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INTERNATIONAL ALLIANCE OF WOMEN
 ALLIANCE INTERNATIONALE DES FEMMES

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FAMILI PLANNING AND ABORTION FROM A
 HUMAN RIGHTS PERSPECTIVE

History is a continuous struggle on the part of human beings to face up
 to and master natural phenomena in order to be able to survive and
 promote their well-being. Man, the eternal Prometheus, is steadily
 advancing from passive acceptance of his fate towards a conscious
 regulation of his life in all fields. Nowadays plans of action on an
 international scale are laid down to settle in the best possible way the
 most important social, economic and cultural problems of humanity.

It is obvious that the same evolution - from passive acceptance to conscious mastery-should also occur in human procreation since means of obtaining such mastery are today available.

This is momentous chapter in human evolution and development. The right to reproductive freedom through family planning in its widest concept is a new and important part of the contemporary concept of individual freedom

Family Planning is of the utmost importance for the woman, for the child, for the family, for society as a whole. Its prohibition results in .violation of a number of human rights generally recognized by international instruments.

We shall try to be more explicit about this.

A. Violation of Women's rights where family planning is prohibited

1 Obliging women to bear children against their wishes is an important restriction of their individual freedom because of the elimination of their reproductive freedom.

2 This also results in a violation of gender equality , because the bearing of children which is.uncontrolled (in numbers timing of birth etc.) frustrates any potential development of the mother's personality, career, etc.

3 Many and frequent births have been proved detrimental for the mother's

health, that is contrary to her right to health.

4. The imposition on a woman of enduring pregnancy and delivery when she does not wish it is also a transgression of the right to use her own body freely, which is also a part of individual freedom of men and women. However, in this case, it obviously concerns only women.

5 Such an imposition is also contrary to human dignity of the parents, particularly of women, who are treated as reproductive machines.

B. Violation of Collective and individual Human Rights

It has been sufficiently argued by scholars and organizations specializing in the matter and first of all by the papers of this Conference, that if we do not manage to stop the present population growth, the environment will be destroyed and the development of the Third World and less developed countries in which major population growth is mainly taking place-will be frustrated.

So, the right to the environment and the right to development, two more human rights belonging to the so-called third generation, momentous for the future of humanity, are also violated if family planning is not widely applied.

C. violation of Children's Human Rights

We have left this issue to last, not because it is the least but because for us it is extremely important.

The prohibition of family planning results in the birth of unwanted children, to parents unable or unwilling to nourish, nurture and educate them. The future of these children- if they don't die from malnutrition or lack of essential health care- has to be seen in a wide spectrum of tragic situations ranging from the milder one of neglect and indifference on the part of their parents, to deviation, complete abandonment, very probable victimization by cynical exploiters and, not rarely, by the most abominable criminals.

There are many millions of children all over the World who are suffering under such tragic circumstances. Abandoned children alone number about one hundred million, and 7 million deaths every year of children under five years old are due to malnutrition.

So the fundamental rights of these children are violated and the Convention on the rights of the Child is for them a dead letter.

I cannot understand why we should not regulate children's birth in order to mitigate these tragic results. Is the continuation of such a situation philanthropy or misanthropy? Even after conception, isn't it just senseless to be more concerned with the "life" of a potential foetus, and not with the sad, often truly tragic, life which awaits a real human being, that is of a child born unwanted in a family unable to give it the essential care?

As regards the opposition of some churches, the more extended the Prohibition on their clergy to marry is, the stronger their opposition to family planning becomes. These ecclesiastical people are inexperienced of the dramatic feelings of parents having no means to satisfy their own children's basic needs (On the other hand, is it perhaps the

celibacy imposed.to the.clergy of some churches and their frustration of not being allowed to enjoy the natural state of becoming parents that Create an.unconscious feeling of revenge against people having this right but at certain times refusing to use it.?) It is characteristic that the "Academia Ponaificia" took position clearly favourable for the necessity of birth control.

If besides children's interest we take into consideration the other results of the prohibition of family planning-in the wide concept the violation of the mother s human rights we have already mentioned, together with the environmental catastrophe and the frustration of development to which the over population of the Third World leads only.the psychological mechanisms suggested above can provide an explanation of the illogical rejection of and the war against family planning and abortion

Abortion

About abortion I would like to make some specific remarks. No one is advocating abortion, but we have to accept it otherwise a lot of fundamental woman's rights and child s rights (if it is born unwanted) are violated, as we already explained

Furthermore we have to be conscious of the fact that penal law has proved ineffective in eliminating abortion. It is a matter of fact that all over the world women of all religions, in spite of the risk to be punished, have a lot of abortions

The result of criminalization of abortion is the creation of a particular inequality between rich and poor women as concerns their right to health.The fact is that rich women can afford the considerable

expense of an abortion secretly carried out in their own country or abroad. Poor women on the other hand resort to means which are a risk for their health, particularly for their reproductive capacity. In addition governments, knowing that the law prohibiting abortion is steadily not respected, simply push their citizens to live in hypocrisy and illegality instead of understanding that social reality ask for the decriminalization of abortion.

D. No to a compromise to the cost of our human rights

Our position is: We would like to have an Action Programme unanimously adopted However, we are against a consensus sacrificing or restricting our reproductive freedom and the other human rights we mentioned above. The wording to be adopted must not restrict the wide formulation of art 16 (e) of CADAW which reads as follows :

“States parties shall ensure the rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights”

Every country could interpret it as covering either family planning stricto sensu only or family planning in its widest concept, that is family planning stricto sensu and abortion. Of course in case the CEDAW wording is adopted a paragraph stating that abortion is or is not a family planning method should be deleted.

Besides, we wish to cooperate to the solution of all huge problems engendered by overpopulation which,as all UN studies and papers clarify,

can not be solved if birth control is not widely applied.

We Would like to mention the fact that although the Universal Declaration of Human Rights (1948) was not adopted by certain countries, compromises were not done. Now I think, that compromise is even lesser allowed, after the Vienna Declaration and Action Program(1999) which states the prevalence of human rights over "historical, cultural and religious backgrounds" (para.I,5) -and the t' eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism ". (para. B,3,38).

We add that the above Vienna Declaration has been adopted by consensus last June. Why now this reversal? And is it possible to condemn this hopeful sense to failure by accepting this new position restricting the drives freedom we have acquired after long struggles?

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