THE INTERNATIONAL ORGANIZATIONS
RESEARCH GROUP

THE INTERNATIONAL PRO-ABORTION LITIGATION STRATEGY:

An Anti-Democratic Plan to Force Legalized Abortion on the World's Governments

Stephen M. Krason, J.D., Ph.D.

Catholic Family & Human Rights Institute

WHITE PAPER SERIES NUMBER SIX

THE INTERNATIONAL PRO-ABORTION LITIGATION STRATEGY:

An Anti-Democratic Plan to Force Legalized Abortion on the World's Governments

Stephen M. Krason, J.D., Ph.D.

Catholic Family & Human Rights Institute

THE INTERNATIONAL ORGANIZATIONS RESEARCH GROUP

C-FAM

Bradford W. Short
Research Editor

Catholic Family and Human Rights Institute
866 United Nations Plaza, Suite 495
New York, New York 10017

TABLE OF CONTENTS

INTRODUCTION

Article Three of the United Nations Universal Declaration of Human Rights asserts that everyone "has the right to life, liberty and the security of person."[1] While it is true that the "right to life" is a very general phrase that has been interpreted differently by mankind throughout the ages, it is the case that for at least millions of people all around the world today, unborn children are entitled to this right to life. These people are amongst the billions whom the leaders of the UN seek to represent. It is therefore puzzling that many American lawyers seek to make both the UN and many of the proposed multilateral treaties that it has sponsored the creation of into promoters of abortion rights. After all, an abortion extinguishes the life of an unborn child.

In this essay, I shall attempt to show some of the ways in which this group of radical American lawyers hopes to win court cases—in American courts, in national courts from countries other than the United States, and in international court-like bodies—that will establish the right to abort as an international human right. I shall summarize the developments at the UN and its relevant member agencies that pertain to this subject. I shall outline this litigation strategy and prove that it is admittedly secret and therefore not open to the transparency that is common to democracy. Last, I shall also address the fact that the relevant international law documents, as they are currently drafted, clearly do not support such a right to abort. In doing this I hope to show to the reader that this litigation strategy is contrary to the moral proposition that the member states of the UN should determine fundamental questions of public policy for themselves according to the rules of the democratic process that expresses national self-determination, and that for that reason, this litigation strategy is dangerous and should be opposed by all free governments.

---

[1] *See* the UNIVERSAL DECLARATION OF HUMAN RIGHTS, at art. 3.

THE UNITED NATIONS AND ABORTION: A SUMMARY OF DEVELOPMENTS

There are actually no UN documents that affirm a right to abortion.[2] Still, over the years various agencies, committees and commissions of the UN have quietly pushed to make abortion widely available in countries where it is either illegal or restricted to some degree. One of the chief agencies involved in such work has been the United Nations Population Fund (UNFPA). There is a plethora of evidence of UNFPA's pro-abortion rights activities, however, a few examples of such activities will suffice for the purposes of this paper. Beginning in 1979, UNFPA provided significant initial funding and demographic expertise that allowed China to implement its notorious One-Child Policy.[3] In addition to this, major UNFPA officials have left the organization to become some of the world's leading pro-abortion rights advocates. For instance, several years ago former UNFPA Executive Director Nafis Sadik joined the board of the Center for Reproductive Rights (CRR) (formerly the Center for Reproductive Law and Policy), a major American and international abortion rights advocacy organization whose activities are one of the main subjects of this paper.[4]

Another UN agency that has engaged in pro-abortion rights activities is, surprisingly, the United Nations Children's Fund (UNICEF). In 1998 UNICEF joined together with UNFPA and several other UN-affiliated agencies/organizations to produce a document called "The United Nations International Guidelines on HIV/AIDS and Human Rights" that openly called for the legalization and ready availability of abortion.[5] Besides this AIDS

---

2 RICHARD G. WILKINS & JACOB REYNOLDS, INTERNATIONAL LAW AND THE RIGHT TO LIFE 24 (unpublished manuscript on file with the author, 2005). Richard G. Wilkins is Professor of Law and Director of the World Family Policy Center at the J. Reuben Clark School of Law at Brigham Young University. J. Reuben Clark School of Law Website (Feb. 8, 2006), http://www.law2.byu.edu/Law_School/faculty_profiles/fp_frameset.htm.

3 DOUGLAS A. SYLVA, THE UNITED NATIONS POPULATION FUND: ASSAULT ON THE WORLD'S PEOPLES 37-39 (2002). UNFPA's support for the One-Child Policy is the chief reason for the US Department of State's decision to deny funding to UNFPA over the past four years. *US Refuses to Fund UNFPA for the Fourth Consecutive Year*, THE FRIDAY FAX, Catholic Family & Human Rights Institute Website (Oct. 7, 2005) (April. 4, 2006), http://www.c-fam.org/FAX/Volume_8/faxv8n42.html.

4 SYLVA, *supra* note 3, at 8-9; *see also* CONG. REC., 108th Cong., 1st Sess. E2534, E2547 (Rep. Smith) (Dec. 8, 2003) (hereinafter CONG. REC., Smith). For the reason why Representative Christopher Smith introduced these CRR documents into the *Congressional Record*, *see infra* notes 25-26 and accompanying text.

5 DOUGLAS A. SYLVA, THE UNITED NATIONS CHILDREN'S FUND: WOMEN OR CHILDREN FIRST? 16-17 (2003).

document, in recent years UNICEF has joined in efforts to promote abortion rights as an aspect of maternal health through the Safe Motherhood Initiative.[6] UNICEF also helped produce a manual that advocated providing abortifacient contraceptives to refugee women, which is part of the reason why the Holy See withdrew its monetary donations to the agency in 1996.[7]

These agencies act as a kind of "executive branch" of the UN. As such, their actions are considered by many to be nothing more than the particular methods of improving "children's health" or achieving "sustainable development" that the *current* UN executives choose to perform. That is to say, these acts on the part of UNICEF and UNFPA do not threaten to become "law" merely by their having been ordered by the relevant UN officials, since those officials are not permanent. But, the UN also has "legislative" and "judicial branches" in its General Assembly (and the ability of the GA to propose various ideas for new multilateral treaties) and in its court-like bodies that monitor supposed human rights violations. The acts of these UN bodies are considered to be closer to "law" because they are more permanent. And insofar as international treaties are at issue, it is most certainly not true that the only courts in the world that enforce such treaties are the UN's court-like bodies. Both international *and* national courts can enforce international law.[8] Therefore, there is the distinct possibility that UN court-like bodies will, over the years, slowly change their interpretations of international law so as to create legal rights that national courts will then enforce and national legislatures would never have had the chance of approving of, or disapproving of, on their own.

---

6 *Id*. at 17-18.

7 *Id*. at 10-12.

8 For instance, the United States Constitution states that:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

U.S. CONST. art. VI, cl. 2. Thus, in America, *judges* can directly enforce the treaties that are signed by the President and ratified by the Senate. (It is these officers of the United States who are charged, by the Constitution itself, with the power of making and rejecting treaties with foreign nations. *See id*. at art. II, § 2, cl. 2.) Other democracies, presumably, have similar provisions in their constitutions. Consequently, one might be able to change the law that *national* judges apply by changing the UN court-like bodies' interpretation of *international* treaties. This raises the possibility that national law might be changed without that nation's democratically constituted legislature having a say in the matter. Such an outcome is the chief danger that this paper seeks to warn the reader of.

An example of how this can occur can be found in a recent decision of the UN Human Rights Committee, which ruled that the government of Peru violated the International Covenant on Civil and Political Rights (ICCPR) when it prevented a 17-year-old Peruvian woman, pregnant with an anencephalic unborn child, from getting an abortion.[9] The mother of the baby, after it died from the disabilities that are inherent to anencephaly, filed a "complaint" with the Committee alleging that Peru, by denying her the abortion, had violated her right, under Article 7 of the ICCPR, to be free from "cruel and inhuman treatment."[10] The complaint's theory of the law was that because the mother's "mental health" was harmed by having to give birth to, and then "breastfeed[,] her" anencephalic baby "for four days" until it died, Peru had engaged in cruel and inhuman treatment against the mother by disallowing her abortion.[11] The Committee agreed with the mother and ruled against Peru,[12] thereby setting a precedent in favor of forcing nations like Peru to overturn their laws against abortion. The Committee did this in spite of the fact that the ICCPR's Article 7 language, prohibiting States from subjecting people "to torture or to cruel, inhuman or degrading treatment or punishment," is a verbatim quote from Article 5 of the Universal Declaration of Human Rights,[13] and when the Declaration was adopted by the General Assembly in 1948 many of the UN's leading member states criminalized abortion.[14] In fact, the language of the Universal Declaration of Human Rights and the ICCPR seems to come from the American Bill of Rights of 1789[15] and the British Bill of Rights of 1689.[16]

---

9 VIEWS OF THE HUMAN RIGHTS COMMITTEE UNDER ARTICLE 5, PARAGRAPH 4, OF THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, Eighty-fifth Session, Nov. 22, 2005, CCPR/C/85/D/1153/2003, at 3-5.

10 *Id*. at 5-6. The complaint alleged violations of many other Articles in the ICCPR. *See id*. at 5-7.

11 *Id*. at 5-6.

12 *Id*. at 10.

13 UNIVERSAL DECLARATION, *supra* note 1, at art. 5.

14 The classic example of this would be the United States. Clearly the government of the United States, decades before abortion was made legal by the 1973 Supreme Court decision, *Roe* v. *Wade*, did not send Eleanor Roosevelt to the UN to help draft the Universal Declaration of Human Rights so as to declare its own laws against abortion to be human rights violations. *See* STEVEN L. JANTZEN, ET AL., WORLD HISTORY: PERSPECTIVES ON THE PAST 739 (1992). On the period in American history in which the Supreme Court issued the opinion in *Roe* v. *Wade*, *see* THOMAS A. BAILEY & DAVID M. KENNEDY, THE AMERICAN PAGEANT: A HISTORY OF THE REPUBLIC 952, 989 (1991).

15 "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." U.S. CONST. amend. VIII.

16 In the Bill of Rights of 1689, Parliament ordained that "excessive bail ought not to be required, nor excessive fines imposed; nor cruel and unusual punishments inflicted." 1 W. III & M. II, st. 2, ch. 2 (Bill of Rights, 1689).

And yet, throughout the 17th and 18th centuries, all the political societies of the Anglo-American world criminalized a great percentage of elective abortions.[17] Consequently, it seems as though in no way could the original intent of Article 7 of the ICCPR be what the Human Rights Committee said it was in its 2005 ruling against Peru. Nevertheless, because the Committee is a UN court-like body, it has the power, though one small, unimportant[18] ruling after another, to slowly build up the impression in world public jurisprudential opinion that there is a human right to an abortion when only the so-called "mental health" of the mother is "in danger." If an important American political advocacy group/law firm was able to greatly speed up this ominous tendency of the UN's court-like bodies the results for respect for the sanctity of human life could be disastrous.

17 Robert M. Byrn, *An American Tragedy: The Supreme Court on Abortion*, 41 FORDHAM L. REV. 807, 819-826 (1973); Ramesh Ponnuru, *Aborting History*, NAT'L REV., Oct. 23, 1995, at 29-32; Bradford William Short, *The Healing Philosopher: John Locke's Medical Ethics*, 20 ISSUES IN LAW & MED. 103, 121-131 (Fall, 2004).

18 The Human Rights Committee is only empowered to issue non-binding rulings, and therefore, its decisions are not truly national or international court precedents.

THE CENTER FOR REPRODUCTIVE RIGHTS

The effort to get the right to abortion recognized as a human right in international law has been spearheaded, as it was during the legal battles for abortion de-criminalization in the United States during the 1960's and early 1970's, by non-governmental advocacy organizations. There are several key pro-abortion rights advocacy organizations that have been active at the UN and its various conferences over the past several years. The most prominent and active of these groups, however, has been the Center for Reproductive Rights (CRR), formerly called the Center for Reproductive Law and Policy.[19] From its beginning in 1992 CRR has worked to promote international abortion rights, partly out of an interest in using international norms in this area to reinforce abortion rights in American constitutional law.[20] CRR is openly and unabashedly pro-abortion rights, stating that its "overarching goal is to ensure that governments worldwide guarantee reproductive rights out of an understanding that they are legally bound to do so."[21] For CRR "reproductive rights" clearly means abortion. In its internal memoranda, CRR attacks the Bush "Administration and [the] anti-choice Congress."[22] CRR overtly states that it is "fighting" "the federal partial-birth abortion ban" that that same Republican President and Republican Congress passed only a few years ago.[23] CRR's efforts towards these ends are as follows:

- Researching and reporting on national laws, policies and judicial decisions;
- Advocating in international and regional human rights fora;
- Documenting reproductive rights violations in fact-finding reports; and
- Training NGO's and lawyers through legal fellowships and visiting attorney programs, workshops, published and online resources and other technical assistance.[24]

---

19 *See supra* note 4 and accompanying text.

20 CONG. REC., Smith, *supra* note 4, at E2539-E2540. CRR was born out of the American Civil Liberties Union's Reproductive Freedom Project and part of its operation involves an International Legal Program (ILP). *Id*. at E2535, E2539.

21 *Id*. at E2535.

22 *Id*. at E2540.

23 *Id*.

24 *Id*. at E2543.

CRR is a well-educated and well-financed organization that has a great deal of experience with supporting abortion rights in courts in the United States. That its attention is also focused on litigating in favor of abortion on an international scale should concern all policymakers and Parliaments the world over.

THE INTERNATIONAL PRO-ABORTION RIGHTS LITIGATION STRATEGY

Late in 2003, Christopher Smith, a Congressman from New Jersey, delivered a very short statement on the floor of the American House of Representatives at the end of which he entered into the Record of the House a series of documents "from recent Center for Reproductive Rights…strategy sessions."[25] Smith said that the documents, in their own words, revealed that CRR was involved in a "stealth campaign" to achieve its end of securing abortion rights throughout the Earth "by twisting words and definitions" to avoid close international scrutiny.[26] The documents are memoranda that refer to the determinations made after three meetings that occurred in the late summer and fall of 2003 involving CRR President Nancy Northup and two other leading CRR figures and staff lawyers in CRR's International Legal Program (ILP).[27] The meetings laid out international objectives, alternative strategic approaches, and evaluated the positive and negative aspects of each approach to reach those objectives.[28] These documents enable one to see how the pro-abortion rights litigation strategy will play itself out in the near future.

The documents propose either trying to secure passage of a new multilateral human rights treaty that specifically protects the full range of "reproductive rights," including abortion, or else trying to secure favorable interpretations of provisions of existing treaties by various international committees, tribunals, or other bodies.[29] The latter approach, utilizing global and regional human rights tribunals (the documents specifically list "the European human rights system, the African system," and the "Inter-American Commission on Human Rights"), is deemed by the authors of the documents as an especially fruitful course of action for the immediate future.[30] The authors seem to envision the possibility of a symbiotic relationship between national and international norms regarding the right to abortion. That is, by making "progress" in establishing abortion rights in the domestic law of several nations, often by claiming that international norms require those nations' systems of law to move in that direction, those new national laws will themselves create pressure to fashion still more pro-abortion rights

---

25 *Id*. at E2534.

26 *Id*. at E2534-E2535.

27 *Id*. at E2535. The meetings occurred on September 3, September 23, and October 16. *Id*.

28 *Id*.

29 *Id*.

30 *Id*.

sections in international laws to be made in the future. The first stage for CRR in performing this task would be for it to work "in a smaller number of focus countries" and on "honing" its "ability to provide cutting edge input on relevant international and regional norms and on providing a comparative legal perspective (i.e., analysis of laws and judicial decisions across countries)."[31] In effect, as more nations come online with abortion rights, those nations would, in turn, be forging new international norms in favor of abortion rights.

The documents argue that in establishing international abortion rights both "hard norms" and "soft norms" can be exploited.[32] Hard norms are "binding treaties."[33] Among the treaties that are relevant to CRR's proposition are the ICCPR and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).[34] Soft norms are "the many interpretative and non-binding statements that contribute to an understanding of reproductive rights" as being part of international law that are made by UN court-like bodies.[35] Soft norms can also be derived from "resolutions of inter-governmental political bodies, agreed conclusions in international conferences and reports of special rapporteurs."[36] CRR claims that reproductive rights (including the right to abortion) gained international momentum as a soft norm at the International Conference on Population and Development (also known as the "Cairo Conference").[37] This claim is made in spite of the fact that the final work product of the Cairo Conference conceded that abortion is not an international human right.[38]

The CRR documents reveal a strategy to make the case for an international right to abortion on the basis of "a number of recognized human rights" (presumably these are hard norms).[39] Some of the rights they single out indeed do fit into this hard norm category, although they have no direct relationship with a right to abortion. They include: the rights to life, liberty, security, health, to consent to marriage, to be free from discrimination, to

---

31 *Id.*
32 *Id.*
33 *Id.*
34 *Id.*
35 *Id.*
36 *Id.*
37 *Id.*
38 George Weigel, *What Really Happened at Cairo*, FIRST THINGS, Feb. 1995, at 24-31. CRR even *admits* that the Cairo document affirmed that under "no circumstances should abortion be considered a method of family planning." *See* CONG. REC., Smith, *supra* note 4, at E2536.
39 *Id.*

not be subjected to torture or other cruel, inhuman, or degrading treatment or punishment, and to be free from sexual violence.[40] The other rights that CRR mentions are not so clearly "recognized human rights," or at least they do not have the meaning or application that CRR supposes. These include the rights to reproductive health, family planning, the right to equality in marriage, the right to privacy, and the right to modify traditions or customs that violate women's rights.[41] Even if many of these rights *are* internationally recognized, they would not be a basis for a right to abortion. For instance, a right to equality in marriage would not mean that the basic biological difference between men and women that results in only the latter becoming pregnant must be mitigated by providing access to abortion.

Of the above claimed rights, CRR believes that it can best make its case by focusing on the rights to life and health, the right to be free from discrimination, and the right to privacy. CRR also believes it can make the most headway and generate the most support by especially stressing the argument that a woman's right to life and health means that she must be free from any pressure whatsoever to undergo unsafe abortions.[42] CRR goes on to claim that there are 78,000 deaths worldwide and "hundreds of thousands of disabilities" each year because of "unsafe abortion."[43] Interestingly, even as CRR defends its strategy to use soft norms to fashion an international abortion right, it admits that there is currently a dearth of soft norms to support this strategy.[44] Effectively, what CRR seeks is to establish soft norms (via litigation) that will have some arguable grounding in the rights named above and perhaps other hard norms. In essence, CRR plans to make the argument that the different rights listed above give rise to a right to abortion. For example, it contends that "the right to make decisions about one's body is rooted in the right to physical integrity, which has been interpreted to protect against unwanted invasions of one's body," that the right to privacy "protects a woman's right to make decisions about her reproductive capacity," and that restrictive abortion laws are discriminatory because they deny women access to health care.[45]

A significant and revealing ancillary topic addressed in the documents is the right of minors to "access reproductive and sexual health information

---

40 *Id.*

41 *Id.*

42 CRR, of course, pays no attention to the question of the unborn child's right to life. *Id.*

43 *Id.*

44 *Id.*

45 *Id.*

and services."[46] The documents leave no question that CRR believes that the putative reproductive rights of adult women apply also to adolescents. The documents speak of "adolescents' reproductive autonomy and decision-making," and clearly seek to establish the adolescents' right to confidentiality in receiving health services and information (meaning, primarily, services and information related to reproductive health matters) and to prohibit parental consent requirements for a legal abortion.[47] Nevertheless, the documents admit the lack of hard norms justifying such policies.[48] But CRR presses on and claims that UN treaty-monitoring bodies have stated that these rights apply to adolescents and that the bodies have also advocated sex education for minors and condemned "discrimination" based on marital status because, in many countries, it prevents adolescents from gaining access to reproductive health services.[49] In fact, CRR is very committed to a child liberation agenda that disregards traditional parental authority. The documents boast that adolescent sexual and reproductive rights "has always been one of…[CRR's] priority areas" and that CRR is determined to pursue this objective in spite of the "growing opposition amongst minors [in the United States] to abortion."[50]

The documents also reveal the most insidious part of CRR's strategy. CRR proposes to advance its agenda by bringing cases before regional and international human rights court-like bodies and also before domestic courts on international law grounds. Among the advantages of this approach for CRR is that favorable decisions become, effectively, precedents for more deeply embedding such rights within the national and international legal systems in question. Because the people of the world tend to not follow the developments at UN court-like bodies, CRR rightly states that its plan has a certain "stealth quality," where there is an "incremental recognition of values without a huge amount of scrutiny from the opposition."[51] In essence, CRR does not want the democratically constituted legislatures of the world to know about the laws recognizing the right to abortion that are about to be made in their own countries until it is too late. Judges, or better yet, UN judge-like officials can, without "scrutiny," change the law on abortion. By the time a right to abortion is announced in a particular country it is already a *fait accompli*, and the country's legislature at that point may very well be

---

46 *Id*.
47 *Id*.
48 *Id*.
49 *Id*. at E2536-7.
50 *Id*. at E2540.
51 *Id*. at E2538.

reluctant to *repeal* judge-made protections for abortion,[52] while it would have been perfectly willing to have *refused* to legalize abortion in the first place had the courts never intervened.[53]

It is very ironic, then, that the CRR documents accuse the anti-abortion activists of the United States of being purveyors of "misleading information."[54] In a passage that attacks crisis pregnancy centers, abstinence-only sex education and other pro-tradition theories of how to deal with the pressures of human sexuality, the CRR authors seem to relish the possibility of "outing the anti[-abortion activists] as liars," and hope that that "would undermine their credibility."[55] In order "to counter opposition to…reproductive rights" CRR has "questioned the *credibility* of such reactionary yet influential international actors as the United States [under the Bush Administration] and the Holy See."[56] And one member of the CRR Board of Trustees advised the staff "to fight harder" and "be a little dirtier."[57] But CRR already fights dirty. As their own internal documents show, they are unwilling to let the world know what they truly support. Instead of petitioning the respective legislatures of the world for a redress of their grievances concerning the availability of abortion, or even commencing litigation in important national courts that are more likely to get national press attention, CRR tries to legalize abortion by bringing their arguments before some of the most obscure bureaucrats on Earth. CRR admits that it does this so that citizens will not know what is really happening in their own countries. That CRR then proclaims that the abortion rights it is winning "for women" are, in some way, democratic "law" is dishonest to say the least.

Though CRR and its allied groups mainly work through litigation, it would be informative to the reader to examine the kinds of language CRR tries to have amended into reports being drafted by either the UN General Assembly or UN conventions (both being legislature-like UN bodies as opposed to court-like UN bodies). For instance, at one of the preliminary

---

52 It should also be noted that many nations have constitutional supreme courts that have the power to prevent their own rulings from being overturned by those nations' legislatures even if the legislatures were actually inclined to try to do such a thing.

53 It is also important to note that CRR acknowledges that in order to achieve its goal of universal abortion rights, even if clear, certain, pro-abortion rights international norms are eventually established, they will still have to be upheld and enforced. This means that whatever norms are adopted must specify the obligations of governments with respect to them. *Id.* at E2539. One would presume that such obligations would be particularly coercive in nature.

54 *Id.* at E2541.

55 *Id.* at E2541-2.

56 *Id.* at E2539 (emphasis added).

57 *Id.* at E2545.

meetings (Prepcom III) for the Cairo Conference, the "Women's Caucus," an affiliate of the Women's Environment and Development Organization (WEDO),[58] proposed that Section 7.1 of Chapter VII of the Cairo Conference's final report read in part:

> Women who wish to terminate their pregnancies should have ready access to reliable information, counselling, and safe, affordable abortion services for the management of complications of unsafe abortions.[59]

The proposal of such controversial language for amendment into the final documents at these conferences is not an uncommon occurrence at all. At the Rome conference on establishing the International Criminal Court (ICC) in 1998, CRR-allied non-governmental organizations vigorously pushed including "enforced pregnancy" as a "crime against humanity" in the proposed ICC treaty.[60] These groups were using the opportunity presented by the conference's declaring "*forced* pregnancy" (that is, women being impregnated as a result of forcible rape by hostile soldiers) to be a human rights violation, to twist the meaning of those words and to effectively establish *abortion* as an international human right as well.[61]

For CRR and its allies, the right to abortion is so sacrosanct that any means are justified in trying to achieve the end of its worldwide recognition. CRR does not care that the UN court-like bodies it brings its grievances to are obscure and not authorized to exercise great political power, nor does it care that the UN reports that it tries to insert controversial pro-abortion rights language into are themselves not known as "law" in any democracy. In fact, for CRR, this is all a benefit. If by undemocratic "stealth" tactics CRR can legalize abortion everywhere its mission will finally be complete.

---

58 WEDO is well known as a CRR-allied non-governmental organization.

59 THE WOMEN'S CAUCUS AT PREPCOM III DRAFT COMPILATION OF PROPOSED REVISIONS ON THE DRAFT ICPD PROGRAMME OF ACTION (1994).

60 WILKINS & REYNOLDS, *supra* note 2, at 13-20.

61 *Id* (emphasis added). It is also the case that the Committee on the Elimination of Discrimination Against Women, in one of its reports, "welcomed" some of "the suggestion[s] made at the 'Round table of Human Rights Treaty bodies' Approaches to Women's Health, with a Focus on Reproductive and Sexual Health Rights', held at Glen Cove, New York in December 1996." REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (EIGHTEENTH AND NINETEENTH SESSIONS) 37-38 (1998). The Glen Cove meeting was known for its radicalism in support of sexual promiscuity and other anti-traditionalist behavior. It was a meeting of groups that all bear great resemblance to CRR.

CONCLUSION: WHAT INTERNATIONAL LAW ACTUALLY SAYS ABOUT ABORTION RIGHTS

As the CRR documents themselves admit, there is no internationally recognized right to abortion. As one legal scholar points out, however, "[t]here seems to be a nearly inexhaustible supply of language which encompasses the *possibility* of [a right to] abortion, but without any *express reference* to the practice."[62] Good examples of such language are terms like "reproductive health," "reproductive freedom," and "reproductive choice." But usually, these documents will "include language preserving national sovereignty on questions of human fertility" and numerous nations that were involved in negotiations of a respective document will make statements at the conclusion of the document-drafting conference that they have "not alter[ed] national or international law related to the regulation of abortion."[63]

It is also important to reiterate that as far as the Cairo Conference is concerned, there is "nothing in the Cairo Platform for Action [that] establishes abortion as a human right."[64] In sum then, "there is no express 'international human right to abortion,'" but "the indeterminacy of international norms (resulting, in large measure, from their vague and expansive wording)" and the continued effort by pro-abortion rights legal proponents such as CRR to exploit this vagueness, "renders this conclusion somewhat tentative."[65]

And so, the onslaught of international pro-abortion rights litigation continues apace. A little more than a year ago CRR filed a brief in the Inter-American Commission on Human Rights as it was considering a case against Costa Rica concerning that democracy's ban on in vitro fertilization.[66] By this action CRR hoped to help force Costa Rica to legalize in vitro fertilization, which would be the first step in forcing Costa Rica to eventually legalize abortion altogether. CRR knows that if such actions are successful, the ruling tribunals may not be able to enforce their judgments against the respective nations since international courts usually have no reliable enforcement mechanisms of their own. But domestic courts—and, for that matter, legislative and executive decision-makers—will be able to cite these rulings as a basis for changing their own nations' laws.

---

62 WILKINS & REYNOLDS, *supra* note 2, at 22-24 (emphasis in original).

63 *Id*.

64 *Id*. at 28-29. *See also* Weigel, *supra* note 38.

65 WILKINS & REYNOLDS, *supra* note 2, at 35.

66 *UN-Funded Pro-Abortion Group Attacks Costa Rica's In Vitro Ban*, THE FRIDAY FAX, Catholic Family & Human Rights Institute Website (Dec. 30, 2004) (Feb. 25, 2006), http://www.c-fam.org/FAX/Volume_8/faxv8n2.html.

Leading pro-abortion rights non-governmental organizations, such as CRR, have set out a strategy that essentially calls for fashioning a right to abortion by manipulating the language of international documents and human rights norms even when it was previously understood that those documents and norms expressly did not include such a right to abort. By repeatedly promoting abortion rights in international fora and providing their own particular interpretations to the often vague wording of international legal documents, these groups hope to make the right to abortion a part of customary international law, which, while not explicitly agreed to by nations as with a treaty, will then enter their domestic legal systems and be declared binding on them. These groups hope to do this without any democratic confirmation or approval whatsoever. This strategy has already resulted in the harassing of some democracies and, unless confronted now, it will only be a matter of time before it endangers the democratic process concerning these *internal* questions of family policy and the sanctity of human life everywhere on Earth.

Stephen M. Krason is Professor of Political Science and Legal Studies at the Franciscan University of Steubenville and is the co-founder and President of the Society of Catholic Social Scientists. He graduated from LaSalle College (now LaSalle University) in 1976, *summa cum laude*. In 1980, he earned a Juris Doctor degree from the State University of New York at Buffalo School of Law, *cum laude*, and three years later he graduated from SUNY at Buffalo again with a doctorate in Political Science. He later attended Gannon University to complete studies for a Master of Arts degree in Theology/Religious Education. He is admitted to several bars, including the bar of the United States Supreme Court. He has published several scholarly books and articles on an array of topics, including life and family issues, American politics, Catholic social teaching, education, and legal and constitutional questions. Among his books is *Abortion: Politics, Morality, and the Constitution*, which was published by the University Press of America in 1984. He and his wife, Therese, have four children and live in the Steubenville, Ohio area.

Other publications in the International Organizations Research Group White Paper Series:

NUMBER ONE – War on the Faith: How Catholics for a Free Choice Seeks to Undermine the Catholic Church

NUMBER TWO – The United Nations Population Fund: Assault on the World's Peoples

NUMBER THREE – The United Nations Children's Fund: Women or Children First?

NUMBER FOUR – The Ford Foundation: Founder of Modern Population Control

NUMBER FIVE – The United Religious Initiative: An Organization Seeking to Undermine Traditional Religious Faith and Evangelization

For additional copies of this or any other White Paper, please call CFAM Processing Center at 502-325-5488 or write P.O. Box 38, New Hope, KY 40052.

866 FIRST AVENUE SUITE 495
NEW YORK, NY 10017