

## **Executive Summary**

1. The Catholic Family & Human Rights Institute (C-Fam), submits this report on the United States' compliance with human rights obligations concerning life and family issues, in anticipation of the U.S.'s Universal Periodic Review.
2. The right to life is the most fundamental right within the human rights framework, for without it no other rights can be exercised or protected. This report focuses on five areas concerning the right to life that are issues of concern in the United States: (1) the violation of the right to life of the unborn; (2) the targeting of racial minorities in the abortion industry; (3) obstacles to free speech and exercise for those who defend the right to life of unborn children (4) sex selective abortion (5) Prenatal screening for the purpose of targeting and aborting unborn disabled children.
3. The report uses the framework set out in the General Guidelines for the Preparation of Information under the Universal Periodic Review: Section B provides an overview of the legal and policy framework, while Section C focuses on a few areas of special concern concerning violations of the right to life for unborn children.

### **B. Framework for Protection of the Right to Life for Unborn Children**

4. The Constitution of the United States of America, in Amendments 5 and 14, establishes that no person shall be deprived of "life, liberty, or property" without due process of law. Amendment 15 further establishes that no State may "deny to any person within its jurisdiction the equal protection of the laws".
5. This guarantee of the right to life for all persons is further reinforced by the United States' ratification of the International Covenant on Civil and Political Rights (ICCPR, ratified 1992). Article Six of the ICCPR states that, "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."
6. A review of scientific and medical authorities confirms that the unborn child is a human being from the moment of fertilization. When the human sperm combines with the human ovum at fertilization, a new, unique, living being is formed. This being has a set of DNA that is unique to the human species, and has all of the characteristics of a human from the time of fertilization.<sup>1</sup> The only logical and plausible conclusion from science is that the fusion of two human cells creates a new entity -- initially consisting of one cell, but quickly developing into a being with thousands and then millions of cells -- that is also human. After just a few weeks in the mother's womb the unborn child has

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<sup>1</sup> For purposes of this report, we will use the terms fertilization and conception interchangeably. *Cf. Biological Principles and Modern Practice of Obstetrics* states, "the term conception refers to the union of male and female pronuclear elements of procreation from which a new living being develops. It is synonymous with the terms fecundation, impregnation, and fertilization... The zygote thus formed represents the beginning of new life."

arms, legs, fingers -- with the same unique fingerprints he or she will have as an adult -- a heartbeat, and brain waves.

7. The conclusion that the unborn child is a human being from the moment of fertilization has been definitively confirmed by the Nobel Prize Committee for Physiology and Medicine in 1991<sup>2</sup>, and by virtually every medical school textbook used in every country.<sup>3</sup> Here is a typical description from a medical textbook of when human life begins:

Human development begins after the union of male and female gametes or germ cells during a process known as *fertilization* (conception). "Fertilization is a sequence of events that begins with the contact of a *sperm* (spermatozoon) with a *secondary oocyte* (ovum) and ends with the fusion of their *pronuclei* (the haploid nuclei of the sperm and ovum) and the mingling of their chromosomes to form a new cell. This fertilized ovum, known as a *zygote*, is a large diploid cell that is the beginning, or *primordium*, of a human being.<sup>4</sup>

8. The right to life of the unborn child has not been protected in American law since the United States Supreme Court decision of *Roe v. Wade* in 1973. That decision created a newfound "right to privacy" in the United States Constitution that essentially allowed for abortion on demand in the U.S. The opinion did not come to any conclusion on when human life began or what the specific legal status of the unborn child was before birth. Rather, the court ruled that the mother's right to privacy was superior to any right to life of the unborn child. This decision immediately invalidated all state laws prohibiting abortion, thus creating a legal framework on the federal and all state levels that does not respect the primordial right to life of the unborn child from conception.

9. American public opinion, the 2000 year-old teaching of the Catholic Church, and even longer-standing medical protocol are all in agreement that the right to life must be protected from conception. A 2009 Gallup poll confirmed that Americans are becoming increasingly pro-life, and now make up a solid majority of the population. The poll found 51% of Americans calling themselves "pro-life", versus 43% who call themselves "pro-choice".<sup>5</sup> The Catholic Church, from its very beginning, has consistently affirmed the evil of procured abortion.<sup>6</sup> This view was also embodied centuries earlier in ancient Greece in the Hippocratic Oath, which has served up to modern times as a model for

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<sup>2</sup> "The Nobel Committee noted that life begins "with the activation of ion channels as the sperm merges with the egg in fertilization. All cells have electrical charges within and outside the cell and the difference is known as the membrane potential. Fertilization changes the potential to prevent other sperm from joining the fertilized egg." Quoted in *The New York Times*, October 8, 1991

<sup>3</sup> See <http://www.princeton.edu/~prolife/articles/embryoquotes2.html>

<sup>4</sup> Moore, Keith L. *Essentials of Human Embryology*. Toronto: B.C. Decker Inc, 1988, p.2]

<sup>5</sup> <http://www.gallup.com/poll/118399/more-americans-pro-life-than-pro-choice-first-time.aspx>

<sup>6</sup> "[S]ince the first century the Church has affirmed the moral evil of every procured abortion." *Catechism of the Catholic Church*, para. 2271.

physicians: “I will not give a lethal drug to anyone if I am asked, nor will I advise such a plan; and similarly I will not give a woman a pessary to cause an abortion.”<sup>7</sup>

### **C. Areas of Special Concern Regarding Violations of the Right to Life**

#### **1. Targeting of minorities by Planned Parenthood and the abortion industry**

10. According to national abortion statistics for the U.S., while African Americans make up about 13.4 percent of the U.S. population, they account for almost 39 percent of all abortions, nationwide.<sup>8</sup> Black women have abortions at three times the rate of white women and two times the rate of all other racial groups combined.<sup>9</sup> Today, abortion kills more African-Americans, per year, than heart disease, cancer, respiratory disease, accidents, homicides, suicide, and cancer-combined.<sup>10</sup>

A recent billboard campaign in Georgia aimed at revealing that “Black children are an endangered species,” garnered the attention of the *The New York Times*, which noted that according to the most recent figures of the federal Centers for Disease Control, “[i]n 2006, 57.4 percent of the abortions in Georgia were performed on black women, even though blacks make up about 30 percent of the population.”<sup>11</sup>

11. The founder of Planned Parenthood, Margaret Sanger, firmly believed in eugenics, and the need to target the birth levels of minority racial communities which she deemed inferior. Sanger once said, “we are paying for... an ever increasing, unceasingly spawning class of human beings who never should have been born at all.”<sup>12</sup> In 1939 Sanger initiated the Negro Project, selling it to the black community as a solution to poverty and high birth rates, while her underlying mission was really to eliminate “the unfit.”<sup>13</sup> Considering the disturbing disparity in abortion rates, it seems the intent of Sanger’s Negro Project continues today in the U.S.

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<sup>7</sup> The Hippocratic Oath (4th Century B.C.), Translated by Michael North, National Library of Medicine, 2002, [http://www.nlm.nih.gov/hmd/greek/greek\\_oath.html](http://www.nlm.nih.gov/hmd/greek/greek_oath.html)

<sup>8</sup> [www.TooManyAborted.com](http://www.TooManyAborted.com), The Radiance Foundation, 2010, The National Impact, available at [http://www.toomanyaborted.com/?page\\_id=644](http://www.toomanyaborted.com/?page_id=644), citing [http://www.cdc.gov/mmwr/preview/mmwrhtml/ss5808a1.htm?s\\_cid=ss5808a1\\_e](http://www.cdc.gov/mmwr/preview/mmwrhtml/ss5808a1.htm?s_cid=ss5808a1_e).

<sup>9</sup> *Id.* citing [http://www.cdc.gov/mmwr/preview/mmwrhtml/ss5808a1.htm?s\\_cid=ss5808a1\\_e](http://www.cdc.gov/mmwr/preview/mmwrhtml/ss5808a1.htm?s_cid=ss5808a1_e).

<sup>10</sup> National Center for Health Statistics, Centers for Disease Control and Prevention, 2008. [http://www.cancer.org/docroot/STT/content/STT\\_1x\\_Cancer\\_Facts\\_Figures\\_for\\_African\\_Americans\\_2009-2010\\_09.asp](http://www.cancer.org/docroot/STT/content/STT_1x_Cancer_Facts_Figures_for_African_Americans_2009-2010_09.asp)

<sup>11</sup> Shalia Dewan, “Anti-Abortion Ad Split Atlanta,” *New York Times*, February 5, 2010, available at <http://www.nytimes.com/2010/02/06/us/06abortion.html>.

<sup>12</sup> [www.TooManyAborted.com](http://www.TooManyAborted.com), The Radiance Foundation, *supra* note 3, at The Truth (in Black & White) available at [http://www.toomanyaborted.com/?page\\_id=2](http://www.toomanyaborted.com/?page_id=2) citing Margaret Sanger, *Pivot of Civilization*, pg 187.

<sup>13</sup> *Id.* at Black and Unwanted, available at [http://www.toomanyaborted.com/?page\\_id=13](http://www.toomanyaborted.com/?page_id=13).

## 2. Sex-selective abortion

12. *The Economist* had a recent cover story on “The Worldwide War on Baby Girls,” which discusses the global trend of the selective destruction of baby girls, particularly in China and India, other East Asian countries including South Korea, Singapore and Taiwan, and even subsets of America’s population.<sup>14</sup>

13. Nick Eberstadt, a demographer at the Washington, D.C. think-tank American Enterprise Institute, argues that the cause of the sexual imbalance is not any country’s particular policy but “the fateful collision between overweening son preference, the use of rapidly spreading prenatal sex-determination technology and declining fertility.”<sup>15</sup> Examining sex ratios in America, Mr. Eberstadt calculated that the ratio for Chinese-, Japanese-, and Filipino-Americans was between 100 and 106 in 1975, but 107 to 109 in 2002.<sup>16</sup>

14. In 2008, economists Douglas Almond and Lena Edlund published an article in *Proceedings of the National Academy of Science*<sup>17</sup> analyzing the 2000 Census data of U.S. born children of Chinese, Korean, and Asian Indian parents.<sup>18</sup> They found that the sex ratio of the oldest child to be normal (1.05 boys to 1 girl), but subsequent children were heavily male if there was no previous son (if the first child was a girl, the sex ratio of the second child was 1.17:1; if the two previous children were girls, the third child sex ratio jumped to 1.51:1).<sup>19</sup> These “findings ‘suggest that in a sub-population with a traditional son preference, the technologies are being used to generate male births when preceding births are female.’”<sup>20</sup> The researchers did not find the same variance in the 1990 census, suggesting it is a new development in the United States that likely reflects the customs and practices found in Asia.<sup>21</sup> The most common method used for sex selection is fetal ultrasound to determine the sex of the baby followed by the disproportionate abortion of females.<sup>22</sup>

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<sup>14</sup> The Economist, “The Worldwide War on Baby Girls,” March 4, 2010, The Economist Limited Newspaper Limited, available at [http://www.economist.com/world/international/displaystory.cfm?story\\_id=15636231](http://www.economist.com/world/international/displaystory.cfm?story_id=15636231).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> Douglas Almond and Lena Edlund, “Son-based sex ratios in the 2000 United States Census,” PNAS, April 15, 2008, vol. 105 no. 15, available at <http://www.pnas.org/content/105/15/5681.full>; also see similar study: Jason, Abrevaya, “Are There Missing Girls in the United States? Evidence from Birth Data” (February 2008) available at SSRN: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=824266](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=824266).

<sup>18</sup> Randolph E. Schmid, “Some Asians Families in US Choosing Sons,” The Free Library, April 1, 2008, available at [http://www.thefreelibrary.com/Some Asians families in US choosing sons-a01611485106](http://www.thefreelibrary.com/Some+Asians+families+in+US+choosing+sons-a01611485106).

<sup>19</sup> Douglas Almond and Lena Edlund, “Son-based sex ratios in the 2000 United States Census,” *supra* note 4.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*; Citing data from the U.S. National Center for Health Statistics, the economists noted that prenatal ultrasound use among non-Japanese Asian mothers rose between 1989 and 1999 from around 38% to 64% of pregnancies.

15. A recent news article noted that “while many countries prohibit sex selection techniques without a medical purpose, the United States does not.”<sup>23</sup>

### 3. Pre-natal screening and targeted elimination of unborn disabled children

16. Recent US studies have indicated that when Down syndrome is diagnosed prenatally, 84-91 percent of those babies will be killed by abortion.<sup>24</sup> A 2005 *Washington Post* article by the mother of a child with Down syndrome lamented that, “Prenatal testing is making your right to abort a disabled child more like “your duty” to abort a disabled child.” The author went on to note:

In ancient Greece, babies with disabilities were left out in the elements to die. We in America rely on prenatal genetic testing to make our selections in private, but the effect on society is the same.<sup>25</sup>

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<sup>23</sup> *Id.* Oklahoma, Pennsylvania, and Illinois are the only states which ban sex-selective abortion. Drew Zahn, “New Law Bans Picking Baby’s Sex by Abortion,” World Net Daily, May 23, 2009, available at <http://www.wnd.com/index.php?pageId=98886>

<sup>24</sup> <sup>1</sup> Forrester MB, Merz RD. 1999. Prenatal diagnosis and elective termination of Down syndrome in a racially mixed population in Hawaii, 1987-1996. *Prenat Diagn* 19(2):136-41.

<sup>2</sup> Kramer RL, Jarve RK, Yaron Y, Johnson MP, Lampinen J, Kasperski SB, Evans MI. 1998. *Determinants of parental decisions after the prenatal diagnosis of Down syndrome.* *Am J Med Genet* 79:172-174.

<sup>3</sup> Caruso TM, Westgate MN, Holmes LB. 1998. *Impact of prenatal screening on the birth status of fetuses with Down syndrome at an urban hospital, 1972-1994.* *Genet Med* 1(1): 22-8.

<sup>4</sup> Wertz, DC. 1997. *The Impact of Prenatal Diagnosis on Down Syndrome, Anencephaly and Spina Bifida.* GeneSage, GeneLetter. Accessed at: [www.genesage.com/professionals/geneletter/archives/theimpact.html](http://www.genesage.com/professionals/geneletter/archives/theimpact.html)

<sup>25</sup> <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/17/AR2005101701311.html>