

**Contribution to the**
**General Comment of the Human Rights Committee
on Article 6 ICCPR – Right to Life**

Interessenvertretung ungeborener Menschen (IVUM - Germany)
Dieter Egert, President,
 former legal guardian for pre-born children regarding abortions
 dieter.egert@rvum.de

supported by

Prof. Dr. Paul Cullen,
 Chairman of Ärzte für das Leben *(Doctors for Life* - Germany*)*Alexandra Maria Linder M.A.,
 President of BVL *(Federal Association for Right to Life* - Germany*)*,
 President of ALfA *(Campaign Right to Life for All* - Germany*)*

**CONTENT**

[Remarks on the Latest Draft Text 2](#_Toc494976087)

[Proposed Modifications 4](#_Toc494976088)

[Right to Life and Human Dignity 6](#_Toc494976089)

[Context to other Human Rights 9](#_Toc494976090)

[Prohibition of Discrimination, Equal Rights 9](#_Toc494976091)

[Prohibition of Torture 10](#_Toc494976092)

[Prohibition of Servitude 12](#_Toc494976093)

[Endnotes 13](#_Toc494976094)

**Article 6 ICCPR**

1. 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.
(..)
5. Sentence of death shall not be imposed for crimes committed by persons
below eighteen years of age and shall not be carried out on pregnant women.
(..)

**Remarks on the Latest Draft Text**

**Latest draft text, 26-07-2017, I General remarks, Paragraph 9:**

*“Although States parties may adopt measures designed to regulate terminations of pregnancy, such measures must not result in violation of the right to life of a pregnant woman or her other rights under the Covenant, including the prohibition against cruel, inhuman and degrading treatment or punishment. Thus, any legal restrictions on the ability of women to seek abortion must not, inter alia, jeopardize their lives or subject them to physical or mental pain or suffering which violates article 7. States parties must provide safe access to abortion to protect the life and health of pregnant women, and in situations in which carrying a pregnancy to term would cause the woman substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or when the fetus suffers from fatal impairment. States parties may not regulate pregnancy or abortion in a manner that runs contrary to their duty to ensure that women do not have to undertake unsafe abortions. [For example, they should not take measures such as criminalizing pregnancies by unmarried women or applying criminal sanctions against women undergoing abortion or against physicians assisting them in doing so, when taking such measures is expected to significantly increase resort to unsafe abortions]. Nor should States parties introduce humiliating or unreasonably burdensome requirements on women seeking to undergo abortion. The duty to protect the lives of women against the health risks associated with unsafe abortions requires States parties to ensure access for women and men, and, in particular, adolescents, to information and education about reproductive options, and to a wide range of contraceptive methods.* *States parties must also ensure the availability of adequate prenatal and post-abortion health care for pregnant women.”*

In General remarks, paragraph 1-8 of the draft (Advance Unedited Version, 26.07.2017) important rules and understanding of the Right to Life are explained. 'Article 6 recognizes and protects the right to life of all human beings' (paragraph 2), 'without distinction of any kind' and 'should not interpreted narrowly' (paragraph 3). 'The obligation of States parties to respect and ensure the right to life extends to all threats that can result in loss of life.' (paragraph 7).

But then in paragraph 9, all this is ignored. Here the draft fails to mention any rights of the pre-born child. A previous draft version mentioned the absence of international consensus regarding the rights of pre-born children. Despite this dissension the Committee required rules that would allow any abortion, as if the only person involved in the abortion was the mother and not both mother and child. No explanation is provided for this view, and no attempt is made to address the controversy regarding the personhood or right to life of the pre-born child. Its existence is denied without any explanation, despite the contrary opinion of many contributions of states and NGO's regarding this comment. These states and NGOs claim that from the moment of conception on, each person is a living, unique human being, independent of later reproduction or division into twins.
Thus, the requirement of “safe abortion” makes no logical sense since each abortion is unsafe, being completely lethal to the child and an immediate, total, and irreversible violation of its right to life. Furthermore, the link between prohibition of abortions and the maternal mortality ratio (MMR) is completely unproven, since there are many counterexamples[[1]](#endnote-1), which disprove this claim (e.g. the MMR of USA is larger than the MMR of Poland, Ireland, Malta, Saudi Arabia, UAE and Lebanon. Chile's MMR is lower than in China or Russia[[2]](#endnote-2) and still drops. The MMR of Chile depended mainly on common education instead of legal abortions[[3]](#endnote-3). The WHO’s own research has shown that decreased maternal mortality rates in the developed world “coincided with the development of obstetric techniques and improvement in the general health status of women”[[4]](#endnote-4), and not with the legalization of abortion. For Denmark it was shown, that in nearly all-time periods examined, mortality rates associated with miscarriage or abortion of a first pregnancy were higher than those associated with birth[[5]](#endnote-5)).

The Centre for Reproductive Rights publishes a World-Abortion-Map[[6]](#endnote-6) showing for 2014 that 66 countries allow abortions only when there is a risk to the life of the mother, and 72 countries allow abortion also in some other circumstances. Only 61 countries worldwide have (nearly) no restrictions to abortions, and 7 states of them allow abortion on demand after 5 months of pregnancy[[7]](#endnote-7) (China, Singapore, North-Korea, USA, Canada, Netherlands and Vietnam). Thus, most member states of the United Nations do not agree with the interpretation of human rights as expressed in this draft. Moreover, there is no consensus regarding anything like a “right to abortion”, something that is an implicit precondition to paragraph 9 (actual draft).

**There is no justification for the Committee of Human Rights inventing or claiming any new “Human Rights”.**
If we were to allow a “**Human Right to Abortion**”, then we would also be allowing for existence of a “**Human Right to Cruelty**”, since this is part of each late term abortion.
A “Human Right to Abortion” also implies the existence of a “**Human Right to Serfdom**”, since, as exemplified by the slogan “my body - my choice”, a right to abortion regards the pre-born child not as a person in his or her own right but as a mere private possession of the mother.

If the Human Rights Committee continues to ignore all these arguments, and denies even the existence of pre-born children, despite all the scientific evidence, despite clearly written Human Rights, and in the face of written and oral contributions from many states and non-governmental entities, then the damage to its reputation will be immense. This is true even if in the short term there may appear to be support from some quarters, in many cases a result of commercial, ideological, or personal interests.

In case of wanted pregnancies (e.g. Beyoncé, Kate Middleton) all media reports refer to the pre-born baby as a baby and an already existing descendant and never as an ‘embryo’ or ‘fetus’. This is based on the **conviction that every human being has the same value, from conception up to the age, independent of his skills, properties, or size**. Only if the pregnancy was unwanted some people call it instead as ‘pregnancy tissue’ and start discussions on the humanity of the child or do not even mention the child, mainly to avoid any remorse when killing it. This is an intentional and purposeful contempt of the children's human dignity, in the same way as is has been done in many other historic cases of discrimination. Slaves, colored peoples, women, Indians, Jews, and disabled persons were called as inferior human beings to restrict their claim on Human Rights.

**Proposed Modifications**

For the Comment on Article 6 ICCPR at least it is recommended to explain the central arguments of both sides of the obvious controversy and to show the according consequences.

Here proposals for an improved new paragraph 9 and modifications on other paragraphs:

*Paragraph 9: 'Regarding abortion there is a long during international disagreement.*

*On one hand there exists the opinion that abortion is mainly an issue of the pregnant women, with the conclusion that the freedom and privacy of the woman as well as her wellbeing, health and security must be granted. As illegal abortions are suspected to be unsafe to women it is required to remove all legal restrictions on abortions. Prohibition of abortion is compared with torture. Proponents of this view assess the rights of the unborn inconsistently. Either the existence of a new person is ignored completely, or is referred to as an ‘embryo’, ‘fetus’ or just ‘pregnancy tissue’ without any discussion of their rights. Some claim that the new human being appears only at birth, and before that time point it is nothing more than a part of the woman’s body. Others admit that the unborn child might have a partial claim to humanity and some rights, but in certain circumstances such as rape or incest an abortion is allowable. In such cases the rights of the pregnant woman are regarded as superior and trump the rights of the child. The pregnant woman may claim for social and health support for an abortion procedure that is legal and therefore regarded as being safe.*

*The contrasting opinion is, that each human is equally valuable, starting with the begin of its existence on conception, and regardless of his age, skills and size[[8]](#endnote-8). All human beings, and only human beings possess these three properties of uniqueness* *(heredity different to the mother), humanity (belonging the species of Homo Sapiens) and life (in a biological sense). These three criteria are both sufficient and necessary to recognize humans. All three are present from the moment of conception on. Therefore, human dignity must be attested starting with this time. As human dignity is independent on all properties, and cannot grow or diminish, also the smallest member of the human family deserves the full protection of its human rights, equally to the rights of a pregnant woman. Therefore, each pre-born child must be granted equal rights and equal protection compared to all other humans, by the same laws and same reasons, with same exceptions and same consequences.
States parties must also ensure the availability of adequate prenatal and postnatal health care for pregnant women and their children.*
*This second view is approved by the term 'inherent right to life' in article 6 paragraph 1, as this indicates a right that already exists at the time of birth, other than the child’s name that is awarded at that time. Furthermore, article 6 paragraph 5 explicitly protects the pre-born child of a guilty woman. That contradicts any attempt to remove the protection on pre-born children of not guilty women. The Declaration of the Rights of the Child declares in its preamble the general need to 'appropriate legal protection before as well as after the birth'. Removal of legal restrictions on abortions would not leave any legal protection before birth, in violation of the Declaration of the Rights of the Child.'.*

Paragraph 24: ('States parties must enact a protective legal framework which includes effective criminal prohibitions on all forms of arbitrary deprivations of life by individuals, including ..')

To be added: '*abortion with or without the consent of the pregnant mother*'

Paragraph 27: ('The duty to protect the right to life requires States parties to take special measures of protection towards persons in situation of vulnerability whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence. These include:')

To be added in the lists in sentence 2 or 3: '*pre-born children'*

Paragraph 28: ('Persons with disabilities') insert after the first sentence:

*'Therefore, prenatal diagnosis with the aim of selection with a view to abortion of children with an unwanted diagnosis or characteristic is forbidden. In order to prevent this, the medical confidentiality must apply with respect to the parents in cases where the condition detected is not susceptible to treatment or where the diagnosis confers no benefit to the child.'*

**Right to Life and Human Dignity**

As indicated, article 6 guarantees the right to life for all human beings, and should be interpreted narrowly. We must therefore follow the preventive narrow interpretation of the right to life if there exists any doubt whether an embryo is a human being or not. This human right must be granted for all possible humans in order to avoid any failure due to misunderstandings.

But the humanity before birth can be proven:

1) International and national courts worldwide recognize a DNA analysis as a valid prove for any judgement. The Human Rights Committee itself required this standard proof in paragraph 47, to avoid wrongful death penalties. Any DNA analysis performed on an embryos tissue sample will prove
a) that the sample was **taken from a human being (humanity)** and
b) that this human being **is not the pregnant women (uniqueness).**

A third obvious property of the embryo is its **life, in the scientific sense**. In biology and medicine, independent life is generally recognized based on the characteristics of reproduction, heredity, metabolism and energy budgets. All these qualities are present from the moment of conception. Other definitions of human life are unknown.

**All human beings, and only human beings, possess these three properties of humanity (belonging the species of Homo Sapiens),
uniqueness (heredity different to the mother), and
life (in the scientific sense).**These three criteria together are both sufficient and necessary to recognize humans.
All three are **present from the moment of conception on**.
So, it is proved that there exists a human person different to the pregnant mother.

2) The inalienable and indivisible dignity of each human as well as the equal dignity of all humans are the indispensable prerequisite for all human rights. Human dignity is an integral part of the human condition and cannot be granted or taken away by any law or by any human action. Membership of the human species, the human family, cannot be granted, but can only be observed. Society and all positive law cannot regulate human dignity but must respect it. **Human dignity is independent of all properties and skills**. It cannot be measured. It cannot grow and it cannot diminish. Therefore, **also the smallest member of the human family has an equal and full amount of human dignity, and an equal and full right to protection of all his human rights.**

This doctrine had to be learned painfully in the last centuries by the massive disregard for naturally recognized human rights. Slaves, Africans, Women, Jews, disabled persons and pre-born children experienced all the same process. First came discrimination and a denial of their human dignity. This was followed by inhuman treatment and violation of all their natural human rights, often extending to a denial of the right to life itself. To prevent this for the future, in 1948 the Universal Declaration of Human Rights (UDHR) was adopted, followed by other declarations such as the International Covenant on Civil and Political Rights (ICCPR), and constitutions such as the German Basic Law (“Grundgesetz”).
Respect for human dignity forms the core and is the indispensable precondition for all human rights. If human dignity is no longer considered as an absolute, then all human rights become relative and lose their foundation.

3) The UDHR and the ICCPR grant human rights already before birth. Isolated voices such as the Canadian Supreme Court or Amnesty International claim that the expression *“inherent right to life”* should be seen as a right that is given with the birth. This view might also be supported by article 1 UDHR: '*All human beings are born free and equal in dignity and rights*'. Also, the first sentence of the UDHR's preamble refers to an 'inherent dignity':
'*Whereas 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*'. Some have proposed that “inherent” and “born free” indicate rights that magically appear at birth but are not present before. Thus, these expressions would define the point at which a human being begins, as all signatories are agreed that human rights are granted to all members of the human family. Therefore, pre-born children are not members of the human family, and thus have no human rights whatsoever.

This interpretation is misguided. Firstly, the United Nations were not so arrogant as to define the human family by a legalistic declaration. Instead they referred to a well-known humanity as recognized by science and logic, then they attested to all members of this human family “inherent human dignity” before finally granting to all of these dignitaries’ human rights.

The expression “all members of the human family” is clearly intended to include all human beings, and especially includes those whose human dignity some might call into question or doubt, as such doubts were the very source of many egregious historic violations of human rights. Use of the words “inherent” or “inborn” indicates that human dignity and the right to life are not assigned at birth, but already exist at the time of birth without any claim being made to when these characteristics arose. This can be shown by an examination of the usage of these words. Usually every person is born with an inherent sex, with inborn legs and arms. They do not acquire these characteristics on the way out of the birth canal. In the same way, each person is born free and with inherent rights and human dignity. By contrast, this expression is never used for something that is assigned only at or after the time of birth.
For example, even though parents usually have a fair idea before birth, nobody is born with an inherent name. The name is usually given at or after birth, it is not “inherent”.

T**he expression “All human beings are born free and equal in dignity and rights” refers to pre-existent rights and dignity that already exist at birth and are not assigned at that time or thereafter, like a name**.

4) Article 6, paragraph 5 states that “Sentence of death (..) shall not be carried out on pregnant women”. This presupposes that the pregnant woman is guilty, but admits that pregnancy indeed is a special circumstance. But if there is a “Right to Abortion”, how can a pregnancy justify such a privilege? Many other special life circumstances exist, such as severe illness, that are not treated in a similar way. So, the only understanding of this provision is the recognition of the existence of the pre-born child as a separate human being, deserving the protection of human rights, as granted by paragraph 5. In this case the ICCPR gives an explicit explanation that pre-born children are human beings with human rights, especially the right to life. Moreover, this protection is granted independent of the stage of pregnancy, that means independent of the age of the child.

**If the right to life of a pre-born child is denied in paragraph 1, then there is no reasoning for article 6 paragraph 5**. Rather, the question becomes: why is the pre-born child of a guilty woman more deserving of the protection of human rights than the pre-born child of any other innocent woman, who can be aborted for any reason. This is illogical, and any exclusion of the right to life is a contradiction to paragraph 5.

5) Article 6, paragraph 5 states that “Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age (..)”. This prohibition of sentence of death to children also includes in principle pre-born children, as they as well are not older than eighteen years. Of course pre-born children can hardly be guilty. In any case it is prohibited to impose sentence of death on a guilty child.
The extended interpretation of the prohibition of death penalty means, **that even if the right to life might be limited in some circumstances, this limitation may not be comparable or exceed the sentence of death.** But in case of abortion an innocent child loses its life by a procedure that is much worse. Sentence of death would be advantageous to the pre-born child:
A) the applicant would get a fair process and could explain his position,

B) the applicant could claim his rights and personal innocence,

C) the applicant would be entitled to a representative without own interests,

D) the applicant would be entitled to a judge without concern of the bias, and

E) the applicant would have the opportunity to appeal against the judgment.

All these advantages of sentence of death are not available to the pre-born child in case of an abortion. Therefore article 6 paragraph 5 is violated by legal abortions.

6) **Since antiquity**, the idea that human **life begins with the** **moment of conception** has existed. In the Bible, the Gospel of Luke 1:44 describes the not-yet-born John the Baptist as a child in the belly of his mother Elisabeth, who leapt for joy when he heard the greeting of Mary, who was also pregnant. Psalm 2:7 states: “He said to Me, ‘You are My Son; This day I proclaim, I have begotten (= conceived) You.”. Already on the day of conception he is called 'his son'.

**Newer scientific knowledge has strengthened rather than diminished the conviction** that the pre-born child is a human being, a person, from the very first moment on.

**Context to other Human Rights**

*Prohibition of Discrimination, Equal Rights*

*Article 2 paragraph 1: Each State Party to the present Covenant undertakes to respect and to ensure to all individuals (..) without distinction of any kind, such as (..) property, birth or other status. Article 24 paragraph 1: Every child shall have, without any discrimination as to (..) property or birth, the right to such measures of protection as are required by his status as a minor, (..). Article 26: All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as (..) property, birth or other status.*

“Equal before the law” means that each human being must be protected by the same laws, for the same reasons, with the same exceptions and the same consequence. But in many countries, there are special laws for abortion, in some countries abortion is free of all legal restrictions. This is a discrimination of children based simply upon the fact that they neither have passed through the birth canal nor been delivered by Caesarean section.

The impunity of abortion is often justified by “unacceptable distress”, such as rape, financial, personal, family or health problems. But obviously such extenuating circumstances are not used to justify the killing of older children (comparison group). There is no justification for a mother to kill her toddler just because of his father was a rapist or because he or the mother is suffering from a “severe illness”. Why should this be different before birth? It is the same child, deserving of the same protection as at any other time in its life. It surely cannot be claimed that a “something” or a “non-person” enters the birth canal and emerges from it as a human being, a person.
**The principle of equal rights is in any case violated by a legal differentiation based on features over which the person in question has no control and which cannot be influenced by his or her decisions, actions or omissions at any time**.

In addition, article 2 paragraph 1, article 24 paragraph 1 and article 26 explicitly mention the prohibition of discrimination by 'birth'. Sigrun Skogly (Eide, The Universal Declaration of Human Rights: A Commentary, 1993, pp. 61-62) showed that the inclusion of this concept in the UDHR was due to the Soviet desire to name congenital class membership although this was already included in the following expression 'other status'. However, the word 'birth' involves a much broader interpretation, which the UN apparently consciously accepted. This needs to be considered especially as the right to life also was debated regarding pre-born children. In general, the broadest significant meaning of a legal standard is that which applies, not the narrow understanding. Hence the word 'birth' in the ICCPR articles 2, 24 and 26 means primarily the distinction between whether the birth already happened or is still pending. In the same way the previously cited term 'property' does not mean its properties (currency, legal status or investment type), but whether property is present or not. In any case, birth was not defined in a special sense of human rights differently from the general language usage.
Independent of the understanding of 'birth', discrimination of pre-born humans is subject to the general principle of non-discrimination. Any legal abortion is a severe discrimination and curtailment of these principles.

*Prohibition of Torture*

*Article 7: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*

Contrary to the latest draft texts, abortion restrictions cannot be compared with torture. Torture according article 7 means any inhuman or cruel treatment. Obviously not any unwanted condition can be considered to be torture, even if some individual wellbeing might be impaired, and even pain is mostly not equal to torture. But a pregnancy is a very usual human condition of a woman, also it is not a state treatment of her. Pregnancies are fundamental to the further existence of humanity. Therefore, the use of the term “torture” to describe pregnancy both debases the value of the term and is an insult to pregnant women.
By contrast, an abortion is definitely a form of inhuman and cruel treatment of the pre-born child.

Kanwaljeet Anand, an expert on research on the development of pain and stress in the human newborn and fetus writes:
*The International Association for the Study of Pain defines pain as “an unpleasant sensory and emotional experience associated with actual or potential tissue damage, or described in terms of such damage. The inability to communicate verbally does not negate the possibility that an individual is experiencing pain and is in need of approbate pain-revealing treatment.”. The human fetus is obviously incapable of verbal expression and, therefore, the evidence for fetal pain must be based on surrogate markers, including anatomical, functional, physiological and behavioral indicators that are correlated with pain, from studies of pain in children or adults. Multiple lines of scientific evidence converge to support the conclusion that the human fetus can experience pain from 20 weeks of gestation, and possibly as early as 16 weeks of gestation*[[9]](#endnote-9).
Also, Sheila Page, DO Developmental Neuroanatomy and Physiology of Pain Perception explains anatomical details on pre-born children in a hearing regarding the Pain-Capable pre-born Child Protection Act. She also explains in detail why trials to deny fetal pain reception due to missing neural connections to the cortex (JAMA-report) are misguided:
A*s the anatomical and physiological evidence demonstrates, the role of the cortex in consciousness and pain perception is minimal* [[10]](#endnote-10)*.*
According to ultrasonic recordings an embryo starts to react to touches around the mouth at about 8 weeks of its lifetime. With 10 weeks, he starts to suck his thumbs. This is a pleasurable experience to them. It needs targeted movements, different to any spontaneous reflex action. Latest in the age of 20 weeks after conception the pain sensitivity is developed all over the body of the child [[11]](#endnote-11). For a prenatal surgery, usually the baby will be anaesthetized, as otherwise it would perform too strong defensive movements.

But abortions are performed without any anesthesia, no matter how old the child is. Even if the pregnant woman receives a general anesthetic, the child is not anaesthetized, because the placenta prevents the passage of the narcotic into the bloodstream of the child.

We must therefore assume that many, perhaps most of the children who are aborted feel severe pain during the procedure.

In the case of a medical abortion (for late abortion recommended as an off-label application with mifegyne), the placenta dissolves gradually, often with severe cramping and bleeding. As a result, the child gets less and less nutrients and oxygen, and suffocates slowly in 2-3 days (see [youtu.be/tup6KcDdfSU](http://youtu.be/tup6KcDdfSU) ).

Surgical late abortions (Dilation and Evacuation, D&E) are carried out at any time if no contractions can be initiated due to a general anesthesia of the pregnant women. Officially, about 1,000 such late expulsions are reported annually after the 13th week of life in Germany. The cervix is first stretched gradually with corresponding tools. Then, with a forceps the child's legs, arms, and abdomen are crushed and torn off. Finally, the head is crushed and removed. A subsequent curettage ensures that no tissue remains in the uterus, as this may cause inflammation (see [youtu.be/av2QI9Qx2ic](http://youtu.be/av2QI9Qx2ic) ).
Always without anesthetic of the child.



The tearing off of limbs in case of surgical late term abortions is, like the fourfold division, a torture method and an inhuman treatment. The slow asphyxiation in 2-3 days of taking the abortion pill corresponds to the torture method of water boarding (simulated drowning), known by its use in the American prison camp Guantanamo by the CIA.

In Germany and many other countries animal protection laws forbid to slaughter any vertebrate without anesthesia. Thus pigs, rabbits or rats are better protected against pain than a pre-born child that is “legally” aborted some weeks before its birth. In Germany each year 2500 children are aborted after the 13th week of gestation (2,5% of all registered abortions), of whom about 1000 are aborted after the 19th week. More than 500 of these abortions after the 19th week were performed as medical abortions with abortion pill[[12]](#endnote-12).

Clearly, this is a degrading and inhuman treatment consistent with the definition of torture. Therefore every late term abortion is a violation of article 7 ICCPR.

*Prohibition of Servitude*

*Article 8 paragraph 2: No one shall be held in servitude*

Servitude means full authority over the body and life of another person. In case of legal abortions this is precisely the position of the pre-born child, and the explicit goal of many so-called “feminists”. With the slogan “my body, my choice”, they regard the child as being part of the woman’s body, something that is patently untrue. The child is inside the woman’s body but is a separate human being. Any “right to abortion” assumes that the pregnant woman is free to decide about the life of her child. But our freedoms end at the point where they impinge on the freedoms of others. Therefore, the right of a woman to her body ends at the point where the body of her child begins. In a conflict between life and freedom, life has priority, because life is the indispensable prerequisite for every freedom.

It is not possible to conclude from the place of abode on affiliation or property rights. If you swallow your neighbour’s diamond, it remains your neighbour’s property. The embryo is also not a body part or an organ of the woman. It has its own heart beat (for 21 days after conception), blood circulation, its own brain, nerves and sensations, its own sex, its own heredity and DNA. Also, the child has no health function for the woman's body. But the pre-born child is dependent on the symbiosis with its mother for some time. Of course, the total dependence of the child on others for survival is not confined to the gestation period and does not end at the moment of birth. A newborn will die within 48 hours or sooner if left untended.

If a mother can freely and arbitrarily decide about the life of her child, this is a violation of the prohibition of servitude in article 8 paragraph 2. Repressed mother-feelings are no justification for that.

**Endnotes**

1. Stefano Gennarini, J.D. and Rebecca Oas, Ph.D., Securing a Better Future for Mothers in the Post-2015 Development Agenda (IORG Briefing Paper March 2014)
<https://c-fam.org/wp-content/uploads/11-Securing-a-better-future-Final-s.pdf> [↑](#endnote-ref-1)
2. World Health Organization, Maternal health, MMR 2015, Static map, see Chile, China, Russian Federation <http://gamapserver.who.int/gho/interactive_charts/mdg5_mm/atlas.html> [↑](#endnote-ref-2)
3. Elard Koch, Chile - Abortion Legislation and Maternal Deaths - Natural Experiment
(1957-2007, PLoS ONE, May 2012 Vol 7 Issue 5) <http://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0036613&type=printable> [↑](#endnote-ref-3)
4. Carla Abou Zahr and Erica Royston, Maternal Mortality, A Global Factbook (Geneva: WHO, 1991) [↑](#endnote-ref-4)
5. P Coleman, D. Reardon, Short and long term mortality rates - Population register based study
(Denmark 1980-2004, Med Sci Monit, 2012; 18(9): PH71-76 PMID: 22936199) [↑](#endnote-ref-5)
6. Abortion Map of Centre of reproductive Rights [www.reproductiverights.org/sites/crr.civicactions.net/files/documents/AbortionMap2014.pdf](http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/AbortionMap2014.pdf) [↑](#endnote-ref-6)
7. Angelina Baglini, J.D., American Reports Series INTERNATIONAL ABORTION NORMS
(Charlotte Lozier Institute, February 1, 2014) <https://lozierinstitute.org/wp-content/uploads/2014/02/American-Reports-Series-INTERNATIONAL-ABORTION-NORMS.pdf> [↑](#endnote-ref-7)
8. Eighth Amendment of the Constitution of Ireland: ‘The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.’ [↑](#endnote-ref-8)
9. Dr. Kanwaljeet S. Anand, Report to U.S. federal court reviewing the Partial-Birth Abortion Ban Act
(January 15, 2004, Page 5 ff) [www.nrlc.org/uploads/fetalpain/AnandPainReport.pdf](http://www.nrlc.org/uploads/fetalpain/AnandPainReport.pdf) [↑](#endnote-ref-9)
10. Sheila Page, Developmental Neuroanatomy and Physiology of Pain Perception
(Written testimony SB127: The Pain-Capable Unborn Child Protection Act, October 2015)
<https://lozierinstitute.org/wp-content/uploads/2015/10/Dr-Sheila-Page-Testimony-Ohio-October-002.pdf> [↑](#endnote-ref-10)
11. Bundesärztekammer, Pränatale und perinatale Schmerzempfindung
(Deutsches Ärzteblatt 1991; 88(47), A4157-4169) [↑](#endnote-ref-11)
12. Statistisches Bundesamt, Schwangerschaftsabbrüche - Fachserie 12 Reihe 3 - 2016, [www.destatis.de/DE/Publikationen/Thematisch/Gesundheit/Schwangerschaftsabbrueche/Schwangerschaftsabbrueche2120300167004.pdf](https://www.destatis.de/DE/Publikationen/Thematisch/Gesundheit/Schwangerschaftsabbrueche/Schwangerschaftsabbrueche2120300167004.pdf) , also see special report of Statistisches Bundesamt, referenced at [www.ungeborene.de/abtreibung/schmerzempfinden-von-ungeborenen](http://www.ungeborene.de/abtreibung/schmerzempfinden-von-ungeborenen) [↑](#endnote-ref-12)