



## International instruments recognize the rights of the unborn child

“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.”

*Convention on the Rights of the Child*

“Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”

*Universal Declaration of Human Rights*

“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.”

*International Covenant on Civil and Political Rights*

“Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception.”

*American Convention on Human Rights*

# SAN JOSE ARTICLES



## Abortion and the Unborn Child in International Law

Many governments are being told that legalized abortion is required by international law. This is false. In 2011 a large group of experts in law, medicine and public policy prepared the San Jose Articles, which demonstrate that no international right to abortion exists and that international instruments support the right to life of the unborn child. The articles were finalized in San Jose, Costa Rica, on March 25, 2011, and launched on Oct. 8, 2011, at the United Nations.

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## 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, fetus, 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 recognized 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 recognizing a right to abortion.

**Article 6.** The Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW Committee) 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 legalize or depenalize 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 programs should ensure a healthy outcome of pregnancy for both mother and child and should help mothers welcome new life in all circumstances.

*We — human rights lawyers and advocates, scholars, elected officials, diplomats, and medical and international policy experts — hereby affirm these Articles.*

*San Jose, Costa Rica  
March 25, 2011*



Signed,

Lord David Alton—House of Lords, Great Britain

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Hon. Tom Coburn, M.D.—Member, United States Senate

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Christine de Marcellus Vollmer—President of the Latin American Alliance for the Family

Hon. Luca Volonte—Parliamentary Assembly of the Council of Europe, President of the European People’s Party (PACE)

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*\* Institutions named for identification purposes only.*