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Congress of the United States  
House of Representatives  
Washington, DC 20515-4327

COMMITTEES:  
TRANSPORTATION AND  
INFRASTRUCTURE

OVERSIGHT AND  
GOVERNMENT REFORM

JUDICIARY

February 25, 2016

High Commissioner Zeid  
Office of the United Nations High Commissioner for Human Rights (OHCHR)  
Palais des Nations  
CH-1211 Geneva 10,  
Switzerland

Dear High Commissioner Zeid Ra'ad Al Hussein,

As Members of the United States Congress who are consistently and sincerely inspired by the beauty and preciousness of all life, we were troubled to read the Office of the United Nations High Commissioner for Human Rights February 5, 2016 press release on the recent spread of the Zika virus and its implications for abortion practices.

The release states that in the face of the Zika virus outbreak, "laws and policies that restrict access to sexual and reproductive health services in contravention of international standards, must be repealed..." We are concerned by what your statement may suggest.

We believe the Zika virus should be a time for thoughtful deliberation as local and national governments determine the best policies to curb the spread of this disease. It should not be an occasion to exploit a genuine public health crisis to advance a political agenda to overturn the laws of many nations which are protective of life at all stages of development. Yet advocates for abortion have seized upon the fear surrounding this new disease to push a radical pro-abortion agenda, especially in parts of the world that have laws that affirm the basic human rights of unborn children. The Center for Reproductive Rights' Latin America specialist recently stated in regards to El Salvador, which has constitutional protection of unborn children, "this [Zika outbreak] is a huge opportunity for the anti-abortion law to be reformed."

In this context, we are concerned that the Office of the U.N. High Commissioner for Human Rights appears to be taking a similarly opportunistic and pro-abortion approach to the Zika outbreak. Any such action by the High Commission is gravely inappropriate. *We urge you to immediately clarify your statements to make clear that you and your office are not calling for changes to laws protecting the human rights of unborn children, and particularly unborn children with disabilities in countries affected by the Zika virus.*

As to your alleged international standards on "reproductive health," no United Nations treaty recognizes a right to abortion. In fact, international treaties actively affirm the rights of the unborn child. Article 6 of the Convention on the Rights of the Child (CRC) states, "every child

has the inherent right to life... States Parties shall ensure... the survival and development of the child." Use of the word "survival" indicates that children should be protected, not only from existential post-natal harm, but pre-natal harm as well.

Indeed, the Preamble to the Declaration on the Rights of the Child, which provides the interpretive context of the entire document, is clear: "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."

Similarly, Article 6.1 of the International Covenant on Civil and Political Rights (ICCPR) is unequivocal: "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." The broad language used places no temporal or other distinguishing qualifications on life. The article is absolute when it says "every human being." Moreover, use of the word "inherent" indicates that life is not a privilege of citizenship or associated with any tangible guarantor. The right to life is natural, God-given, and preexisting.

That unborn life is not excluded from this right is evidenced by the fact that the ICCPR prohibits the death penalty from being imposed upon pregnant women, indicating that the unborn child has a life interest independent from that of the mother.

The framers of these various international agreements drafted these documents to broadly protect life, and used simple, unambiguous language to do so. Regardless of domestic U.S. support or opposition to these instruments, and their ratification status, the text of these agreements provides indispensable evidence supporting the lack of any pro-abortion standard codified in international law.

Some assert that such an international pro-abortion standard emanates from U.N. treaty compliance committees, which are allegedly empowered to reinterpret international agreements as securing a right to an abortion. However, States party to these bodies do not consent to have committee members alter their domestic legislation and any such attempt to do so would be a breach of Article 2 of the U.N. Charter, which offers robust protections of state sovereignty, and other principles of international law. Compliance committees cannot permit red to mean blue because some of their members believe it so. Compliance committees, like the states that acceded to the corresponding international agreements, are bound by the plain text of the documents that generate the committees' existence.

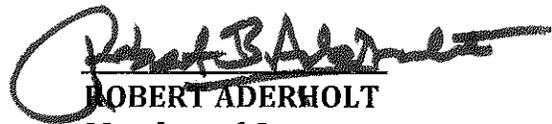
Moreover, in your press release you suggest that the "international standard" surrounding sexual and reproductive health services includes "contraception - including emergency contraception - maternal healthcare, and safe abortion services." At the International Conference on Population and Development in Cairo and the Fourth World U.N. Conference on Women in Beijing, and on multiple occasions since then, numerous States expressed strong and consistent objections to including abortion under the aegis of reproductive health services. We echo that sentiment, and affirmatively disagree that abortion be considered a type of reproductive health procedure.

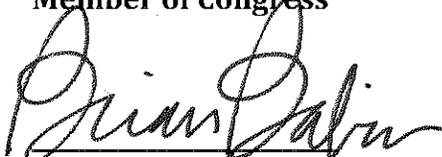
Any insinuation that there is an undebatable and global consensus that abortion is a valid reproductive health procedure is patently untrue and insensitive, not only to many States, but also to the countless men and women across the world who believe that life begins at conception, and hold sincere religious and personal pro-life convictions. In fact, according to the Pew Research Center's 2013 Global Attitudes survey, which talked to over 40,000 respondents in 40 countries, 56 percent of people believe abortion is unacceptable.

We implore you to clarify your statement to make clear you are not lending your voice to efforts to capitalize on this disease to promote a politically motivated pro-abortion agenda. We hope that your recent remarks do not favor abortion as a public health tool to tackle the Zika virus, and would appreciate a response with your clarification.

Thank you for your consideration of our concerns,

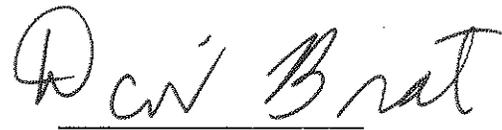
  
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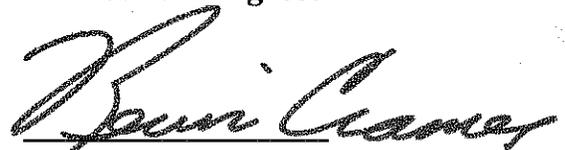
  
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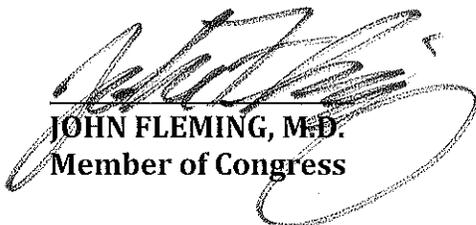
  
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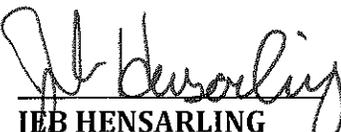
  
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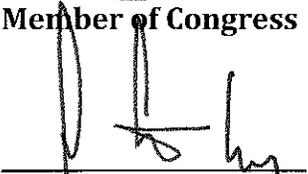
  
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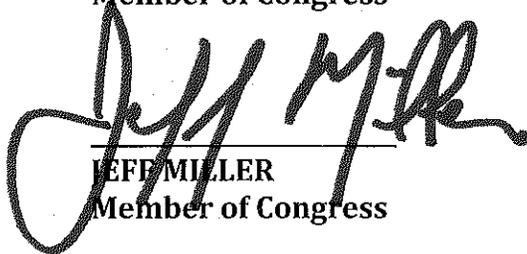
  
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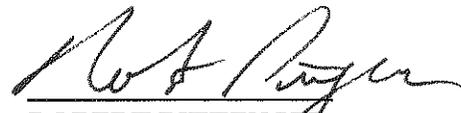
  
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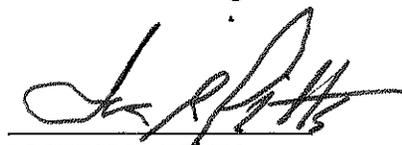
  
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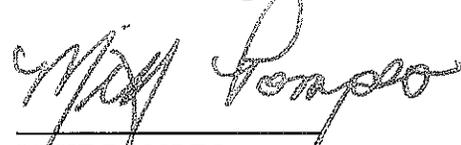
  
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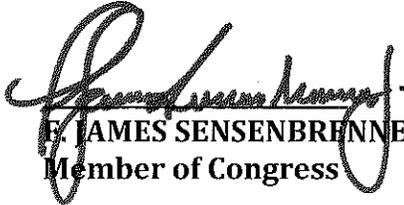
  
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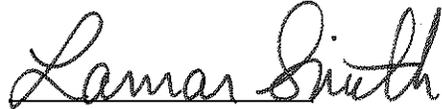
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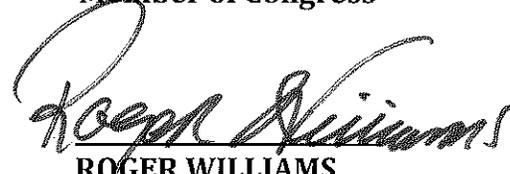
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