



Memorandum on the Draft Recommendation and Explanatory Memorandum

***Fifteen Years Since the International Conference on Population and
Development Programme of Action***

(doc. 11992)

Parliamentary Assembly of the Council of Europe

September 23, 2009

INTRODUCTION

The European Centre for Law & Justice (“ECLJ”) is an international non-profit law firm dedicated to protecting human rights and religious freedom in Europe. Attorneys for the ECLJ have served as counsel in numerous cases before the European Court of Human Rights. Additionally, the ECLJ has Special Consultative Status as an NGO before the United Nations (UN).

The proper resolution of the issues set forth in Rapporteur McCafferty’s Explanatory Memorandum and Draft Recommendation, *Fifteen Years Since the International Conference on Population and Development Programme of Action*, is a matter of substantial organizational concern to the ECLJ. The ECLJ is particularly concerned about the underlying promotion of abortion as a means of family planning and population control. The Report summary states, in part:

The rapporteur thinks that funding for this programme must increase, sexual and reproductive rights must be upheld, and policies should respond to needs and not be coercive. Health systems must be strengthened, in order to improve lives and achieve the promises of the Millennium Development Goals, in particular, Goal5 to improve maternal health.

A range of family planning, including emergency contraceptives, safe abortion, skilled birth attendants and obstetric emergency care, must be accessible, affordable, appropriate and acceptable to all, irrespective of age, community or country.¹

While improving health care for those in developing countries is an honorable and necessary societal goal, the ECLJ is extremely concerned about the promotion of population control in general and abortion as a means of family planning and population control in particular in the Draft Recommendation and Explanatory Memorandum. The Council of Europe has no authority or competency to promote abortion. Furthermore, the UN Member States never agreed to include abortion as a means of population control, as a right, or as part of the definition of family planning. Finally, the Explanatory Memorandum and Draft Recommendation are based upon unsupportable concerns regarding the need for greater population control in developing countries.

SECTION 1: SUMMARY OF THE EXPLANATORY MEMORANDUM

According to the Explanatory Memorandum accompanying the Draft Recommendation, the International Conference on Population and Development Programme of Action (“ICPD Programme of Action”) was designed to improve the “quality of life and well-being of human beings and to promote human development by recognizing the interrelationships between population and development policies.”² “[E]arly stabilization of the world population” would contribute to the achievement of the development goal.³ Furthermore, “if needs for family planning and reproductive health care are met, along with other basic health and education services, then population stabilization will occur naturally”⁴

Although the present Explanatory Memorandum does not focus primarily on abortion, it raises concerns about the “high rates of unwanted pregnancies and subsequent abortions”⁵ and notes that women resort to abortion particularly in the countries that do not have access to quality contraceptive services and supplies.⁶ The Explanatory Memorandum states that “Member States need to improve education and information on reproductive health, as well as access to *all family planning methods* to reduce the number of unwanted pregnancies [and] abortions”⁷ The summary includes abortion in a list of family planning methods.

Moreover, the Explanatory Memorandum promotes “safe abortion”, as one of the means for population control. It states that “unwanted pregnancies and high fertility desires are the

¹ Memorandum from Christine McCafferty to the Council of Europe, Parliamentary Assembly, *Fifteen Years Since the International Conference on Population and Development Programme of Action*, at 1 (summary) Doc. 11992 (Aug. 5, 2009), available at <http://assembly.coe.int/Documents/WorkingDocs/Doc09/EDOC11992.pdf>. [hereinafter Memorandum].

² *Id.* pt. B.I. ¶ 1.

³ *Id.* ¶ 2.

⁴ *Id.* pt. B.III. ¶ 8.

⁵ *Id.* ¶ 11.

⁶ *Id.* pt. B.IV. ¶ 13.

⁷ *Id.* ¶ 14 (emphasis added).

drivers of population growth”⁸ which “poses a serious threat to human health, socio-economic development, and the environment.”⁹ “[H]igh levels of fertility and population growth make it far more difficult for families and societies to overcome poverty than would otherwise be the case.”¹⁰ Therefore, the Explanatory Memorandum promotes “abortion” as a form of family planning and one of the means to control the growing population.¹¹

SECTION 2: THE PACE SHALL NOT PROMOTE THE LEGALIZATION AND PUBLIC FUNDING OF ABORTION

Promoting abortion violates the core values upon which the Council of Europe was built by greatly offending the protection of human life and dignity, and respect for national sovereignty. Moreover, the ICPD Programme of Action did not create a ‘right’ to abortion and left it up to individual States to decide the degree of protection of the unborn, in their own countries. The ICPD Programme states that “[t]he implementation of the recommendations contained in it is the sovereign right of each country consistent with national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people, and in conformity with universally recognized international human rights.”¹²

The Explanatory Memorandum once acknowledges this restriction stating that the “legality [of abortion] remains to be determined by the member states.”¹³ Paragraph 23 of the report recognizes that, “according to the ICPD Programme of Action (paragraph 8.25) ‘in circumstances where abortion is not against the law, such abortion should be safe,’ *whereas legality remains to be determined by the member states.*”¹⁴ The ICPD Programme of Action sought to foster a consensus on certain topics—for example, the need to work toward a decline in the number of maternal deaths—while leaving more divisive issues like the permissible scope of abortion regulation to the discretion of individual Member States. The subsequent five- and ten-year implementation reviews also did not attempt to restrict the ability of Member States to regulate abortion.

International law does not provide a so called “right” to abortion. No binding international document recognizes such a right and no binding international document defines sexual and reproductive health to include abortion.¹⁵

Only the right to life is recognized. As the explanatory report to the Protocol No. 13 affirms: “The right to life, ‘an inalienable attribute of human beings’ and ‘supreme value in the

⁸ *Id.* pt. B.IV(i)(e) ¶ 32.

⁹ *Id.* ¶ 33 (emphasis added).

¹⁰ *Id.* ¶ 34.

¹¹ *Id.* at 1 (summary).

¹² U.N. Int’l Conf. on Pop. & Dev., Cairo, Egypt, *Report of the International Conference on Population and Development (ICPD)*, Ch. 2, Doc., A/CONF.171/13 (18 Oct. 1994), available at <http://www.un.org/popin/icpd/conference/offeng/poa.html> [hereinafter *ICPD Report*].

¹³ Memorandum, *supra* note 1, ¶ 23.

¹⁴ Memorandum, *supra* note 1, at B.IV(i)(a) ¶ 23 (emphasis added).

¹⁵ Piero A. TOZZI, *Sovereignty, International Law and the Protection of the Unborn*, Catholic Family and Human Rights Institute, Briefing Paper No. 1, June 2009, <http://www.c-fam.org/publications/id.75/default.asp>.

international hierarchy of human rights' is unanimously guaranteed in legally binding standards at universal and regional levels."¹⁶

International law, including the International Covenant on Civil and Political Rights,¹⁷ and the Universal Declaration of Human Rights,¹⁸ establishes the primacy of the right to life, even from the moment of conception, such as in the UN Convention on the Rights of the Child¹⁹. Furthermore, the right to life is explicitly protected, from conception, by numerous nations, like in Ireland, Malta, Poland, or Austria.²⁰

The European Convention on Human Rights explicitly contains a provision guaranteeing the right to life. The Parliamentary Assembly cannot infer from the Convention that the right to life does not extend to the unborn, and cannot lower the degree of protection afforded by the State to human life. The European Court of Human Rights ("ECHR") has held that, with relation to Article 2 of the Convention on Human Rights, "discretion" must be granted to Member States' differing views on when human life begins and what legal protection to afford the unborn.²¹ But, in no circumstances, abortion can be considered as a right under the European Convention on Human Rights.

In *Vo v. France*, the ECHR stated that:

"[I]t is not only legally difficult to seek harmonisation of national laws at Community level, but because of lack of consensus, it would be inappropriate to impose one exclusive moral code" [T]he issue of when the right to life begins comes within the margin of appreciation which the Court generally considers that States should enjoy in this sphere . . . [and] the issue of such protection has not been resolved within the majority of the Contracting States themselves [T]here is no European consensus on the scientific and legal definition of the beginning of life.²²

¹⁶ Explanatory Report to the Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Concerning the Abolition of the Death Penalty in All Circumstances, ETS No. 187, May 5, 2002, available at <http://conventions.coe.int/Treaty/en/Reports/Htm/187.htm>.

¹⁷ *Id.* art. 6(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."); art. 6(5) ("Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out against pregnant women.")

¹⁸ Universal Declaration of Human Rights, adopted Dec. 10, 1948, G.A. res. 217A (III) art. 3, U.N. Doc A/810 at 71 ("Everyone has the right to life.")

¹⁹ Convention on the Rights of the Child, adopted Nov. 20, 1989, G.A. Res. 44/25, art. 6(1)-(2) (entered into force Sept. 2, 1990) ("[E]very child has the inherent right to life. State parties shall ensure . . . the survival and development of the child.")

²⁰ *Austrian Universal Civic Legal Code (ABGB)*, § 22 ("unborn children from the moment of conception have a demand for protections by law")

²¹ *Vo v. France*, Eur. Ct. H.R., Judgment of 8 July 2004, Application No. 53924/00, § 82.

²² *Id.* (quoting European Group on Ethics in Science and New Technologies, Opinion: *The Ethical Aspects of Research Involving the Use of Human Embryo in the Context of the 5th Framework Programme*, at the European Commission (23 Nov. 1998).

More recently in *Tysiac v. Poland*,²³ the ECHR declined to invalidate the *substance* of Poland's restrictive abortion law, which legalized abortion only when medically necessary to preserve the mother's life or health. Instead, the ECHR determined that Poland's *procedures* for obtaining a medically necessary abortion violated Article 8 of the European Convention on Human Rights.²⁴ As Judge Bonello explained in his separate opinion, "[i]n this case the Court was neither concerned with any abstract right to abortion, nor, equally so, with any fundamental human right to abortion lying low somewhere in the penumbral fringes of the Convention."²⁵ These decisions demonstrate that the ECHR has declined to declare when life begins or recognize abortion as a fundamental right.

In addition, the Explanatory Memorandum cites "lack of access to information, education and services and *restrictive abortion laws*" as reasons behind high maternal mortality rates.²⁶ Attacking the legitimacy of any country's abortion laws is not within the competency of the Council of Europe.

SECTION 3: THE PACE SHALL NOT PROMOTE ABORTION AS A MEANS OF FAMILY PLANNING AND POPULATION CONTROL

The Explanatory Memorandum asserts that population growth "poses a serious threat to human health, socio-economic development, and the environment."²⁷ This serious threat supposedly requires the availability of modern family planning services, including "safe abortion," to limit population growth.²⁸ The summary of the present Draft Recommendation and Explanatory Memorandum call for "[a] range of family planning [services], including . . . safe abortion" to "be accessible, affordable, appropriate and acceptable to all, irrespective of age, community or country."²⁹

With such assertions, this Draft Recommendation and the Explanatory Memorandum go much further than Resolution 1607, which was passed by the PACE in April 2008. The Resolution on *Access to Safe and Legal Abortion in Europe* stated "that abortion can in no circumstances be regarded as a family planning method. Abortion must, as far as possible, be avoided."³⁰ Doing so, Resolution 1607 acknowledged one of the fundamental principles of the ICPD Programme of Action, "In no case should abortion be promoted as a method of family planning."³¹ The ICPD continued, stating that

²³ *Tysiac v. Poland*, App. No. 5410/03 Eur. Ct. H.R. 20 Mar. 2007.

²⁴ *Id.* § 124.

²⁵ *Id.* § 1 (separate opinion of Bonello, J.).

²⁶ *Id.*

²⁷ *Id.* ¶ 33.

²⁸ *Id.* at 1 (summary).

²⁹ *Id.*

³⁰ Eur. Consult. Ass., *Access to Safe and Legal Abortion in Europe*, Res. No. 1607 (2008).

³¹ *ICPD Report*, *supra* note 12, ¶ 8.25.

[a]ll Governments and relevant intergovernmental and non-governmental organizations are urged to strengthen their commitment to women's health, to deal with the health impact of unsafe abortion as a major public health concern and to reduce the recourse to abortion through expanded and improved family-planning services. Prevention of unwanted pregnancies must always be given the highest priority and every attempt should be made to eliminate the need for abortion. Women who have unwanted pregnancies should have ready access to reliable information and compassionate counselling. Any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process³²

In addition, paragraph 7.24 of the ICPD Programme of Action declared, “Governments should take appropriate steps to help women avoid abortion, which in no case should be promoted as a method of family planning, and in all cases provide for the humane treatment and counselling of women who have had recourse to abortion.”³³ Moreover, paragraph 7.6 reiterated the desire to prevent the promotion of abortion as a family planning method.³⁴

In addition, paragraph 12.17 of the ICPD Programme of Action stated:

Since unsafe abortion is a major threat to the health and lives of women, research to understand and better address the determinants and consequences of induced abortion, including its effects on subsequent fertility, reproductive and mental health and contraceptive practice, should be promoted, as well as research on treatment of complications of abortions and post-abortion care.³⁵

Importantly, numerous Member States expressed their intent to interpret and apply the ICPD Programme of Action consistent with their view that human life begins at conception. 63 nations registered their concern and dissent by formally entering reservations. For example, El Salvador's representative strongly reserved its right to exclude abortion or pregnancy termination as a population regulating measure:

We Latin American countries are signatories to the American Convention on Human Rights (Pact of San Jose). Article 4 thereof states quite clearly that life must be protected from the moment of conception. In addition, because our countries are mainly Christian, we consider that life is given by the Creator and cannot be taken unless there is a reason which justifies it being extinguished

In referring to the family in its various forms, under no circumstances can we change the origin and foundation of the family, which is the union between man and woman from which derive children. As a consequence of this, one accepts the concepts of “family planning”, “sexual health”, “reproductive health”, “maternity without risk”, “regulation of fertility”, “reproductive rights” and “sexual rights”

³² *Id.*

³³ *Id.* ¶ 7.24.

³⁴ *Id.* ¶ 7.6.

³⁵ *Id.* ¶ 12.17.

so long as these terms do not include “abortion” or “termination of pregnancy”, because Honduras does not accept these as arbitrary actions; nor do we accept them as a way of controlling fertility or regulating the population.³⁶

In 1999, as part of the five year review of the ICPD Programme of Action (“Cairo +5”), Rapporteur Gabriella Vukovich (Hungary) issued a report to the General Assembly regarding key actions for further implementation of the Programme of Action.³⁷ With regard to abortion, paragraph 63(i) of the report repeated paragraph 8.25 of the Programme of Action, including the statement that “[i]n no case should abortion be promoted as a method of family planning.”³⁸ Paragraph 63 also stated that, “Governments should take appropriate steps to help women avoid abortion, . . . and in all cases provide for the humane treatment and counselling of women who have had recourse to abortion.”³⁹

In 2004, the global community again reaffirmed its commitment to the Programme of Action.⁴⁰ The Member States did not alter the consensus on abortion established through paragraphs 7.24 and 8.25 of the ICPD Programme of Action and paragraph 63 of the Cairo +5 Report.

Given that the Council lacks the competency to promote abortion as a means of family planning and the agreement among UN Member States to allow individual states the right to determine the appropriate extent of abortion regulation, we urge the Parliamentary Assembly to strike the language from the Explanatory Memorandum that lists abortion as a means of family planning.

SECTION 4: THE PACE SHALL NOT ENDORSE THE NEO-MALTHUSIANISM OF THE REPORT

The Explanatory Memorandum’s recommendations are premised in large part on unfounded assertions about the need for population control and advance the cause of the neo-malthusianism philosophy.

The Explanatory Memorandum asserts, without citing any authority other than a general reference to un-named “experts,” that “world population growth poses a serious threat to human health, socio-economic development, and the environment.”⁴¹ This serious threat, in turn,

³⁶ *Id.* ¶ V.9.

³⁷ Rapporteur Gabriella Vukovich (Hungary), *Report of the Ad Hoc Committee of the Whole of the Twenty-first Special Session of the General Assembly; Key Actions for the Further Implementation of the Programme of Action of the International Conference on Population and Development*, Doc. A/S-21/5/Add.1 (1 July 1999) available at <http://www.un.org/popin/unpopcom/32ndsess/gass/215a1e.pdf>.

³⁸ *Id.* ¶ 63(i).

³⁹ *Id.* ¶ 63(ii)-(iii).

⁴⁰ United Nations Population Fund, *ICPD at Ten: The World Reaffirms Cairo: Official Outcomes of the ICPD at Ten Review*, 2005, available at <http://www.unfpa.org/webdav/site/global/shared/documents/publications/2005/icpd@10.pdf>.

⁴¹ Memorandum, *supra* note 1, ¶ 33.

supposedly requires the availability of family planning services, including “safe abortion,” to control population growth.⁴²

The Explanatory Memorandum asserts several false ideas driving to the belief that limiting the population of the poorest countries would be the solution to limiting poverty. Paragraph 34 of the Memorandum states that “high levels of fertility and population growth make it far more difficult for families and societies to overcome poverty than would otherwise be the case.”⁴³ In fact, the economic growth has ever been so important than during the “population explosion”. The Explanatory Memorandum also affirms that population control would keep “young adults healthy and productive,” reduce public expenditures on education, health care and other social services,⁴⁴ and nothing less than “reduce the risk of civil conflict and thus contributes to a more peaceful and secure world.”⁴⁵ It would also have a positive impact on the preservation of the environment and on climate change.⁴⁶

The ideas that overpopulation threatens human well-being and that the human population must be controlled to avert catastrophe have their roots in the work of Thomas Malthus, who postulated that because population grows geometrically while food supplies grow arithmetically, unchecked population growth will inevitably lead to mass starvation.⁴⁷ The early population control movement used Malthus’s thesis to advance their cause. For example, in 1920, a self-proclaimed expert on world food supplies predicted in the journal *Birth Control Review* (published by Margaret Sanger, founder of Planned Parenthood) that “within the next few months, millions of human beings, mostly Europeans, will starve to death.”⁴⁸

Of course, millions of Europeans did not starve to death in the 1920s, and improving agricultural technology has allowed food production to more than keep pace with population growth. Indeed, in 1995, the United Nations Food and Agriculture Organization estimated that by fully employing present agricultural technology, the world could feed 30 to 35 billion people.⁴⁹ Malthus, however, did not just posit that food production could not keep pace with population growth. He also posited that nature exercised checks on population growth to prevent such growth from causing mass starvation. These checks included “unwholesome occupations, severe labour and exposure to the seasons, extreme poverty . . . diseases and epidemics, wars, plagues, and famine.”⁵⁰ According to Malthus, this check on population growth would naturally fall most heavily on the poor and near-poor. Malthus also posited that, the poor, or the “race of

⁴² *Id.* at 1 (summary).

⁴³ *Id.* ¶ 34.

⁴⁴ *Id.* ¶ 36.

⁴⁵ *Id.* ¶ 37.

⁴⁶ *Id.* ¶ 54.

⁴⁷ THOMAS MALTHUS, *ESSAY ON THE PRINCIPLE OF POPULATION* (1798).

⁴⁸ *The Coming Crash: The First in a Series of Interviews with R.C. Martens, an Authority on the World Food Situation*, *THE BIRTH CONTROL REVIEW*, Jan. 1920, at 5-6 (quoted in Brian Clowes, *Kissinger Report: A Retrospective on NSSM-200*, HUMAN LIFE INTERNATIONAL (in small and large caps), 2004, available at <http://www.hli.org/index.php/kissinger-report/193-kissinger-report-a-retrospective-on-nssm-200> [hereinafter Clowes]).

⁴⁹ LIFESITENEWS.COM, *THE INHERENT RACISM OF POPULATION CONTROL 2* (2004) (citing UNFAO, *World Agriculture Toward 2000*, cited in EAMONN KEANE, *POPULATION AND DEVELOPMENT 9* (Forestville Printing 1999)) [hereinafter *THE INHERENT RACISM OF POPULATION CONTROL*].

⁵⁰ MALTHUS, *supra* note 47, at 23.

labourers,” do not have the capacity to change their situation. For this reason, attempts to assist the poor were pointless and only exacerbated their misery. Thus, Malthus opposed all attempts to assist the poor.⁵¹

In effect, Malthus treated the poor as an inferior group of people. Malthus’s theories eventually gave rise to the eugenics movement of the late 19th and 20th Centuries that divided human beings into “superior” and “inferior” races and called for the segregation or elimination of the “inferior” races.⁵² The modern population control movement that came into being in the early 20th Century has its roots in that eugenics movement. In fact, eugenics formed much of the basis for the work of Margaret Sanger, founder of Planned Parenthood, who probably did more than anyone to advance the cause of population control in the 20th Century. One commentator on Sanger has summed up her ideals:

She was thoroughly convinced that “the inferior races” were in fact “human weeds” and a “menace to civilization.” She really believed that “social regeneration” would only be possible as “the sinister forces of the hordes of irresponsibility and imbecility” were repulsed. She had come to regard organized charity to ethnic minorities and the poor as a “symptom of malignant social disease” because it encouraged the profligacy of those “defectives, delinquents, and dependents” she so obviously abhorred.

She yearned for the end of the Christian “reign of benevolence” that the Eugenic Socialists promised, when the “choking human undergrowth” of “morons and imbeciles” would be “segregated” and ultimately “sterilized.” Her greatest aspiration was “to create a race of thoroughbreds” by encouraging “more children from the fit, and less from the unfit.” And the only way to achieve that dystopic goal, she realized, was through the harsh and coercive tyranny of Malthusian Eugenics.⁵³

Sanger worked closely with prominent eugenicists. And, like Malthus, Sanger opposed charity and benevolence toward the poor.⁵⁴ In 1948, Sanger organized the first *International Congress on Population and World Resources in Relation to the Family*, in Cheltenham, England. Sanger was accompanied in this movement by Julian Huxley, first Director General of UNESCO; they pleaded for a world congress on population and called upon States to adopt a population control policy that would be integrated in world politics.

In an article published in 1956,⁵⁵ Julian Huxley summarized the population control dogma:

⁵¹ See THE INHERENT RACISM OF POPULATION CONTROL, *supra* note 49, at 6-9 (citing and quoting Malthus).

⁵² See *id.* at 10-33.

⁵³ GEORGE GRANT, KILLER ANGEL 70 (1995) (quoted in THE INHERENT RACISM OF POPULATION CONTROL, *supra* note 49, at 37).

⁵⁴ THE INHERENT RACISM OF POPULATION CONTROL, *supra* note 49, at 36-37.

⁵⁵ J. HUXLEY, *World Population*, in THREE ESSAYS ON POPULATION, THOMAS MALTHUS, JULIAN HUXLEY, FREDERICK OSBORN (Mentor Book, 2001).

Almost all the underdeveloped countries are now in the stage of explosive expansion. When we recall that rates of expansion of this order (2 to 3 per cent) are at work among more than half of the world's 2.5 billion inhabitants, we cannot but feel alarmed. If nothing is done to control, this increase, mankind will drown in its own flood, or, if you prefer a different methaphore, man will turn into the cancer of the planet We need a population policy It has taken just one decade from Hiroshima for the world to face up resolutely to the implications of atomic war. Can we hope that it will take no more than a decade from the 1954 World Population Conference in Rome for the world to face up equally resolutely to the implications of world overpopulation?

Some assertions in the present McCafferty Explanatory Memorandum, especially in paragraphs 31 to 37, do not differ much from the ideology of Sanger and Huxley. Many other examples could be provided to show the ideological continuity from Thomas Malthus to the eugenic and population control movements.

Besides being tainted by its ties to the eugenics movement, the population control movement has also been used as an instrument of imperialism against less-developed countries. A striking example of this has been the United States policy set forth in a document known as the "Kissinger Report." That report, prepared by the United States National Security Council in 1974, posited that population growth in less-developed countries could hinder American access to natural resources located in those countries. Therefore, the report recommended that the United States commit itself to population control efforts in strategically important less-developed countries. Those efforts would include, among other things, promotion of contraception, sex education, and legalized abortion.⁵⁶

Given the ties between the population control movement and eugenics and imperialism, the ECLJ submits that the Council of Europe should end any association with that ideology. In any event, to the extent that the Council members believe that population control is necessary because of overpopulation, the Council is acting on a false premise. The Rapporteur in the Explanatory Memorandum notes that Europe is plagued by "very low birth rates."⁵⁷ While the Rapporteur cites unattributed "recent research" to suggest that "the era of the very lowest fertility has ended,"⁵⁸ the UN projects that Europe's fertility rate will be below replacement levels and that Europe will experience declining population at least through 2050.⁵⁹ Moreover, the UN projects declining population growth rates for other regions of the world and fertility rates below replacement levels for all continents except Africa (whose fertility rate is projected to decline to 2.4 children per woman by 2050).⁶⁰ World population is likely to peak in about 35 years at 7.5 billion (about 17 percent greater than the current population) and decline after that.⁶¹

⁵⁶ See Clowes, *supra* note 48, at 6-7 (summarizing NATIONAL SECURITY STUDY MEMORANDUM 200 (the "Kissinger Report")).

⁵⁷ Memorandum, *supra* note 1, ¶ 39.

⁵⁸ *Id.*

⁵⁹ United Nations, Population Division of the Department of Economic and Social Affairs, *World Population Prospects: The 2008 Revision*, <http://esa.un.org/unpp>.

⁶⁰ See *id.*

⁶¹ Clowes, *supra* note 48, at 30-31.

The money to be spent on population control in less developed countries can be better spent on basic health care needs and economic development in those countries.

One final point deserves mention. Another reason the Rapporteur notes for promoting population control and family planning is “gender equality.”⁶² This is ironic in that the availability of abortion as a component of population control programs coupled with the widespread availability of technology that allows parents to learn the sex of their unborn child has led to a disproportionate number of abortions of unborn girls. In other words, because in many cultures parents tend to favor male children over female children, parents are more likely to abort unborn girls.⁶³ Commenting on this fact in 2000, European Commissioner Anna Diamantopoulou stated, “The United Nations estimate that 200 million females are missing in the world; women who should have been born or grown up, but were killed by infanticide or selective abortion.”⁶⁴ The bias in favor of male offspring and thus the tragedy of selective abortion of females, is exacerbated by population control policies that require or even encourage that couples limit their family size. It is ironic – and tragic – for the Council to promote such policies in the name of “gender equality.”

European Centre for Law and Justice
4, Quai Koch
67000 Strasbourg
<http://www.eclj.org>

⁶² Memorandum, *supra* note 1, ¶ 2.

⁶³ Joseph Meaney, *Gendercide: Where Have All the Girls Gone?*, HUMAN LIFE INTERNATIONAL, available at http://www.hli.org/files/gendercide_where_have_girls_gone.pdf.

⁶⁴ *Id.* at n.2 (citing Anna Diamantopoulou, European Commissioner Responsible for Employment and Social Affairs, Address at the Closing of the European Campaign Lisbon International Conference: Violence Against Women: Zero Tolerance (4-6 May 2000), available at http://www.eurowrc.org/13.institutions/1.ec/ec-en/05.ec_en.htm).