



**International law does not include abortion as a component of reproductive health.**

International human rights treaties do not include abortion as a component of reproductive health.

- Treaties are binding instruments of international law for the States that both sign and ratify them.
- CRPD mentions reproductive health (art. 23) but does not define the term.
- No other treaty mentions reproductive health at all.
- No treaty even mentions abortion.

Customary international law does not include abortion as a component of reproductive health.

- Custom is created when a rule is followed as a general State practice, and when States accept the rule as if it were legally binding. Custom is binding on all States who do not consistently object.
- International consensus documents are evidence of emerging customs.
  - There is no consensus among States to include abortion as a component of reproductive health.
  - ICPD Programme of Action defines reproductive health:
    - “state of complete physical, mental and social well-being ... in all matters relating to the reproductive system”; “implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so.”
    - It casts abortion as undesirable, confining its inclusion in reproductive health care and services to States where it is already legal, and saying “governments should take appropriate steps to help women avoid abortion, which in no case should be promoted as a method of family planning.”
    - Member States’ reservations indicate that reproductive health does not include abortion.
  - The Beijing Platform for Action mirrors the language of the ICPD Programme of Action.

International consensus documents color the interpretation of treaties discussing health.

- Beijing calls on the Committee on the Elimination of Discrimination against Women to take into account the Platform for Action when considering the reports submitted by States Parties to CEDAW.
- Treaty-monitoring bodies (TMBs) should use the consensus definition of reproductive health, not their own inventions.

**International organizations attempt to promote an incorrect understanding of reproductive health.**

UNFPA

- Its programming should reflect the priorities of the ICPD Programme of Action, which does not include abortion as a component of reproductive health.

Millennium Development Goals

- Goal 5 is related to maternal health; Target 5B is to achieve universal access to reproductive health.
- ICPD’s definition of reproductive health should inform this goal.

TMBs monitor the implementation of treaties and make recommendations to States Parties.

- Their recommendations are not binding and they cannot create international law.
- They often recommend that States liberalize laws criminalizing abortion.

Foreign aid is sometimes conditioned on legal reform.

- Small and developing States are threatened with the loss of foreign aid if they do not amend their reproductive health laws and policies to include abortion.

**Any measures or changes related to abortion can only be determined at the national or local level.**

States must not bow to pressure to include abortion in reproductive health. ICPD Programme of Action paragraph 8.25 says no State can be forced to change its abortion laws; any measures or changes related to abortion can only be determined at the national or local level. States have the sovereign right to look to the religious, ethical, and cultural values of their people when implementing the ICPD Programme of Action recommendations.

**For more information, see the World Youth Alliance’s Reproductive Health White Paper (February 2012), available at [www.wya.net/research](http://www.wya.net/research).**