

**Anthony Ozimic, speech against the motion**  
**”This House believes abortion is a fundamental human right”**  
**Durham Union Society**  
**22 October 2010**

Anthony Ozimic is the communications manager of the Society for the Protection of Unborn Children (SPUC). SPUC is the world’s oldest pro-life lobbying and educational organisation, founded in 1967. SPUC is a secular, grassroots society composed of people of all faiths and none. Over the last 10 years Mr Ozimic has debated on behalf of SPUC at the Oxford Union, University College London, St Andrews and Bristol universities, and frequently on television and radio. He holds a Master’s degree in Bioethics from the University of Surrey.

### **Nature of rights**

There are some rights which the state has authority to confer (such as citizenship) but there are also fundamental rights of human beings. Fundamental rights are inherent to, and derive from, the dignity of the human person. These rights are not bestowed by governments but must be recognised by them and protected in law.

### **No right in international law to abortion**

If abortion was really a fundamental human right, the human race would have gotten around long before now to be have declared it as such. Abortion has been widely available virtually everywhere in the developed world, and in many places in the developing world, for at least the past last 30 years. Yet no international or national legal system has declared abortion to be a fundamental human right. Neither the United Nations, nor the European Court of Human Rights, nor the European Union, nor the judiciary in the United Kingdom, has ever declared abortion to be a fundamental human right. Whenever the pro-abortion lobby has called for abortion to be enshrined as a fundamental human right, that call has been rejected.

One of the earliest known law codes, the Code of Hammurabi from the 18th century B.C., forbids abortion. At the other end of history, the French Revolution’s Declaration of the Rights of Man also recognises no right to abortion. This is simply the verdict of history. The vast majority of human beings throughout history have been religious believers, yet none of the world’s religions has ever declared abortion to be a right - except perhaps the world’s newest denomination, Richard Dawkins’ Church of Latter-Day Darwinists.

The United Nations Declaration of Human Rights, as well as the US Declaration of Independence, speaks of human rights as “inalienable”, which means that those rights cannot in reality be taken away or given away, because they are inherent to human beings. For abortion to qualify as a fundamental human right, it must have this quality of being “inalienable”. Yet countries which take away, or do not grant, permission for abortion are not condemned by the UN General Assembly. This is because there is no international consensus that abortion is an inalienable right inherent to human beings. Abortion is merely practised in nation-states under positive domestic law, that is changeable, man-made legislation.

### **Restrictive laws**

I know of no country in which a woman can demand abortion on the legal basis that it is a fundamental human right. Many countries allow abortion on demand in early pregnancy or in certain circumstances, yet many of those same countries restrict abortion in later pregnancy or in other circumstances. This is because those societies do not believe that abortion is a fundamental human right, but a voluntary act which is unacceptable when performed at certain times or for certain reasons. Even the 1973 Roe v Wade judgment in the US did not declare abortion to be a fundamental human right, but only a right of US citizens under the US constitution. And even Roe v Wade allows individual states to ban third trimester abortions in certain circumstances.

### **Abortion illegal in English law**

You may be surprised to learn that in England, abortion is, and has always been, in general a criminal offence. Before the 19th century, abortion was prosecuted under the common law. During the 19th century, parliament passed successive acts enshrining in statute law the common-law ban on abortion, culminating in the Offence Against The Person Act 1861. Sections 58 & 59 of that Act, which criminalise abortion, remains the law today. The Abortion Act 1967 neither makes abortion legal nor decriminalises abortion, but merely provides an automatic exoneration from prosecution as long as those involved in the abortion follow certain conditions. If those conditions are not followed, then those involved in abortion are liable to be prosecuted under the 1861 Act. There are a small number of prosecutions every year for illegal abortions. So it is clear that in English law abortion is not a right.

### **Conscientious objection**

The Abortion Act 1967 contains a conscientious objection clause, under which no doctor or nurse is in general required to participate in abortion. Although that clause has been interpreted quite narrowly, neither the British state nor the medical profession has a legal obligation to provide abortion. The Council of Europe, Europe's premier human rights institution representing over 40 nations, two weeks ago passed a resolution which explicitly protects both individuals and institutions against demands that they must facilitate abortion. Conscientious objection, which is a fundamental human right explicitly recognised in international law, trumps any supposed right to abortion.

### **Abortion as a right to health**

Pro-abortion advocates will claim that abortion is a fundamental human right because access by women to medical treatment is a fundamental human right. Yet abortion is not medical treatment. In 1947, the British Medical Association stated:

“The greatest crime [is] co-operation in the destruction of life by murder, suicide and abortion.”

Abortion treats no condition, cures no illness nor prevents any disease. In 1992, Ireland's foremost obstetricians stated:

“As obstetricians and gynaecologists, we affirm that there are no medical circumstances justifying direct abortion, that is, no circumstances in which the life of a mother may only be saved by directly terminating the life of her unborn child.”

There is not one single study which shows that abortion has any health benefits, whereas there are many studies which suggest that abortion has significant risks for women's physical and psychological health. Ireland, where abortion is banned, has the world's best record for maternal health.

### **Abortion as right to bodily autonomy**

Pro-abortion advocates also claim that abortion is a fundamental human right because the bodily autonomy of women is a fundamental human right. Dr Marie Carmichael Stopes, the inspiration for Marie Stopes International, in fact rejected women's rights to bodily autonomy, arguing for the compulsory sterilisation of whole classes of women whom she deemed unworthy of reproduction. Nonetheless, Marie Stopes herself rejected the idea of abortion as a fundamental human right, saying:

“[M]y message coincides with that of all the Churches in condemning utterly the taking of even an embryonic life...However successfully [abortion] is performed, it leads to a great variety of potential physical ills for women.” [Wise Parenthood, 1940]

The right to bodily autonomy is always subject to higher considerations, such as the preservation of life and bodily integrity. The unborn child is not part of his or her mother's body, but a distinct human being sheltered by his or her mother's body. Even if it could be proved that the unborn child was part of his or her

mother's body, it would still not justify allowing unborn children to be cut away. (For example, neither ethics nor English law allows a person to cut off their own arm for, say, non-medical reasons.)

In some countries, women are not referred to merely as being "pregnant" but as being "blessed with child" or in a "blessed state". The idea that pregnancy is in some way an intolerable burden or an undeserved punishment, or that unborn children are aggressors or parasites (as the late Carl Sagan, the science-fiction writer, argued) is peculiar to the morally confused culture of the contemporary West.

### **Abortion as a right to choose**

Pro-abortion advocates also claim that abortion is a fundamental human right because a woman has a "right to choose." Yes, but a woman's right to choose what? I support a woman's right to choose many things (e.g. whom to marry) but I don't support the idea that a woman has the right to choose abortion. Whether or not abortion is a fundamental human right has nothing to do with a woman's right to choose things, but about the nature of abortion – the thing which is chosen.

### **Abortion in fact contrary to international law on fundamental human rights**

Far from abortion being a fundamental human right, bans on abortion by sovereign states are in fact compatible with the requirements of international human rights law.

International human rights instruments:

- protect the right to life of every human being
- require that every human being is regarded as a person before the law, and
- affirm that the unborn child is a human being.

The International Covenant on Civil and Political Rights (ICCPR), an elaboration of the United Nations Universal Declaration of Human Rights, states:

"Every human being has the inherent right to life." (art. 6-1)

Note the term "human being", not just "person", or "born human". Unborn children are not excluded, and are therefore included, in the absolute right to life of all human beings recognised by international human rights law. Abortion violates that right to life, and therefore abortion cannot be a fundamental human right.

The Covenant also forbids the death penalty to be carried out on pregnant women. We know from the testimony of the Covenant's drafters that the principal reason for the inclusion of this provision was to save the life of the innocent unborn child, because the innocent should not be punished along with the guilty.

### **UN Convention on the Rights of the Child**

The UN Convention on the Rights of the Child defines a child as:

"every human being below the age of eighteen years" (art.1).

As my friend Mr Bogle has shown, an unborn child is undoubtedly a human being, a member of the species *Homo sapiens*.

The Convention on the Rights of the Child states that:

- "Every child has the inherent right to life" (art.6.1)
- "States Parties shall ensure to the maximum extent possible the survival and development of the child." (art.6.2)
- "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" (preamble)

It should be noted that the Convention says “the need for such special safeguards has been...recognised in the [UN Universal Declaration of Human Rights]”.

### **American Convention on Human Rights**

The American Convention on Human Rights, signed by the countries of Latin America, states:

“For the purposes of this Convention, “person” means every human being.”

The Convention goes on to state:

“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.”

So, far from abortion being a fundamental human right, abortion may in fact be contrary to international human rights law.

### **Conclusion**

My friend Mr Bogle laid out cogently the moral objections for rejecting the motion, principally that abortion is the intentional, and therefore unethical, termination of an innocent member of the human family. However, even if you disagree with my friend’s moral objections, even if you still believe that abortion is not wrong and should not be banned, you can reject the claim in tonight’s motion that abortion is a fundamental human right. The objections I have made to the motion are based on legal and historical reality. You should reject the motion tonight because, at the very least, there is no compelling reason to agree that abortion is a fundamental human right.