female. Called "**female infanticide**," this practice is widespread in certain parts of the world and

undoubtedly constitutes direct and gross discrimination against the female fetus for to sole reason that the embryo is of the female gender. The conscience of millions of citizens of the Council of Europe is irritated by this barbaric practice, yet the proposed Resolution does not condemn it, let alone call for the adoption of any measures to stop it.

5. No Public Funding of Abortion and Sexual Rights Services

We further oppose the proposed Resolution's recommendation that Member States provide "**free sexual** and reproductive health and rights **services.**" What precisely is "free sexual rights services?" Would this, for instance, mean that states would have an obligation to use public funds to pay for sex reassignment procedures for transsexual persons? Or that states are obligated to provide to its citizens the opportunity and the means to perform sexual acts, and this regardless of the types of sexual acts which the citizens desire? Or publicly funded prostitution services?

We additionally note our opposition to the reference in the proposed Resolution to "sex workers." The proposed resolution has seemingly elevated the practice of prostitution to a commercial activity. This conflicts with the obligation of Member States to prohibit the practice of prostitution pursuant to the 1949 Convention on the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others (the Trafficking Convention).

6. Parental Rights

Our next objection focuses on the burden the proposed Resolution seeks to impose on Member States to provide a host of **educational services** to the young related to sexual and reproductive health and rights services. Most parents educate their children to practice abstinence as the most certain and safest method to prevent teen pregnancies and sexually transmitted diseases. The proposed Resolution fails to take into account the prior right of parents to select the education they wish for their children. Article 26(3) of the Universal Declaration on Human Rights lists this right as follows" (3) Parents have a prior right to choose the kind of education that shall be given to their children. " Thus, it is the foremost prerogative of the parents, not of the state or public authorities, to determine the education their children ought to receive, including in matters of sexuality, procreation, and reproduction.

7. European Convention on Sexual and Reproductive Health

Finally, we oppose the idea of a **European Convention on Sexual and Reproductive Health.** Such a treaty is unnecessary. The norms, customs, traditions, beliefs, and practices related to sexuality and reproduction are so extremely varied among the 47 very diverse Member States of the Council of Europe, that such a convention would ultimately have the effect of perpetuating the views of the wealthy states to the detriment of the more traditional member states of the European Council. Harmonization of views on these very sensitive and deeply held convictions will be extremely difficult. Consensus is needed as the foundation of such a Convention. Unfortunately, the practice in the Council of Europe has been the imposition on

unwilling member states, through economic and political coercion, of principles and doctrines entirely alien to their tradition, culture, and civilization. In this regard, the proposed Convention would likely be viewed as a dictatorial act, a manifestation of the ideologically neocolonialist tendencies of the wealthier Member States of the European Council.

On this point we finally point out that many of the Council of Europe's Member States have shaken off another ideology alien to their culture and civilization only a generation ago: communist totalitarianism. They are disturbed to see that another ideology, equally alien to their culture and civilization and equally totalitarian is being coercively imposed on them. The proposed Resolution, to be voted on in only two days, is such an example. This is not the role of the Council of Europe.

8. Our Plea

For all the reasons stated, we, the Alliance of Romania's Families reject the proposed Resolution and call upon all representatives in the PACE to vote against it, first and foremost the representatives of Romania in the Council of Europe.

We respectfully request that this Note be filed among the official papers of the European Council and that it be disseminated to all representatives of all Member States in advance of the October 2, 2009 vote on the proposed Resolution.

Sincerely yours,

***Peter Costea***

BY: \_\_\_\_\_

Dr. Peter Costea, President  
Alliance of Romania's Families